

Comment Summary

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1.1 Primary Topic: ACEC, Second Topic: Nominations

Summary: Commenters nominated several Areas of Critical Environmental Concern for analysis and consideration in the RMP/EIS analysis.

Comment: The basins that sweep out from Sweetwater Rocks, for instance, could easily be considered for a viewshed Area of Critical Environmental Concern. This should be evaluated as the BLM undertakes its effort to Manage visual resource values in accordance with visual resource management (VRM) objectives (management classes). [And, to] designate VRM management classes for all areas of BLM land, based on an inventory of visual resources and management considerations for other land uses. (BLM Handbook H-1601-1, Appendix C, I.I. p. 11) (National Outdoor Leadership School, Lander, WY - Comment: #131, letter #16)

Comment: We ask that BLM consider designating ACECs for all species that have been listed pursuant to the Endangered Species Act or recognized as sensitive species by BLM. The rarity and/or uniqueness of these species means they are "relevant" and "important" by definition. The fact that they are rare also shows "special management attention" is needed; or, in the case of inherently rare species, that special management is needed to protect what is often very limited habitat. Furthermore, in our view the loss of species through extinction or the continued decline of species (especially already-rare species) constitutes "irreparable damage" in both ecological and quality-of-life terms. Therefore, these species warrant improved protection through ACEC designations. (Wyoming Outdoor Council, Lander, WY - Comment: #222, letter #19)

Comment: It is also worth noting that the Endangered Species Act (ESA) establishes requirements that can be achieved: and are required to be achieved: by ACEC designation. There is, of course, the well known jeopardy standard in section 7(a)(2) of the ESA that prohibits agencies from jeopardizing the continued existence of listed species or taking actions that result in the destruction of adverse modifications of critical habitat. 16 U.S.C. §1536(a)(2). Designating ACECs is an obvious means of ensuring this duty is met, and is especially relevant given the priority Congress attached to designating ACECs during land use planning. (Wyoming Outdoor Council, Lander, WY - Comment: #223, letter #19)

Comment: But perhaps more importantly, section 7(a)(1) of the ESA requires all Federal agencies to "utilize their authorities in furtherance of the purposes of this chapter by carrying out programs for the conservation" of listed species. 16 U.S.C. §1536(a)(1) (emphasis added). This is a mandatory duty. Given the priority that Congress attached to designating ACECs, and its commandment that all agencies carry out programs to conserve listed species, it is apparent ACEC designation is precisely the kind of program Congress intended be used to further the conservation of listed species. Additionally, since agencies must further the purposes of the ESA by carrying out conservation programs, its worth noting that one purpose of the ESA is to "provide a means whereby the ecosystems upon which [listed] species depend may be conserved." 16 U.S.C. §1531(b). ACECs are clearly a flexible means to protect the ecosystems on which listed species depend, and thus they provide a convenient programmatic means to further the purposes of the ESA that BLM is required to fully utilize and implement. Given the priority for endangered species protection established by Congress, and the priority given to ACEC designation in FLPMA, ACECs should be used liberally to protect rare species in the RMP area. The same obligations also attach relative to candidate and BLM sensitive species pursuant to BLM's Special Status Species Management Manual. BLM Manual Section 6840. (Wyoming Outdoor Council, Lander, WY - Comment: #224, letter #19)

Comment: Furthermore, we request that all riparian areas in the geographic area of the RMP be designated ACECs. The ecological value of these areas is universally acknowledged. It is also widely recognized that most riparian areas in the west are in a non-functioning or functioning at

Comment: Surface ownership patterns must be considered when developing management alternatives to ensure the manageability of proposed alternatives and that they do not restrict use and/or development of private or state land. Each map depicting management alternatives should use surface ownership as the base to clearly disclose the potential conflicts and impacts. (Sweetwater County Conservation District, Rock Springs, WY - Comment: #448, letter #28)

Comment: Proposed Management Alternatives must recognize and analyze impacts of proposed alternatives on existing rights such as roads, rights of way, inholdings, leases, permits, etc. Maps should be provided to display these rights and authorized uses. (Sweetwater County Conservation District, Rock Springs, WY - Comment: #449, letter #28)

Comment: Definitions for terms such as "surface disturbance" and "disruptive activities" must be determined prior to development of alternatives to allow full understanding of the alternative and analysis of impacts. Definitions must be consistent with BLM regulations, science and data, and what is used in other resource areas. The term "disruptive activities" is so broadly defined in other draft resource plans as to include a hiker. More importantly, no data support excluding human activities. (Sweetwater County Conservation District, Rock Springs, WY - Comment: #451, letter #28)

Comment: Alternatives should provide for disposals under the Recreation and Public Purposes Act. Alternatives should be responsive to community and individual needs for access expansion and economic development. (Sweetwater County Conservation District, Rock Springs, WY - Comment: #469, letter #28)

Comment: Surface ownership patterns must be considered when developing management alternatives to ensure the manageability of proposed alternatives and that they do not restrict use and/or development of private or state land. Each map depicting management alternatives should use surface ownership as the base to clearly disclose the potential conflicts and impacts. (Wyoming Coalition of Local Governments - Comment: #549, letter #29)

Comment: Proposed Management Alternatives must recognize and analyze impacts of proposed alternatives on existing rights such as roads, rights of way, inholdings, leases, permits, etc. Maps should be provided to display these rights and authorized uses. (Wyoming Coalition of Local Governments - Comment: #550, letter #29)

Comment: Definitions for terms such as "surface disturbance" and "disruptive activities" must be determined prior to development of alternatives to allow full understanding of the alternative and analysis of impacts. Definitions must be consistent with BLM regulations, science and data, and what is used in other resource areas. The term "disruptive activities" is so broadly defined in other draft resource plans as to include a hiker. More importantly, no data support excluding human activities. (Wyoming Coalition of Local Governments - Comment: #552, letter #29)

Comment: Alternatives should provide for disposals under the Recreation and Public Purposes Act. Alternatives should be responsive to community and individual needs for access expansion and economic development. (Wyoming Coalition of Local Governments - Comment: #568, letter #29)

Comment: We are particularly concerned with impacts that are associated with oil and gas development, grazing, OHV use, and rural development on private lands adjacent to public lands. The increase in rural subdivisions is increasing the importance of the public lands that surround or are adjacent to them as a resource for wildlife, recreation, and aesthetic values. (Wyoming Outdoor Council, Lander, WY - Comment: #721, letter #19)

1.7 Primary Topic: Alternatives, Second Topic: Policy/Management

the agency will follow in order to comply with the procedures outlined by BLM Manual MS-8100.08.A.1.b.(2). (Wyoming Outdoor Council, Lander, WY - Comment: #294, letter #19)

Comment: Of particular concern in the planning process is the preparation and maintenance of cultural resource inventories. FLPMA requires the Secretary of the Interior to "prepare and maintain on a continuing basis an inventory of all public lands and their resources and other values." 43 U.S.C. §1711(a). Surveys for cultural resources are also mandated by ARPA. See 16 U.S.C. 470ii (requiring the Secretary of the Interior to develop plans for surveying lands to determine the nature and extent of archaeological resources and to prepare a schedule for surveying lands that are likely to contain the most valuable archaeological resources); Executive Order 11593, Protection and Enhancement of the Cultural Environment (requiring federal agencies to nominate to the Secretary of the Interior all sites that appear to qualify for listing on the National Register of Historic Places). Further, the NHPA mandates that the BLM establish a preservation program to identify, evaluate, and protect historic properties, and to nominate qualifying properties to the National Register of Historic Places. See 16 U.S.C. § 470h-2. The RMP must ensure these legal mandates are fully complied with. The required inventories and programs can: and should: serve to identify areas of resource sensitivity and should be used proactively by the BLM in its planning and management in order to avoid resource conflicts. (Wyoming Outdoor Council, Lander, WY - Comment: #295, letter #19)

Comment: BLM Manual MS-8120.32.A makes clear that the BLM can prevent unauthorized use of cultural properties through a variety of measures, including administrative protection measures. The manual specifically notes that the BLM's protective measures may include "withdrawal, closure to public access and off-road vehicles, special designations," etc. See BLM Manual MS-8120.32.A. The EIS should identify areas where cultural sites are at risk, and the RMP should employ one or more of these administrative measures to protect these resources. The areas designated should be of sufficient size to allow viable protection of the resources; designation of just the site itself may not allow for effective management. More specifically, the BLM should consider closing culturally sensitive areas to mineral leasing and entry, grazing, and designating ACECs to protect fragile cultural resources. Also, the RMP should specify a travel plan for ORVs that limits vehicle travel to routes that do not pass near culturally sensitive areas. All ORV routes designated in the RMP should be surveyed for cultural resources to ensure the protection of those resources. Finally, the EIS should address the impacts of oil and gas exploration and development activities on cultural resources, with particular attention being given to the effects of the use of explosives or "vibreosis" vehicles during exploration activities. The RMP should make provisions that ensure these activities will not destroy or alter cultural resources. (Wyoming Outdoor Council, Lander, WY - Comment: #297, letter #19)

Comment: The National Historic Preservation Act provides that "Prior to the approval of any Federal undertaking which may directly and adversely affect any National Historic Landmark, the head of the responsible Federal agency shall, to the maximum extent possible, undertake such planning and actions as maybe necessary to minimize harm to such landmark" 16 U.S.C. 470h-2(f). (Wyoming Outdoor Council, Lander, WY - Comment: #352, letter #19)

Comment: The RMP should provide for involvement and consultation with local governments in the management of cultural resources. DM-8130, ¶.06.C, 8130, ¶.15.B.2. (Sweetwater County Conservation District, Rock Springs, WY - Comment: #455, letter #28)

Comment: Management of cultural resources as provided in the RMP should be based on the following: " Estimated density, diversity and distribution of cultural properties in the plan area. The population of cultural properties in the plan area should be classified and described in quantitative and qualitative terms, preferably according to subunits of the plan area defined from the cultural resource data. " Present condition of the known cultural properties in the plan area. " Existing and potential uses of the cultural properties in the plan area. " Existing and reasonably foreseeable threats to the cultural properties in the plan area. " Traditional values ascribed to

places and resources by Native Americans or other cultural groups. " Results of previous management actions to prevent the loss or destruction of cultural properties in the plan area. " Tribal, State, or local planning goals related to cultural resources in the planning area. " Existing cultural resource related commitments and agreements, e.g., Memoranda of Agreement, Programmatic Agreements, or Protocols with the State Historic Preservation Officer or Memoranda of Understanding with Indian tribes. (Sweetwater County Conservation District, Rock Springs, WY - Comment: #456, letter #28)

Comment: 8130 ¶.14 ".14 Factors to Consider in Decision Making. The following factors should be considered in making cultural resource use allocation decisions in regional or local plans." a. A. Relative Importance and Sensitivity. In establishing management objectives, the relative importance and sensitivity of known and anticipated cultural properties should be considered, not simply their geographic distribution and density. Simple density is not necessarily a measure of the importance of cultural properties or the magnitude of potential conflicts. For example, a large cluster of dots on a map could represent a group of small archaeological manifestations determined to have very little scientific importance and no public value, at small risk from other resource or land uses. Alternatively, an isolated dot could represent a unique archaeological property of overriding importance and high vulnerability to competing uses. (Emphasis added). 2. 8130 ¶.2.D "D. Allocations in Support of Goals. Allocate all cultural properties in the RMP area, whether already recorded or projected to occur on the basis of existing-data synthesis, to one or more of the following uses according to their nature and relative preservation value (see Appendix 2). These use allocations pertain to cultural resources, not to areas of land." (Emphasis added). Other restrictions should be limited to general statements, rather than attempting to anticipate possible restrictions based on hypothetical projects. (Sweetwater County Conservation District, Rock Springs, WY - Comment: #457, letter #28)

Comment: The RMP should provide for involvement and consultation with local governments in the management of cultural resources. DM-8130, ¶.06.C, 8130, ¶.15.B.2. (Wyoming Coalition of Local Governments - Comment: #556, letter #29)

Comment: Management of cultural resources as provided in the RMP should be based on the following: " Estimated density, diversity and distribution of cultural properties in the plan area. The population of cultural properties in the plan area should be classified and described in quantitative and qualitative terms, preferably according to subunits of the plan area defined from the cultural resource data. " Present condition of the known cultural properties in the plan area. " Existing and potential uses of the cultural properties in the plan area. " Existing and reasonably foreseeable threats to the cultural properties in the plan area. " Traditional values ascribed to places and resources by Native Americans or other cultural groups. " Results of previous management actions to prevent the loss or destruction of cultural properties in the plan area. " Tribal, State, or local planning goals related to cultural resources in the planning area. " Existing cultural resource related commitments and agreements, e.g., Memoranda of Agreement, Programmatic Agreements, or Protocols with the State Historic Preservation Officer or Memoranda of Understanding with Indian tribes. (Wyoming Coalition of Local Governments - Comment: #557, letter #29)

Comment: 8130 ¶.14 ".14 Factors to Consider in Decision Making. The following factors should be considered in making cultural resource use allocation decisions in regional or local plans." a. A. Relative Importance and Sensitivity. In establishing management objectives, the relative importance and sensitivity of known and anticipated cultural properties should be considered, not simply their geographic distribution and density. Simple density is not necessarily a measure of the importance of cultural properties or the magnitude of potential conflicts. For example, a large cluster of dots on a map could represent a group of small archaeological manifestations determined to have very little scientific importance and no public value, at small risk from other resource or land uses. Alternatively, an isolated dot could represent a unique archaeological property of overriding importance and high vulnerability to competing uses. (Emphasis added).

high-level annual measures. Occasional (periodic) outputs of some resources may be a far more sustainable means to manage for multiple use in perpetuity than to attempt to produce the resource annually, especially at a "high-level." For example, drought could well make livestock grazing ill-advised and unsustainable in some years if other resource values such as wildlife are to be protected and maintained. (Wyoming Outdoor Council, Lander, WY - Comment: #219, letter #19)

Comment: Pursuant to FLPMA, BLM should ensure that public lands in the RMP area are managed to protect the "quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archeological values," as well as ensure compliance with the definitions of multiple use and sustained yield. 43 U.S.C. §§ 1701(a)(8), 1702(c) and (h). (Wyoming Outdoor Council, Lander, WY - Comment: #348, letter #19)

Comment: The RMP and EIS must consider the bedrock management principles that direct all activities on BLM lands. FLPMA is one of these key bedrock laws. FLPMA requires the BLM to manage public lands under the principle of multiple use and sustained yield. The definition of multiple use in FLPMA is long, but key provisions include the following: " Public lands and their resource values must be managed so that they "best meet the present and future needs of the American people;" " It is appropriate that some land be used "for less than all of the resources;" " There must be harmonious and coordinated resource management that is done "without permanent impairment of the productivity of the land and the quality of the environment with consideration being given to the relative values of the resources and not necessarily to the combination of uses that will give the greatest economic return or greatest unit output." (Western Watersheds Project, Pinedale, WY - Comment: #709, letter #27)

Comment: 43 U.S.C. § 1702(c) Sustained yield as defined in FLPMA can be achieved either by "high-level annual" or "regular periodic" output of resources, so long as this is accomplished in a way that can be maintained in perpetuity and is consistent with the definition of multiple use. 43 U.S.C. §1702(h). These definitions give substance to the requirement that land use plans and resulting management actions are to use and observe multiple use and sustained yield principles. The purpose of this planning process must be to produce a plan that "best" meets the present and future needs of the American people. The RMP cannot adequately meet these needs, or generally meet these needs, or largely meet these needs, it must "best" meet them. FLPMA explicitly requires that what is "best" must be viewed from the perspective of the present and the future and all alternatives, including the proposed action, must be designed to satisfy this requirement. What is best now may not meet future needs, and since future needs may be unknown in some respects, the only way to "best" insure that future needs are met is to develop and select alternatives that have a large built in margin of safety. To achieve a large built in margin of safety the plan should emphasize resource and ecosystem protection, which will best ensure that future options are retained. (Western Watersheds Project, Pinedale, WY - Comment: #710, letter #27)

Comment: Furthermore, what is "best" must be determined with reference to the needs of the American people as a whole, not a small subset of the American people. FLPMA explicitly provides that the plan that is developed need not accommodate all resource uses on all lands. This provision has special significance relative to grazing, oil and gas leasing, exploration, and development because too often essentially all lands are made available by the BLM for oil and gas extraction. By this legally required measure, rare, unique, and sensitive native species have a relative value far in excess of more common or easily replaced public land resources, or resources that can be provided from other lands. The same is true of many other resources, such as cultural and wilderness resources. Accordingly, the alternative plans that are developed, and particularly the preferred alternative, must give special emphasis to protecting and providing for relatively rare resources. (Western Watersheds Project, Pinedale, WY - Comment: #711, letter #27)

Comment: The FLPMA Section 1702(c) permanent impairment and Section 1732(b) prevention

Comment: *Fire frequency has been extended in most of the resource area with improved technology and fire fighting methods. In some areas, a return to a more historical fire regime may be desired. Use of prescribed fire and planning for managed wildfire would complement each other and provide for healthier plant communities. Potential invasion of exotic plants such as cheatgrass should be a determining factor in how the RMP addresses fire management.* (Wyoming Game and Fish, Cheyenne, WY - Comment: #187, letter #18)

Comment: *The EIS should address issues related to fires and fire policy. It is crucial that the RMP establish an ecologically based fire restoration program so that fire can play its natural, and necessary, role in the RMP area. With the necessary ecological role of fire defined as an underpinning, the RMP can then address more specific issues, and should: " Provide that fire suppression efforts and related vegetation management efforts (like thinning) are focused on the "wildland urban interface." Remote areas where fire causes few if any problems and may in fact be an important component of ecological health should not be subject to mechanical vegetation management activities pursued to accomplish fire policy. " Prohibit any mechanical treatments (e.g., thinning) of vegetation in WSAs or citizens' proposed wilderness areas. " Prohibit road building as a means to accomplish any vegetation treatments in furtherance of the fire policy. If "non-permanent" roads are allowed, there should be stringent assurance they will in fact be temporary. " Be consistent with the Western Governors Association's 10-year Comprehensive Wildfire Strategy prepared in 2001. " Provide that funds for fire management should be used, in accordance with our recommendations on invasive and exotic species, to eradicate flammable invasive species such as cheatgrass. They should also be used to restore native species less likely to create fire problems, and for restoring seed banks of native species. " Provide that riparian areas should be restored so that they can serve as natural firebreaks.* (Wyoming Outdoor Council, Lander, WY - Comment: #307, letter #19)

Comment: *Additionally, the EIS should address underlying assumptions or conditions that influence fire policy in a thorough and scientifically credible manner. The full costs and benefits of fire suppression and related vegetation management activities should be illuminated, particularly relative to other means of reducing fire hazards, such as allowing natural fires to burn or "prescribed" burning. Land exchanges and other similar methods for preventing encroachment of housing developments among otherwise remote BLM lands should be addressed. The relative importance of past fire suppression policy and drought in creating "unnatural" fuel accumulations and creating hazardous fire conditions should be thoroughly addressed and analyzed. Whether fuel accumulations are in fact "unnatural" should be fully explored in a scientifically rigorous manner. In this regard we request that BLM consider the implications of the following article relative to any fire policies it develops in the RMP: A.L. Westerling et al. 2006. Warming and Earlier Spring Increase Western U.S. Forest Wildfire Activity. Science 313(5789): 940-943. Increasingly warm temperatures, particularly in the spring, may be an important driving force behind increased fire frequency and severity.* (Wyoming Outdoor Council, Lander, WY - Comment: #308, letter #19)

Comment: *Fire also should be allowed to play its more beneficial role in habitat regeneration.* (Individual, Lander, WY - Comment: #417, letter #24)

Comment: *Plan must provide that all fire plans and industrial and urban interface be coordinated with local governments and conservation districts. Protection of critical and crucial habitats should have a high priority in such plans.* (Sweetwater County Conservation District, Rock Springs, WY - Comment: #523, letter #28)

Comment: *Green stripping along roads and pipeline should be considered as beneficial in preventing catastrophic fire and for protection of important habitats.* (Sweetwater County Conservation District, Rock Springs, WY - Comment: #524, letter #28)

Comment: *Plan must provide that all fire plans and industrial and urban interface be coordinated with local governments and conservation districts. Protection of critical and crucial*

Rock Springs, WY - Comment: #461, letter #28)

Comment: To prevent the waste of forest products and support local economies, timber harvest should be given priority over other treatments of forest resources. (Sweetwater County Conservation District, Rock Springs, WY - Comment: #462, letter #28)

Comment: The plan should provide for the protection and enhancement of aspen in support of healthy habitats and watersheds. (Sweetwater County Conservation District, Rock Springs, WY - Comment: #463, letter #28)

Comment: The requirements of the Healthy Forest Restoration Act of 2003 should be the basis for improvement and treatment of forest stands, and collaboration with local governments for fire suppression. (Wyoming Coalition of Local Governments - Comment: #559, letter #29)

Comment: Allowable timber harvest should be based on multiple use and sustained yield, recognizing that timber production is a principal multiple use. Timber should be more than a forest treatment. In addition to commercial harvest the plan should also provide for harvest of firewood, Christmas trees, post and poles and other forest products commonly available to the public by permit or free use. (Wyoming Coalition of Local Governments - Comment: #560, letter #29)

Comment: Forest should be managed to protect watersheds from conifer invasion or dominance in order to maintain or enhance water yield and quality. (Wyoming Coalition of Local Governments - Comment: #561, letter #29)

Comment: Forest should be managed to provide for a mosaic of seral stages and not to be managed for dominance of one particular age class. (Wyoming Coalition of Local Governments - Comment: #562, letter #29)

Comment: To prevent the waste of forest products and support local economies, timber harvest should be given priority over other treatments of forest resources. (Wyoming Coalition of Local Governments - Comment: #563, letter #29)

Comment: The plan should provide for the protection and enhancement of aspen in support of healthy habitats and watersheds. (Wyoming Coalition of Local Governments - Comment: #564, letter #29)

1.30 Primary Topic: Geophysical operations

Summary: Commentors would like to see all areas in the Field Office open to geophysical operations.

Response:

Comment: Unless prohibited by law or regulation, all areas should be open to geophysical operations. Such activity is of short duration, low impact and data collected can be helpful in making sound management decisions. (Sweetwater County Conservation District, Rock Springs, WY - Comment: #486, letter #28)

Comment: Unless prohibited by law or regulation, all areas should be open to geophysical operations. Such activity is of short duration, low impact and data collected can be helpful in making sound management decisions. (Wyoming Coalition of Local Governments - Comment: #585, letter #29)

1.31 Primary Topic: Global issues

Summary: The BLM should take a broader perspective in the EIS by addressing global issues

Comment: *Further, we support inclusion of grazing at the original, adjudicated amount of animal unit months (AUMs). Adjustments to those AUMs should be negotiated annually with the permit holder based on resource conditions as assessed jointly by the permit holder and the Rangeland Specialist representing the BLM. (Fremont County Cattleman's Association, Riverton, WY - Comment: #71, letter #13)*

Comment: *We support annual joint, cooperative monitoring to assess the resource conditions and to determine trends in those resource conditions. (Fremont County Cattleman's Association, Riverton, WY - Comment: #72, letter #13)*

Comment: *We support water improvement projects on the BLM rangelands. These improvements not only benefit livestock, but also the wildlife, wild horses and the resources as a whole. We support budgeting and seeking of funds specifically for the water improvement projects. These water improvements need high priority. (Fremont County Cattleman's Association, Riverton, WY - Comment: #73, letter #13)*

Comment: *Of particular interest to us is the state of grazing leases around the Larkin Dome and the Moonstone. We encourage the BLM to pay particular attention to careful management of the grazing resource in Wilderness Study Areas. (National Outdoor Leadership School, Lander, WY - Comment: #145, letter #16)*

Comment: *In addition to its economic impact, livestock grazing represents irreplaceable environmental and social values. This increasingly essential resource value contributes valuable and irreplaceable wildlife habitat, open spaces, rangeland buffers between federal lands and developments, scenic vistas, visual beauty, and the traditional image of the historic rural landscapes of Wyoming and the West. Losses of these essential environmental, historic, and social values of livestock grazing to users and visitors of the area and residents of impacted communities should be included in the scope of the EIS. (Wyoming Department of Agriculture, Cheyenne, WY - Comment: #160, letter #17)*

Comment: *The Lander Revised RMP should also adequately reflect the efforts of BLM Lander officials and grazing permittees for several decades to improve rangeland health through the management of livestock grazing. Through allotment management plans, annual operating instruction, range improvements, and other livestock grazing tools, BLM Lander officials and grazing permittees have taken significant strides forward in utilizing livestock grazing to improve rangeland health. The management efforts of BLM officials and grazing permittees in the Lander FO planning area have improved rangeland health. These efforts and improvements should be acknowledged in the EIS chapters on affected environment and environmental consequences. (Wyoming Department of Agriculture, Cheyenne, WY - Comment: #161, letter #17)*

Comment: *We strongly believe that the sections of the EIS that discuss livestock grazing need to discuss livestock grazing management, just as the section on wildlife deals with wildlife management. The facts are that livestock don't just appear on federal lands, but are there as allowed by grazing permits granted by the BLM Lander FO. Livestock grazing is allowed in accordance with and must meet the provisions of grazing permits, allotment management plans, and annual operating instructions. The facts are that livestock grazing on federal lands within the Lander Revised RMP planning area is managed. The desired effects are intended to be the result of agreed upon management practices of BLM Lander officials and grazing permittees. For these reasons, we believe the Revised RMP needs to address effects, goals, objectives, and management actions of livestock grazing management, not livestock grazing. (Wyoming Department of Agriculture, Cheyenne, WY - Comment: #162, letter #17)*

Comment: *No other issue affects the Lander Field Office (LFO) area as completely as does livestock grazing. As such, it is imperative the LFO manage grazing and associated activities in a proactive and sustainable manner. The existing BLM grazing regulations need to be strictly adhered to, particularly the "Standards for Healthy Rangelands and Guidelines for Livestock*

Grazing Management for the Public Lands Administered by the BLM in the State of Wyoming? and ?Proper Functioning Condition for Riparian Areas.? Strict conformance to these rules, regulations, and guidelines should provide healthy and sustainable rangelands for livestock, and provide adequate habitat for wildlife species. Alteration of grazing systems should be considered a high priority, since past season-long grazing practices seem to have had detrimental affects to many allotments, particularly on riparian and wet-meadow systems. (Wyoming Game and Fish, Cheyenne, WY - Comment: #172, letter #18)

Comment: Livestock grazing can have profound impacts on wildlife and the public lands. See 43 U.S.C. §§ 1901(a)(1) (determining that "vast segments" of the public rangelands are in unsatisfactory condition), 1751(b)(1) (finding that much federal rangeland "is deteriorating in quality"). Recognizing this, BLM adopted standards and guidelines for grazing administration in 1995 that are designed to restore and protect range health and degraded range conditions. See 43 C.F.R. Subpt. 4180. The RMP should provide a clear and binding schedule for ensuring that the three steps the grazing rules establish for determining if grazing needs to be modified are accomplished in a timely manner. Furthermore, for allotments that have already been assessed, provision should be made in the RMP for future assessments and determinations: the standards and guidelines are intended to be an ongoing, prominent factor in grazing management, and the Fundamentals of Rangeland Health are standing national requirements. It is also worth noting that pursuant to the Public Rangelands Improvement Act (PRIA), "the goal" of rangeland management "shall be to improve the range condition of the public rangelands . . ." 43 U.S.C. § 1903(b) (emphasis added). (Wyoming Outdoor Council, Lander, WY - Comment: #265, letter #19)

Comment: BLM's standards and guidelines and the Fundamentals of Rangeland Health also have potential applicability and utility for properly managing all resource uses in the RMP area. For example, many standards and guidelines and the Fundamentals of Rangeland Health would be appropriate as stipulations to oil and gas leases to ensure there is not unnecessary or undue degradation. Consequently, as part of this planning effort, the BLM should consider what changes if any are needed to extend the standards and guidelines and Fundamentals of Rangeland Health to all other programs, and the RMP should provide for their adoption as requirements to guide all future management activities and decisions. The standards and guidelines, and the Fundamentals of Rangeland Health, provide a convenient existing means to meet many of the requirements highlighted in these comments, which BLM, through the RMP, should take advantage of. (Wyoming Outdoor Council, Lander, WY - Comment: #266, letter #19)

*Comment: In accordance with the standards and guidelines, and provisions in the FLPMA and PRIA, the EIS should determine the suitability of lands within the RMP area for livestock grazing and the RMP should require adjustments accordingly. There is no doubt BLM has this responsibility and authority. See, 43 U.S.C. §§ 315 (grazing districts must be chiefly valuable for grazing), 315a (BLM can do "any and all things" necessary to manage grazing), 1701(a)(8) (public lands to be managed to protect environmental values), 1702(c) (multiple use management allows for areas to be deemed unsuitable for certain uses and requires consideration of relative resource values), 1712(a)-(c) (land use plans to be based on multiple use), 1712(d) (land use classifications can be modified or terminated), 1712(e) (allowing for elimination of principle or major uses), 1732(c) (revocation of permits authorized), 1752 (allowing discontinuation of grazing permits and a determination in land use plans of whether lands "remain available for domestic grazing"), 1903(b) (allowing for discontinuation of grazing pursuant to land use planning decisions). See also *Public Lands Council v. Babbitt*, 529 U.S. 728 (2000) (holding that allocation of forage in a land use plan pursuant to 43 C.F.R. § 4100.0-5 does not, on its face, violate the Taylor Grazing Act). Livestock grazing, like all land uses, should only occur in areas where it has been carefully determined, pursuant to the land use planning process, to be a suitable use of the land. The suitability determination should be made in the RMP at two levels:*

(1) for the RMP area as a whole and (2) for site-specific areas. (Wyoming Outdoor Council, Lander, WY - Comment: #268, letter #19)

Comment: F). Grazing management practices should be carefully evaluated across the field office. It is evident from discussions with a number of parties that grazing management has not been meeting the standards for rangeland health in a number of areas around the field office. This RMP needs to address this problem and come up with potential solutions. If this is not done, we are concerned that grazing management practices put in place during the previous RMP and grazing EIS will continue despite a failure to meet standards. According to knowledgeable persons we have consulted with, the current strategy is leading to significant degradation of the range in many areas in the field office. It is critical to reevaluate management strategies in these areas now because the range is seen by knowledgeable people to be at a tipping point with respect to its future health. If this RMP does not address this issue and continues with the current management strategies it will be difficult to correct these problems when the RMP comes up for renewal twenty years from now. We will see an increased loss of native grass species, an increase in invasive species, a reduction in water storage capacity, and a drying out of riparian areas. The current management strategies are leading to a reduction in the health of the range in many areas, and decreased carrying capacity for both livestock and wildlife. This RMP needs to put forward alternatives that address the issues surrounding rangeland health and develop solutions that will guarantee the ecological health of our rangeland. (Wyoming Outdoor Council, Lander, WY - Comment: #361, letter #19)

Comment: This RMP should mandate a minimum 2 years of rest from grazing after a burn to allow the affected area time to recover after a fire, whether it is a prescribed burn or not. Examples of burns where this has not been done have resulted in a decrease in available forage and a degradation of the overall range health. Specific examples include the burn that took place where highway 287 and Twin Creek run side by side roughly 5 miles east of the junction of highway 287 and 28; another example is the burn that took place along Cedar Ridge roughly 2 miles north of where Cedar Ridge intersects with highway 287 in T32N/R98W. (Wyoming Outdoor Council, Lander, WY - Comment: #362, letter #19)

Comment: Rangeland improvements (e.g. fences and water wells) should be limited to those absolutely necessary to restore rangeland health. For example, you may not want to drill water wells in crucial wildlife habitat because it may draw cows into the areas you are trying to enhance and actually result in the degradation of the resource rather than its improvement. It has also been stated that fences, regardless of how "wildlife friendly", are still an impediment to wildlife. (Wyoming Outdoor Council, Lander, WY - Comment: #363, letter #19)

Comment: The RMP needs to include a revision of the existing suitability analysis for rangelands for livestock grazing. J. Craig Wittekiend in his August 1999 paper entitled "Our Forgotten Rangelands" (Journal of Forestry 97(5): 32-33) explains an approach to suitability analysis as follows: "Capability analysis is the identification of areas with physical characteristics conducive to livestock grazing; that is, areas that produce adequate forage and are accessible to livestock. Suitability analysis is the identification of areas already determined to be capable, where grazing is found appropriate considering economics, environmental consequences, rangeland conditions, and other uses or value of the area." Note the inclusion of "rangeland conditions" as one of the factors that needs to be considered in suitability analysis (Individual - Comment: #423, letter #26)

Comment: The revised RMP should incorporate this much more comprehensive analysis of suitability of public rangelands for livestock grazing. The revised RMP will not achieve healthy rangelands and sustained productivity if areas unsuitable for livestock grazing are authorized for grazing. The Sweetwater River Canyon is an example of an area that should be classified as unsuitable under this more comprehensive suitability analysis. Another example would be the lands on the "Lander Slope" with noxious weeds infestations and degraded crucial winter

habitats for wildlife. (Individual - Comment: #424, letter #26)

Comment: Our management decisions for livestock grazing in the existing Grazing EIS's and RMP have not maintained the health of the public land watersheds and habitats in the Lander Field Office. As a result this RMP revision needs to include new management decisions that will achieve the Standards for Healthy Rangelands. Continuation of the present management in the existing RMP will not sustain the productivity of the public lands. The most evident example of this alarming condition is the severe degradation of the public land riparian habitats with approximately 60-80% rated as functioning-at-risk or non-functioning. Many of those functioning-at-risk indicate a downward trend. Riparian habitats, water resources and fisheries are all being adversely impacted by livestock grazing under the management decisions in the existing RMP. (Individual - Comment: #425, letter #26)

Comment: Other issues adversely affecting rangeland health that need to be analyzed in the RMP/EIS include adjusting harvestable forage production recognizing drought conditions that continuously influence productivity of these arid rangelands. The increased amount of forage consumed by the heavier cows and calves grazing on the public lands today also needs to be analyzed. None of the alternatives can be successful at achieving rangeland health if this automatic over allocation which could be as much as 20 percent is not accounted for up-front as you formulate those alternatives. The amount of forage production that should be allowed for harvest by livestock also needs to be adjusted recognizing that the degraded public rangelands, particularly riparian areas, don't produce as much forage as they would if they were healthy. (Individual - Comment: #427, letter #26)

Comment: Fencing and water development also warrent careful analysis in the RMP revision. Hundreds of miles of fence have been constructed on the public lands with hundreds more under consideration. Site-specific, project by project analysis does nt analyze and disclose the significant cumulative impacts caused by the fencing. The RMP/EIS revision is the appropriate forum to fully consider the impacts of additional fencing given all the existing fencing already located in the public land habitats. (Individual - Comment: #428, letter #26)

Comment: Forage allocated to livestock must not be reduced in order to accommodate other resources or uses. Current grazing preference must be maintained. (Sweetwater County Conservation District, Rock Springs, WY - Comment: #473, letter #28)

Comment: Properly managed livestock grazing is not incompatible with other uses such as watersheds, wildlife or recreation. (Sweetwater County Conservation District, Rock Springs, WY - Comment: #474, letter #28)

Comment: The Wyoming Standards for Healthy Rangelands and Guidelines for Livestock Grazing Management are the standard to which all grazing by wildlife or livestock must be managed. (Sweetwater County Conservation District, Rock Springs, WY - Comment: #475, letter #28)

Comment: Changes in stocking rates or seasons of use must be based on scientific and verifiable data. All such actions must be made by consultation, cooperation, and coordination with the permittee. (Sweetwater County Conservation District, Rock Springs, WY - Comment: #476, letter #28)

Comment: Livestock grazing must be recognized as a viable tool for habitat and vegetation manipulation and should be recognized as such in the plan. (Sweetwater County Conservation District, Rock Springs, WY - Comment: #477, letter #28)

Comment: Livestock operators should receive compensatory mitigation for the economic harm relating to loss of livestock, operating capabilities, forage, and access to, or loss of, improvements resulting from development activities or other uses. (Sweetwater County Conservation District, Rock Springs, WY - Comment: #478, letter #28)

Comment: *Management decisions in the densely developed areas should include collaboration with livestock operators.* (Sweetwater County Conservation District, Rock Springs, WY - Comment: #479, letter #28)

Comment: *Livestock management must not be subservient to wildlife in development of management actions.* (Sweetwater County Conservation District, Rock Springs, WY - Comment: #480, letter #28)

Comment: *Plan development must include participation of range staff in all sections that will affect livestock grazing, including wildlife habitat and vegetation.* (Sweetwater County Conservation District, Rock Springs, WY - Comment: #481, letter #28)

Comment: *Plan should provide for BLM facilitation of regular communication between oil and gas operators and permittees and the designation of contact persons for each group.* (Sweetwater County Conservation District, Rock Springs, WY - Comment: #482, letter #28)

Comment: *Forage allocated to livestock must not be reduced in order to accommodate other resources or uses. Current grazing preference must be maintained.* (Wyoming Coalition of Local Governments - Comment: #572, letter #29)

Comment: *Properly managed livestock grazing is not incompatible with other uses such as watersheds, wildlife or recreation.* (Wyoming Coalition of Local Governments - Comment: #573, letter #29)

Comment: *The Wyoming Standards for Healthy Rangelands and Guidelines for Livestock Grazing Management are the standard to which all grazing by wildlife or livestock must be managed.* (Wyoming Coalition of Local Governments - Comment: #574, letter #29)

Comment: *Changes in stocking rates or seasons of use must be based on scientific and verifiable data. All such actions must be made by consultation, cooperation, and coordination with the permittee.* (Wyoming Coalition of Local Governments - Comment: #575, letter #29)

Comment: *Livestock grazing must be recognized as a viable tool for habitat and vegetation manipulation and should be recognized as such in the plan.* (Wyoming Coalition of Local Governments - Comment: #576, letter #29)

Comment: *Livestock operators should receive compensatory mitigation for the economic harm relating to loss of livestock, operating capabilities, forage, and access to, or loss of, improvements resulting from development activities or other uses.* (Wyoming Coalition of Local Governments - Comment: #577, letter #29)

Comment: *Management decisions in the densely developed areas should include collaboration with livestock operators.* (Wyoming Coalition of Local Governments - Comment: #578, letter #29)

Comment: *Livestock management must not be subservient to wildlife in development of management actions.* (Wyoming Coalition of Local Governments - Comment: #579, letter #29)

Comment: *Plan development must include participation of range staff in all sections that will affect livestock grazing, including wildlife habitat and vegetation.* (Wyoming Coalition of Local Governments - Comment: #580, letter #29)

Comment: *Plan should provide for BLM facilitation of regular communication between oil and gas operators and permittees and the designation of contact persons for each group.* (Wyoming Coalition of Local Governments - Comment: #581, letter #29)

Comment: *Without question, private livestock grazing is the most important RMP topic. Livestock grazing is permitted on 99.9% of the total Field Office acres. Livestock grazing has caused and is causing the most impacts over the entire Field Office. BLM permitted livestock grazing has caused a permanent ~50% loss in the productivity over most parts of the Field Office. BLM*

permitted livestock grazing has destroyed most of the riparian and hydrologic function throughout the Field Office. BLM permitted livestock grazing has degraded the water storage capacity of riparian areas throughout the Field Office which has lead to reduced flows, elimination of once productive fisheries and loss of riparian habitat. BLM permitted livestock grazing has not been properly managed. Trespassing livestock and excessive utilization are the rule not the exception. The BLM has known about these violations of permit terms and conditions for decade after decade, it has also known the ecosystem degradation caused by this lack of action for decade after decade, but has failed to take any effective actions to fulfill its public trust and legal responsibilities. (Western Watersheds Project, Pinedale, WY - Comment: #640, letter #27)

Comment: " Fundamentals of Rangeland Health - Implementing the 4180 regulations within the Lander FO has been spotty at best and in those areas that compliance with Standards and Guidelines have been reviewed, the actions proposed have either never been implemented or been proven to be ineffective. The RMP must correct this deficiency and implement a schedule and regular feedback loops to complete the processes required under 4180. It also must prioritize reviews based on the need for change, such as I Category allotments first (Western Watersheds Project, Pinedale, WY - Comment: #645, letter #27)

Comment: " The Sweetwater Watershed - The RMP must focus efforts at recovery on the Sweetwater watershed which contains many of the I Category allotments and has the highest resource values in the FO (Western Watersheds Project, Pinedale, WY - Comment: #646, letter #27)

Comment: " The EIS and RMP must address the fact that livestock sizes, and thus forage consumption, have increased dramatically since the AUM was defined. Failure to address this critical issue will lead to legal vulnerability under NEPA, APA and the False Claims Act. (Western Watersheds Project, Pinedale, WY - Comment: #647, letter #27)

Comment: " To comply with FLMPA, TGA, PRIA, NEPA and the APA, the EIS and RMP must only approve livestock grazing within the limits of current productivity and suitability, not capacities determined many decades ago. Current data shows that productivity on BLM lands has declined significantly over the last 20-40 years. (Western Watersheds Project, Pinedale, WY - Comment: #648, letter #27)

Comment: The RMP must include timelines and priorities for the completion and review of progress of the Fundamentals of Rangeland Health Standards and Guidelines assessments and determinations as required under the 4180 regulations. (Western Watersheds Project, Pinedale, WY - Comment: #659, letter #27)

Comment: We request that the BLM review the BLM Wyoming Office's January 1998 Standards for Healthy Rangelands and Guidelines for Livestock Grazing Management - Implementation Plan. This Plan must be clearly incorporated into the RMP. (Western Watersheds Project, Pinedale, WY - Comment: #660, letter #27)

Comment: For further details on the implementation of the 4180 regulations, we request that the BLM review its 1/19/01 Manual Transmittal Sheet for H-4180-1 Rangeland Health Standards. We specifically bring the BLM's attention to its duties to make "significant progress" towards meeting Standards and Guidelines. The RMP must provide direction to achieve the Fundamentals of Rangeland Health and the Standards and Guidelines, and in those situations, of which there are many, where these are not being met, the RMP must provide sufficient direction that results in the required "significant progress". (Western Watersheds Project, Pinedale, WY - Comment: #661, letter #27)

Comment: The RMP must also provide feedback loops so that once Standards and Guidelines (S&G) evaluations are completed, that the BLM requires regular reviews to insure "significant progress" is being made. Currently, nearly all the S&G assessments in the Lander FO were done

a decade ago, yet even the BLM itself admits there has been no "significant progress". Correcting this situation is critical and fundamental to everything the BLM does. (Western Watersheds Project, Pinedale, WY - Comment: #662, letter #27)

Comment: The BLM can not just assume that an AUM is 800 lbs of forage consumption per month. The RMP/EIS must analyze the current and potentially available forage to satisfy the forage consumption by the number of livestock it currently permits or proposes to permit. It can not assume that the forage capacity determined 20-40 years ago is applicable today. The Society for Range Management (SRM) in 1974 defined an Animal Unit "to be one mature (1000 lb.) cow or the equivalent based upon average daily forage consumption of 26 lbs. dry matter per day." (Society for Range Management, 1974. Glossary of terms used in range management) . SRM also defined an Animal Unit Month as "The amount of feed or forage required by an animal-unit for one month." NRCS defined the forage demand for a 1,000 pound cow as 26 pounds of oven-dry weight or 30 pounds air-dry weight of forage per day (USDA, 1997. National Range and Pasture Handbook) . It is important to ensure that forage consumption rates by livestock are based on the size of animals present on the allotment and a reasoned estimate of their daily consumption rates. The following analysis provides some background and justifies a more current forage consumption rate for cow/calf pairs. It is BLM's obligation to ensure this forage is accurately accounted for as this is its fiduciary duty to the American People. Undercounting forage consumption by livestock results in undercharging for that forage. This is potentially defrauding the American public under the False Claims Act (Title 18 USC Section 1001). (Western Watersheds Project, Pinedale, WY - Comment: #664, letter #27)

Comment: The potential weights of mature cows can be even larger than these numbers. For example, NRCS in its National Range and Pasture Handbook, referenced above, defines body condition scores. A body condition score of 6 which is described as "Good, smooth appearance throughout. Some fat deposits in brisket and over the tailhead. Ribs covered and back appears rounded." This body condition score relates to a pregnancy percentage of 88%, which is important as a goal for cow/calf operations as dry cows are usually culled and replaced and the weight gain of calves is important for income. According to Dr. Larry W. Olson, Extension Animal Scientist at Clemson University, a medium frame cow in body condition score 6 could easily weigh 1300 - 1400 pounds (Email correspondence with Dr. Olson dated 8/18/05). (Western Watersheds Project, Pinedale, WY - Comment: #667, letter #27)

Comment: Forage consumption rates must be calculated based on the current weights and consumption rates of livestock in order to provide the forage needed for wildlife, plant community sustainability and watershed protection and to ensure the public trust is not violated by undercharging for the actual weights of cattle and calves grazed. (Western Watersheds Project, Pinedale, WY - Comment: #671, letter #27)

Comment: The current RMP authorizes a certain number of AUM's. However, that is based on an AUM equivalent to 800 lbs of forage per month. The most current information, reviewed above shows that number to be 1368 lbs/month per AUM. Therefore, if sufficient forage were available to satisfy all needs, the numbers of livestock grazed should be reduced to account for the increases in weight and correct the erroneous assumption that 800 lbs/month is an accurate consumption figure. Using the ratio between the current RMP's forage amount per AUM divided by the correct figure above, gives a needed reduction in permitted numbers and/or seasons of use of 42% to account for the RMP's understated forage consumption, without accounting for wildlife, plant and watershed needs. (Western Watersheds Project, Pinedale, WY - Comment: #672, letter #27)

Comment: The EIS can not just move forward allotment condition and use information from the current RMP to satisfy its NEPA, FLPMA, PRIA and APA requirements. (Western Watersheds Project, Pinedale, WY - Comment: #673, letter #27)

Comment: BLM RMP Planning Handbook Appendix C requires that lands available or not

one unit and a branded calf or weaner as ½ cow unit, for a combined total of 1.5 cow units per cow/calf pair. Bulls were considered 1.5 cow units. For the period 1938 - 1940, the average turnoff weight (when they left the range) of mature cows was 959 pounds, calves were 381 pounds and bulls were 1222 pounds. This means that in the 1930's, a cow/calf pair was 1340 pounds. With breeding, supplements and hormones, weights have increased over time, for example, Anderson et al (ca 2000) calculated a 35% increase in dressed weights per animal between 1975 and 1995 (<http://agecon.uwyo.edu/RiskMgt/marketrisk/TheCattleCycle.pdf>). (Western Watersheds Project, Pinedale, WY - Comment: #665, letter #27)

Comment: USDA market statistics (http://www.ams.usda.gov/mnreports/SJ_LS712.txt) give the average weights of slaughter cattle for the week ending August 14, 2004 as 1251 pounds. The estimate for the same week in 2005 for slaughter cattle average weight was 1260 pounds. The USDA National Agricultural Statistics Service data for average live weight of cattle slaughtered in 2004 was 1242 pounds compared to 1187 pounds in 1995, or an increase of nearly 8.5% in those 10 years (<http://www.usda.gov/nass/pubs/agr05/acro05.htm>). The Livestock Monitor is a newsletter produced by the North Dakota State University Extension Service Livestock Marketing Information Center in cooperation with USDA State Extension Services (<http://www.ag.ndsu.nodak.edu/aginfo/lsmkt/monitor.htm>). The Livestock Monitor shows for the week ending August 6, 2005, live weights of slaughter cattle averaged 1258 pounds. (Western Watersheds Project, Pinedale, WY - Comment: #666, letter #27)

Comment: Holechek et al (2001) summarized the weaning weights of calves grazed on various types of rangelands at different stocking rates (Holechek, Jerry L., Rex D. Pieper and Carlton H. Herbel. 2001. Range Management: Principles and Practices, Fourth Edition. Prentice-Hall, New Jersey. 587p). The data for the period since 1990 produced an average weaning weight of 430 pounds and a range of 382 - 475 pounds. Ray et al (2004) gave a weaning weight of 480 pounds for calves. Using the current market statistics for slaughter cattle at about 1250 pounds and assuming a calf weight of 300 pounds to allow for weight gain during the grazing season, an estimate for the average weight of a cow/calf pair during the grazing season of 1,500 pounds seems reasonable. (Western Watersheds Project, Pinedale, WY - Comment: #668, letter #27)

Comment: As pointed out above, the NRCS used 26 lbs/day of oven dry weight for a 1,000 pound cow and stated this was equivalent to 30 pounds per day air-dry weight. The NRCS Range and Pasture Handbook value of 30 pounds air-dry weight would be 3% of body weight for a 1,000 pound cow. Applying this to the estimate of a current weight of 1,500 pounds for a cow/calf pair, the daily forage consumption would be 45 lbs of air-dry forage per day, or for a month (30.4 days), 1368 pounds of forage per AUM. (Western Watersheds Project, Pinedale, WY - Comment: #669, letter #27)

Comment: The forage needs for domestic sheep must also be determined. Based on current USDA published weights for ewes and lambs, adult domestic sheep weigh from 165 to 440 pounds, (http://www.wildlifeprairiestatepark.org/animalpages/domestic_sheep.htm) and lambs about 129 pounds (http://www.usda.gov/nass/pubs/agr04/04_ch7.pdf). A low-end estimate of the weights of a sheep and two lambs grazing on these allotments would be 400 pounds (200 pounds for the ewe and 100 pounds each for two lambs). The forage consumption rate for sheep given in the 1964 R4 Range Analysis Handbook cited above was 3.3% of body weight per day consumed as air dry forage weight. Using these estimated weights of mature sheep (ewes) and lambs with two lambs per ewe and a total weight of 400 pounds would result in forage consumption of 13.2 pounds per day for each mature sheep with two lambs, or 6.6 pounds per day for a mature ewe weighing 200 pounds. (Western Watersheds Project, Pinedale, WY - Comment: #670, letter #27)

Comment: With current GIS technology, availability of soil surveys, and vegetation type information, developing a capability analysis is a relatively simple task. (Western Watersheds Project, Pinedale, WY - Comment: #676, letter #27)

Comment: A review of range science studies which we include as Appendix A, shows that forage

Comment: *Off Road Vehicle (ORV) use is addressed by Executive Orders 11644 (1972) and 11989 (1977), and by regulations at 43 C.F.R. § 8340 et seq. Section 8342.1 provides that: (a) Areas and trails shall be located to minimize damage to soil, watershed, vegetation, air or other resources of the public lands, and to prevent impairment of wilderness suitability; (b) Areas and trails shall be located to minimize harassment of wildlife or significant disruptions of wildlife habitats. Special attention will be given to protect endangered or threatened species and their habitats; (c) Areas and trails shall be located to minimize conflicts between off-road vehicle use and other existing or proposed recreational uses of the same or neighboring public lands, and to ensure the compatibility of such uses with existing conditions in populated areas, taking into account noise and other factors; (d) Areas and trails shall not be located in officially designated wilderness areas or primitive areas. Areas and trails shall be located in natural areas only if the authorized officer determines that off-road vehicle use in such locations will not adversely affect their natural, esthetic, scenic or other values for which such areas are established. Based on this language, and on the enormous potential for damage posed by the use of ORVs, we urge the BLM to require the following in the RMP: " The RMP should designate specific trails open for ORV use; " Trails designated as open should be clearly marked so that all users will be aware of where ORV use is, and is not, allowed (this will also assist in effective law enforcement); " The RMP should prohibit ORV use unless routes are specifically marked and designated as available for that use (i.e., BLM should adopt a "closed unless posted open" policy); " Even where a route is recognized, constructed, and maintained, BLM still has a responsibility to determine whether recreational ORV use is appropriate on that route. Similarly, where routes are open for administrative purposes (including authorized uses by permittees), BLM should still ensure the authorization is tailored as narrowly as needed to ensure resource protection while allowing for the valid administrative access. The RMP should make provisions that reflect these requirements. " The RMP should implement effective, frequent monitoring of ORV impacts, and set clear benchmarks which, if exceeded, trigger closure of an area to ORVs. If monitoring and enforcement cannot be effectively accomplished due to lack of personnel or resources, the RMP should not allow the use. " In accordance with 43 C.F.R. § 8342.2(c), the RMP should prohibit ORV use in wilderness study areas, other areas the BLM has inventoried and found to have wilderness character, and areas within citizen-proposed wilderness areas. These lands comprise a fraction of the lands within the RMP area, and leave plenty of lands open for ORV use elsewhere. " The RMP should prohibit ORV use in critical wildlife habitat, winter range, areas critical for nesting, breeding or other reproductive behaviors, and habitat for threatened, endangered or sensitive species, during critical seasons. " Riparian areas and wetlands are of critical importance to the biological functioning of the RMP area, and are exceedingly rare. ORVs, except on designated trails, are not appropriate in these fragile ecosystems, and the RMP should so provide. " Pursuant to 43 C.F.R. § 8342.2(a), ORV use impacts must be evaluated "on all resources and uses in the planning area." Thus, the EIS must evaluate the impacts of ORV use on the full range of resources present in the area, including wilderness quality lands, non-motorized recreation, grazing, water quality, wildlife habitat, scenic quality and other uses. " The RMP should prohibit unrestricted, cross-country ORV use in the RMP area. (Wyoming Outdoor Council, Lander, WY - Comment: #271, letter #19)*

Comment: *G). Off Highway Vehicle (OHV) use has increased across the field office significantly since the last RMP was written and is having a significant impact in a number of areas. This RMP needs to revisit OHV traffic and use within the field office and determine what is open, what is closed, which areas are open with respect to existing trails, and which areas are open on designated trails only. The RMP decision should be specific with respect to "what" is allowed "where", especially with respect to the topic of "necessary tasks". For example, OHV use for fence maintenance may be an acceptable "necessary task" but herding livestock across country should not be allowed under this heading. (Wyoming Outdoor Council, Lander, WY - Comment: #364, letter #19)*

Comment: *Concerning off-highway vehicle use and travel management and access a delicate*

exploration and development activities. Additionally, access to public lands for purposes of exploration and production of oil and gas resources must be considered a separate issue from economic impacts. Compliance with leasing laws, that require all lands to be evaluated, is an access issue that should be considered separate from economic impacts as well. (Burlington Resources - Comment: #83, letter #14)

Comment: BR urges the BLM to follow the requirements found in Instruction Memorandum (IM) 2001-191 during the RMP planning process. This IM states that "When a RMP is being amended or revised BLM will continue to process site-specific permits, sundry notices, and related authorizations on existing leases in an expeditious manner while ensuring compliance with NEPA and other laws, regulations, and policies." (Burlington Resources - Comment: #84, letter #14)

Comment: It should be noted that the SPG has a dual purpose that must be met. In addition to requiring consideration of mineral resources in the planning process, the SPG also assigns mineral resources equal importance with all other resource values. Hence, it is necessary for these resources to be represented equitably in not only the planning criteria, but also factors which will be considered by alternative, effects to be addressed in the analysis of environmental consequences and determinations used to select a preferred alternative. (Public Lands Advocacy, Denver, CO - Comment: #88, letter #15)

Comment: Management options that would protect or enhance opportunities to explore for and develop oil and gas resources will be examined. (Public Lands Advocacy, Denver, CO - Comment: #89, letter #15)

Comment: Reasonable mitigation measures designed to limit or avoid impacts to surface resources as a means to lessen restrictions on access to public lands for leasing (Public Lands Advocacy, Denver, CO - Comment: #90, letter #15)

Comment: Lack of oil and gas resource potential or current industry interest will not be used as a basis for closing lands or imposing constraints on exploration and development activities (Public Lands Advocacy, Denver, CO - Comment: #91, letter #15)

Comment: Management options for surface resource management that are compatible with oil and gas resource management objectives (Public Lands Advocacy, Denver, CO - Comment: #92, letter #15)

Comment: In accordance with the National Energy Policy and Executive Order 13211, BLM issued Instruction Memorandum 2002--053 - Preparation of a Statement of Adverse Energy Impact. This new directive requires all BLM decisions to fully consider potential adverse impacts on the President's National Energy Policy. A statement of adverse energy impact is now required whenever a decision or action will have a direct or indirect adverse impact on energy development, production, supplies or distribution. The Statement is to specifically include: justification of the decision, including the rationale explaining why an energy-related use cannot co-exist with other uses; alternatives considered in the adoption of the decision that preclude or limit energy production and distribution; and the extent of impacts such as lost production or missed exploration opportunities, as well as steps taken to offset the losses. These statements will be reviewed by the Energy Office to determine the progress of BLM in implementing the National Energy Policy and for accounting purposes at the end of each fiscal year. Industry is willing to work with BLM on determining how best to comply with this new requirement, specifically in quantification of such impacts. (Public Lands Advocacy, Denver, CO - Comment: #114, letter #15)

Comment: Thus, BLM should define the scope of the EIS to include analysis of the cumulative effects of actions/projects that have impacts in common with those resulting from oil and gas development. Impacts and actions that should be addressed in a cumulative fashion include, but are not limited to: road construction effects, activities leading to soil and vegetation disturbance, activities leading to changed habitat structure, activities leading to habitat fragmentation, and

activities causing air or water pollution. These cumulative impacts result from a number of cumulative actions, including oil and gas development, and thus they must be addressed in a comprehensive manner. Similarly, the scope of the EIS must include consideration of direct and indirect impacts of oil and gas development activities. 40 C.F.R. § 1508.25. (Wyoming Outdoor Council, Lander, WY - Comment: #201, letter #19)

Comment: Therefore, in the context of oil and gas development BLM must use the scoping process to develop alternatives that emphasize needed environmental protection even if such alternatives limit and/or strongly regulate oil and gas development and not dismiss such options without a thorough and careful analysis in the EIS. (Wyoming Outdoor Council, Lander, WY - Comment: #203, letter #19)

Comment: While the purposes and needs for the RMP are broadly defined by the FLPMA and other law, BLM should give specific attention to the purposes and needs for oil and gas related activities that will be analyzed in the EIS. BLM should address in detail what the purpose of future leasing is. It should address what the purpose of future potential exploration and development activities would be. These considerations should be made with explicit recognition of the relative value of the RMP area for meeting local, regional, and national energy needs and what alternatives exist for meeting those needs locally, regionally and nationally. Alternative forms of energy such as wind power must be considered when determining the purpose and need for oil and gas development along with the relative contributions of alternatives and fossil fuels to climate change. The relative value of the area for meeting energy needs versus supplying environmental amenities/needs/values should be considered in identifying the purpose(s) and need(s) of oil and gas development. Similarly, identification of where specifically oil and gas leasing, exploration, and development is appropriate and inappropriate in the RMP area, and why, should be addressed in the EIS as part of the definition of the purpose and need for the RMP. (Wyoming Outdoor Council, Lander, WY - Comment: #207, letter #19)

Comment: BLM should determine what the desired outcome(s) from oil and gas leasing, exploration, and development activities are, particularly with reference to the desired outcome(s) for endangered species protection, prevention of habitat fragmentation, protecting the naturalness of landscapes and their aesthetic appeal, the prevention of unnecessary or undue degradation of public lands, the prevention of air and water pollution, and the protection of surface owner rights on split-estate lands. Mechanisms for resolving conflicts between the desired outcomes for oil and gas development relative to other resources should be identified in the EIS and adopted in the RMP. The requirement for BLM to prevent unnecessary or undue degradation of the public lands should be paramount in such balancing. Furthermore, some statutes, such as the Endangered Species Act, require that where there are conflicts between what is desired for oil and gas-related activities versus other resources, the objectives for oil and gas development must recede. The RMP should acknowledge this and make provisions for meeting this requirement. For example, closure of lands to certain resources uses, such as oil and gas development, is specifically provided for as a means to achieve desired outcomes. BLM Handbook H-1601-1.II.B.2. Measures for protecting the land to achieve desired outcomes should be developed at an appropriate scale, with a landscape or bioregional scale being the appropriate scale for many actions, particularly endangered species protection. BLM Handbook H-1601-1.III.A.4. Development of a statement of desired outcomes will be addressed further in the concluding section of these comments. (Wyoming Outdoor Council, Lander, WY - Comment: #208, letter #19)

Comment: As noted above, FLPMA requires consideration of the relative scarcity of the values involved, and the availability of alternative sites for producing those values must be considered. See, FLPMA § 202(c). Often, the most appropriate opportunities for oil and gas development from both an economic perspective and ecological perspective are within known and operating oil and gas fields, while the dwindling wildlife, scenic, wilderness and other resource values throughout the rest of the area are irreplaceable and should be protected. The EIS should

consider this issue, and again, in our view, oil and gas drilling is not appropriate in potential wilderness quality lands, ACECs, important wildlife habitat, and in areas with important archeological, historical, or paleontological resources due to the great relative value of the resources involved. (Wyoming Outdoor Council, Lander, WY - Comment: #241, letter #19)

Comment: BLM's regulations regarding environmental protection at the field development and well drilling stage are general and non-specific. See 43 C.F.R. § 3162.5-1(b). Consequently, the RMP should adopt specific definitions of what constitutes "due care and diligence," "undue damage to surface or subsurface resources" and what specifically must be achieved to "reclaim the disturbed surface . . ." At a minimum, the requirements of Onshore Oil and Gas Order No. 1, especially relative to reclamation plans, must be strictly complied with, and the EIS should analyze whether wells reclaimed in the past pursuant to these requirements have actually been effectively reclaimed. If not, appropriate modifications should be made to ensure effectiveness. Just as important, it is crucial that the RMP and any subsidiary instruments (leases, APDs, surface use plans, etc.) provide assurance, based on a realistic assessment of past, current and projected budgets and allocations of personnel, of adequate inspection and enforcement as a precondition to lease issuance and operations. Monitoring and enforcement needs are addressed further, below. (Wyoming Outdoor Council, Lander, WY - Comment: #244, letter #19)

Comment: The lease acreages limits specified at 43 C.F.R. § 3101.2-1(a) should be monitored and enforced by BLM, and the RMP should make provision for such. BLM Instruction Memoranda (IM) also address the need to comply with these limits on lease acreage holdings, and BLM should insure compliance with these IMs. BLM's LR2000 database makes this a relatively simple undertaking. To the extent BLM views this as an activity for the State Office or other BLM administrative level, the EIS should nevertheless discuss what actions are being taken at that other level and provide citizens with information so they can become aware of and monitor those efforts. (Wyoming Outdoor Council, Lander, WY - Comment: #245, letter #19)

Comment: BLM employs Sundry Notices pursuant to 43 C.F.R. § 3162.3-2(a) (authorizing use of Form 3160-5, the Sundry Notice). In our experience, Sundry Notices are used for a wide array of activities, and not necessarily just for "further well operations", as required by the regulations. The RMP should define precisely when the use of Sundry Notices is appropriate, and in our view they are inappropriate for anything other than the enumerated activities mentioned at 43 C.F.R. § 3162.3-2(a). Additionally, the RMP should define when NEPA compliance is required and what opportunities exist for public involvement relative to Sundry Notices. (Wyoming Outdoor Council, Lander, WY - Comment: #254, letter #19)

Comment: The EIS should include a realistic assessment and analysis of oil and gas well plugging, abandonment, reclamation, and enforcement needs and problems. The RMP must provide that wells are abandoned and plugged in accordance with the provisions of 43 C.F.R. § 3162.3-4 and Onshore Oil and Gas Order No. 1. In addition, the BLM must not only quantify the needs that projected development will entail in terms of personnel and costs, it must also explain how it will ensure that these needs will in fact be met. In our view, if BLM lacks resources to engage in monitoring and enforcement sufficient to ensure compliance with all requirements applicable to oil and gas drilling on public lands within the RMP area, then it should not allow further development to occur: it should deal with the backlog of cleanup needs first. BLM has sufficient authority, and a responsibility, to prevent development if it lacks sufficient resources to ensure compliance with requirements applicable to oil and gas development. See, e.g., 43 U.S.C. 1732(b). (Wyoming Outdoor Council, Lander, WY - Comment: #258, letter #19)

Comment: In considering oil and gas development potential in the RMP area, BLM should address the viability of recovering oil and gas from existing: proven: fields as opposed to creating new fields where the oil and gas potential is less known. In our view, it is appropriate from economic and environmental perspectives for BLM to favor development in existing fields and discourage it or prohibit it in undeveloped areas, especially in areas with other important

resources. See 43 U.S.C. § 1732(b). (Wyoming Outdoor Council, Lander, WY - Comment: #304, letter #19)

Comment: G). Oil and gas development has increased dramatically over the last decade in Wyoming. This RMP needs to look out across this field office and the surrounding field offices in developing a comprehensive plan that addresses the concerns of the cumulative impacts of this development rather than addressing them on the project-by-project level. This would help provide for the protection of wildlife and recreation resources while allowing for the development of oil and gas in a more ecologically sensitive manner. (Wyoming Outdoor Council, Lander, WY - Comment: #366, letter #19)

Comment: The existing planning area is located in several different counties in Wyoming and contains approximately 2.5 million surface acres of BLM administered public lands. With continued geopolitical instability the need for reliable, domestic sources of clean burning fuel continues to grow. Areas such as the Gun Barrel Unit in the Frenchie Draw field area, the Madden Unit and the Pappy Draw area must be utilized to their full extent for energy development. As gas produced from traditional supply sources decline, the untapped oil and gas potential in the areas of the Lander Field Office, as well as other federal lands, must take a larger role in meeting the nation's continually increasing energy needs. We encourage the BLM to impose only reasonable restrictions on oil and gas leasing and development, as required by Section 363 of the Energy Policy Act of 2005, Pub. L. No. 109-58, section (b)(3), 119 Stat, 594, 722 (2005). (Bjork, Lindley, Little P.C., Denver, CO - Comment: #406, letter #23)

Comment: Oil and gas leasing and development analysis in the existing RMP are in need of updating based on the increasing levels of activity and impacts on the public lands. New assessments and consultations under the Endangered Species Act and the various laws for protection of cultural/historic resources are also warranted as part of the RMP revision. (Individual - Comment: #430, letter #26)

Comment: The RMP/EIS revision process is a timely opportunity for a cumulative analysis of oil and gas related impacts to guide leasing decisions, necessary mitigation and planning for development activities. Oil and gas leases should not be issued for the public lands in the existing ACEC's, any new ACEC's or the WSA's (even if Congress does not designate them as formal wilderness areas). In addition to the no lease areas, no surface occupancy and seasonal restrictions should be identified to protect wildlife habitats, cultural resources, water resources, etc. (Individual - Comment: #431, letter #26)

Comment: Restrictions placed over areas with existing oil and gas leases must be consistent with existing lease stipulations and the RMP must disclose the lack of legal authority to retrofit the existing leases with new stipulations. (Sweetwater County Conservation District, Rock Springs, WY - Comment: #487, letter #28)

Comment: Surface Operating Standards and Guidelines for Oil and Gas Exploration and Development (Gold Book) should guide all oil and gas related development activity with respect to roads. (Sweetwater County Conservation District, Rock Springs, WY - Comment: #494, letter #28)

Comment: Restrictions placed over areas with existing oil and gas leases must be consistent with existing lease stipulations and the RMP must disclose the lack of legal authority to retrofit the existing leases with new stipulations. (Wyoming Coalition of Local Governments - Comment: #586, letter #29)

Comment: Surface Operating Standards and Guidelines for Oil and Gas Exploration and Development (Gold Book) should guide all oil and gas related development activity with respect to roads. (Wyoming Coalition of Local Governments - Comment: #593, letter #29)

Comment: Next to livestock grazing, the next most important issue is oil and gas leasing and development. While oil and gas activities only take place on a tiny fraction of the Lander Field

Comment: *While looking over the various maps or visual aids and discussing them with various BLM employees there was no mention of co-ordinating this process or the revised management plan with the Fremont County or other county's established Land Use Plan. Why is that?* (Individual, Lander, WY - Comment: #408, letter #24)

Comment: *I also question whether or not it is really necessary to go to the expense of hiring some sort of professional fascilitator to run your future meetings on this process. Couldn't that money be better spent "on the ground"?* (Individual, Lander, WY - Comment: #409, letter #24)

Comment: *In regards to your list of "other resources and resource uses", a number of those terms need to be clearly defined before we, the public, can be sure of what you are referring to and respond accordingly, such as: Land Tenure Adjustments, Environmental Justice, Wilderness Characteristics, Withdrawals* (Individual, Lander, WY - Comment: #414, letter #24)

Comment: *The revision of the Lander RMP must be specific for the public lands within the Lander Field Office. This huge agency and public investment to revisit this RMP must address the resource conditions, issues and concerns unique to this area. The BLM will have to make a concerted effort to avoid ending up with a "generic" RMP. It would be a tragedy to have a management plan that doesn't provide long term guidance that meets the mandate in the FLPMA to sustain the productivity of these public lands.* (Individual - Comment: #419, letter #26)

Comment: *The BLM must authorize a Memorandum of Understanding (MOU) between it and the cooperation agencies to codify the rights and responsibilities. An additional MOU must be developed to provide for their participation in development of RMP implementation plans, project related plans and day-day relationships.* (Sweetwater County Conservation District, Rock Springs, WY - Comment: #441, letter #28)

Comment: *As cooperators, the County and District should be provided meaningful participation in the planning process to the extent as provided by law, regulation and guidelines. This participation should reflect the respective jurisdictions of the county and the district, and provide for participation in issues affecting vegetation, agriculture, soil, water, land uses, and infra-structure to name a few* (Sweetwater County Conservation District, Rock Springs, WY - Comment: #442, letter #28)

Comment: *Consistency with County and District's public land policy and resource related plans and policies is considered throughout plan development and not just in the final stages. The RMP must also be consistent with other local government and tribal plans and policies.* (Sweetwater County Conservation District, Rock Springs, WY - Comment: #443, letter #28)

Comment: *Planning must be conducted without predetermined outcomes.* (Sweetwater County Conservation District, Rock Springs, WY - Comment: #447, letter #28)

Comment: *Discussions of planning issues must not be held with individual cooperators without opportunity for inclusion of all cooperators.* (Sweetwater County Conservation District, Rock Springs, WY - Comment: #453, letter #28)

Comment: *The BLM must authorize a Memorandum of Understanding (MOU) between it and the cooperation agencies to codify the rights and responsibilities. An additional MOU must be developed to provide for their participation in development of RMP implementation plans, project related plans and day-day relationships.* (Wyoming Coalition of Local Governments - Comment: #542, letter #29)

Comment: *As cooperators, the County and District should be provided meaningful participation in the planning process to the extent as provided by law, regulation and guidelines. This participation should reflect the respective jurisdictions of the county and the district, and provide for participation in issues affecting vegetation, agriculture, soil, water, land uses, and infra-structure to name a few.* (Wyoming Coalition of Local Governments - Comment: #543, letter #29)

Comment: *Consistency with County and District's public land policy and resource related plans and policies is considered throughout plan development and not just in the final stages. The RMP must also be consistent with other local government and tribal plans and policies.* (Wyoming Coalition of Local Governments - Comment: #544, letter #29)

Comment: *The plan and its management actions should be outcome-based rather than numerous prohibitions or restrictions. For example, if there is an established need to protect a particular resource, such as winter habitat, the RMP must provide for achieving the goal, and allow flexibility as to how the goal might be achieved within the context of that specific project. The goal may be achieved through project design, avoidance or mitigation, as appropriate.* (Wyoming Coalition of Local Governments - Comment: #546, letter #29)

Comment: *Planning must be conducted without predetermined outcomes.* (Wyoming Coalition of Local Governments - Comment: #548, letter #29)

Comment: *Discussions of planning issues must not be held with individual cooperators without opportunity for inclusion of all cooperators.* (Wyoming Coalition of Local Governments - Comment: #554, letter #29)

Comment: *The RMP will not be morally or legally defensible if this most important of issues is not addressed properly. The RMP EIS must thoroughly and defensibly review the failures of the past RMP and what actions must be taken to correct these failures.* (Western Watersheds Project, Pinedale, WY - Comment: #641, letter #27)

Comment: *" The EIS and RMP must analyze the successes and failures of the current RMP and analyze the validity of the assumptions and accuracy of the analysis of the EIS conducted to develop the current RMP. Such analyses are critical to learning from the mistakes of the past as well as to comply with NEPA* (Western Watersheds Project, Pinedale, WY - Comment: #649, letter #27)

Comment: *In order to comply with NEPA and the APA, the BLM must conduct a thorough review of the performance and accomplishments of the current RMP as well as the validity and accuracy of the current RMP's NEPA documents. Further, the BLM must analyze how effectively the RMP and ROD have been implemented, what goals and objective have been met and why aspects of the RMP and ROD were not implemented or not implemented effectively. Such analyses must form the foundation for any RMP revision. Such analyses are fundamental not only compliance with the law by basic management principles.* (Western Watersheds Project, Pinedale, WY - Comment: #705, letter #27)

Comment: *The BLM must base its management decisions upon inventories of the resources that occur on the public lands. The BLM must structure a comprehensive inventory program to inform the RMP process. This is a crucial and frequently overlooked aspect of the planning process.* (Western Watersheds Project, Pinedale, WY - Comment: #712, letter #27)

Comment: *The current RMP revision must eschew BLM's traditional faith-based, politics-based management in order to fulfill the BLM's mandate for accelerated restoration, sustainable management and protection of values and resources. Recent reports by the Interior Department's Inspector General regarding Endangered Species Act listings show political manipulation and abandonment of objective science. Similarly, during the recent preparation of BLM's revised grazing regulations, BLM scientists spoke out about their science being suppressed or altered to change the meaning of their conclusions. BLM must restore integrity to the process and demonstrate an ability to enforce, monitor and manage uses, otherwise those activities that can't be monitored or managed must be ended.* (Western Watersheds Project, Pinedale, WY - Comment: #717, letter #27)

Comment: *Prior to embarking on this RMP revision, the BLM should review the Standards of Ethical Conduct for Federal Employees (<http://www.usdoj.gov/jmd/ethics/generalf.htm>) that are based on Executive Order 12674, as amended by Executive Order 12731. In particular, three of*

preparation of the RMP EIS and should be presented in it. " Specification of the steps that will be undertaken so that riparian areas that are not in properly functioning condition can be restored, and how the condition of areas that are in properly functioning condition will be maintained. " Exclusion of ORVs from riparian areas and wetlands except on designated routes; " Incorporation of riparian and wetland area protection with protection of the associated watersheds. BLM Manual MS-1737.32. " Assurance that livestock grazing standards and guidelines and Fundamentals of Rangeland Health are complied with, and that livestock grazing is excluded from riparian areas as needed; " Development of an effective monitoring program that measures biodiversity and wildlife populations, soil erosion, vegetation health, the presence of non-native species, water quality and quantity, and the impacts of other uses such as grazing, ORVs, recreation uses, and other activities; " A prohibition on oil and gas leasing and development in riparian areas, or a requirement for no surface occupancy stipulations. Analysis should be provided in the EIS of how mineral development and associated impacts such as waste pits, roads, pipelines and other uses will be regulated so as to avoid impacts to riparian areas and wetlands; " A prohibition on the issuance of rights-of-way in riparian and wetlands areas, or in areas where such use would adversely impact riparian areas; " Identification of lands for acquisition in riparian or wetlands areas that are ecologically, hydrologically or geologically linked to BLM wetlands and crucial to their functioning; " Designation of riparian areas and wetlands as ACECs . (Wyoming Outdoor Council, Lander, WY - Comment: #343, letter #19)

Comment: The attached illustration should be expanded to include the entire Sweetwater Watershed. It includes information (riparian functional ratings) that should be included in the Analysis of the Management Situation and the RMP/EIS Revision. It illustrates the urgency and gravity of the degraded riparian conditions and illustrates why we are at a threshold for restoration. It also shows that the Sweetwater Watershed is a threatened watershed justifying designation as an ACEC with a management prescription for restoration of ecological health. (Individual - Comment: #418, letter #25)

Comment: The seriousness of the degraded public land riparian areas goes well beyond the riparian habitats themselves because this essential component of the landscape affects the value of all the associated upland rangeland habitats as well. The value of entire watersheds is compromised by the significant acreage of the interrelated riparian and upland rangelands that are not healthy. Significant public benefit from wildlife, recreation and water resources are lost because of these unhealthy conditions on the public lands. The RMP/EIS revision needs to include a detailed analysis of this most significant issue. (Individual - Comment: #426, letter #26)

Comment: Structures and facilities may be built within flood plains, wetland or riparian areas when determined that they will not adversely affect the function of the wetlands. (Sweetwater County Conservation District, Rock Springs, WY - Comment: #515, letter #28)

Comment: Wetlands management will be limited to those areas shown to have a nexus to interstate water bodies. (Sweetwater County Conservation District, Rock Springs, WY - Comment: #516, letter #28)

Comment: Wetlands management will be limited to those areas shown to have a nexus to interstate water bodies. (Wyoming Coalition of Local Governments - Comment: #614, letter #29)

Comment: " PFC - The BLM initiated in 1991, a program called Riparian-Wetland Initiative for the 1990's, Among other things, this initiative called for management improvements to insure that at least 75% of the BLM stream miles reached the minimum of PFC by 1997. The BLM has failed miserably in meeting this goal. The RMP must commit to and provide the direction necessary to maintain all streams in the FO at a minimum of PFC (Western Watersheds Project, Pinedale, WY - Comment: #644, letter #27)

Comment: In 1991 the BLM initiated a program called "Riparian-Wetland Initiative for the 1990's" (See BLM/WO/GI-91/001+4340). This initiative called for achievement of four

responses by land management agencies. Impact of Grazing Intensity During Drought in an Arizona Grassland, Loeser, Sisk and Crews, Conservation Biology Volume 21, No. 1, 87-97 - This paper discusses drought impacts to species composition. Tonto National Forest Drought Policy - We provide this as a template for the Lander FO Drought Policy Administrative Procedures Act Petition to Develop Region-wide Drought Policy, Forest Guardians - The APA Petition provides useful background on the need for a drought policy. Drought Management on Range and Pastureland, Nebraska Cooperative Extension Service - A basic review of drought responses and research. Effects of Drought on Rangelands, USDA Forest Service, 1996 - A literature review of the effects of drought on plants. Rangeland Management Before, During, and After Drought, University of Arizona - This paper provides basic range management prescriptions to deal with drought. Appendix A - This review of range science was sent to the Lander FO in 2005. We are resending it to insure that it gets into the RMP process. Appendix B - This excellent resource provides a review of legal framework for management on BLM lands as well as a scientifically defensible process for determining current capability and suitability of BLM lands for livestock grazing. We request that the processes contained in this paper be included in the NEPA process. Appendix C - This document contains the Western Heritage Alternative presented to the Rock Springs FO for their RMP revision process. We submit this to the Lander FO as most of the information contained in it is fully applicable to this process. Prineville BLM RMP Grazing documents - We provide these as possible examples of dealing with livestock grazing in the EIS. Determining Allowable Use Levels for Livestock Movement in Riparian Areas, Pete Bengeyfield and Dan Svoboda Guidelines for Establishing Allowable Levels of Streambank Alteration, Ervin R. Cowley BLM, Idaho State Office, March, 2002 Key Scientific Documents Relevant to Dixie, Fishlake, And Manti-La Sal National Forest Management for Sustainability Caribou National Forest Riparian Grazing Implementation Guide v1.2, USDA Forest Service, 2005 - This document not only provides a thorough and up-to-date literature review of the impacts of livestock grazing in riparian areas, it also provides an easy to implement decision tree to set riparian grazing criteria. While this was developed on the Caribou National Forest, it is fully applicable to riparian management on the Lander FO. Managing the Grazing of Riparian Areas in the Intermountain West, USDA FS GTR-INT-263, Clary and Webster Utah Bureau of Land Management - Riparian Management Policy (Supersedes UT 93-93) This is useful policy information critical to the RMP process. Monitoring Streambanks and Riparian Vegetation - Multiple Indicators - Idaho BLM Technical Bulletin No. 2005-02 - This simple and straight forward resource should be incorporated into the RMP monitoring plan. We have attached various resources on the changing economic of the West which needs to be taken into account during the EIS process. We request the BLM obtain a copy of USDA FS RMRS-GTR-54 Managing for Enhancement of Riparian and Wetland areas of the Western United States: An Annotated Bibliography. This document was too large for us to provide an electronic version. We also request the BLM and Forest Service to review its own analyses, management and monitoring direction contained in: BLM Application of Environmental Laws, September 1995 BLM TR 1734-6 Interpreting Indicators of Rangeland Health BLM TR 1737-20 Grazing Management Processes and Strategies for Riparian-Wetland Areas BLM TR 1737-17 A Guide to Managing, Restoring and Conserving Springs in the Western United States USDA FS RMRS-GTR-160 Survey Responses From the Intermountain West: Are we Achieving the Public's Objectives for Forests and Rangelands US EPA Managing Change - Livestock Grazing on Western Riparian Areas, 1993 USDA FS Research Paper INT-RP-492 Response of a Depleted Sagebrush Steppe Riparian System to Grazing Control and Woody Plantings, 1996 USDA FS Research Paper INT-425 Bird and Small Mammal Populations in a Grazed and Ungrazed Riparian Habitat in Idaho, 1990 Montana BLM Riparian Technical Bulletin #3 Effective Cattle Management in Riparian Zones - A Field Survey and Literature Review Montana BLM Riparian Technical Bulletin #4 Successful Strategies for Grazing Cattle in Riparian Zones, 1998 BLM TR 1737-14 Grazing Management for Riparian Wetland Areas, 1997 BLM TR 1730-2 Biological Soil Crusts: Ecology and Management, 2001 BLM TR 1737-3 Inventory and Monitoring of Riparian Areas, 1989 USDA FS PNW-GTR-361 Role of Nonmarket Economic Values in Benefit-Cost Analysis of

inappropriate because the substantive requirements of the ESA (imposing mandatory duty to conserve listed species) cannot be met by totally merging them with the procedural requirements of NEPA (requiring analysis and disclosure of environmental impacts). The RMP should prohibit this approach and certainly it should not be utilized in the RMP EIS itself. (Wyoming Outdoor Council, Lander, WY - Comment: #311, letter #19)

Comment: Second is the need to engage in consultation with the Fish and Wildlife Service (the Services) relative to any listed species that occur in RMP area that may be adversely affected by the RMP or by actions authorized by the RMP or contemplated in the RMP. We believe that consultation regarding the RMP is required and should be initiated or reinitiated relative to all listed or proposed species and their critical habitat in the RMP area so as to ensure that the activities authorized or contemplated in the RMP do not jeopardize listed species or result in the destruction or adverse modification of critical habitat. Consultation should be completed and any biological opinion(s) other guidance issued by the Service adopted by BLM and made a binding part of the RMP (and activities occurring under it) prior to approval of the RMP. The RMP should establish criteria to ensure that the regulatory requirements for reinitiating consultation are complied with at the earliest possible time so as to ensure species are not jeopardized. See 50 C.F.R. § 402.16 (establishing reinitiation criteria). Moreover, the prohibition on foreclosing reasonable and prudent alternatives, as provided for in section 7(d) of the ESA, must be enforced by the RMP. These recommendations are consistent with BLM's Land Use Planning Handbook and its Special Status Species Manual. See BLM Handbook H-1601-1 at Appendix C Page 5-7; Id. at Appendix G; BLM Manual MS-6840.2.E. (Wyoming Outdoor Council, Lander, WY - Comment: #312, letter #19)

Comment: BLM's planning handbook requires that a result of consultation/conferencing and the planning process itself must be the establishment of "conservation elements" that are presented in the RMP. See BLM Handbook H-1601-1 at Appendix G page 5. It is imperative that these elements take account of all critical life stages (e.g., juveniles vs. adults) and ecological needs (e.g., breeding, feeding, shelter and cover) for all proposed and listed species, including ensuring protection of important habitat for these species. (Wyoming Outdoor Council, Lander, WY - Comment: #313, letter #19)

*Comment: For years Center for Native Ecosystems and Biodiversity Conservation Alliance have been trying to persuade the BLM to meet its obligations to conserve the Threatened desert yellowhead (*Yermo xanthocephalus*), but there are many promised actions that the BLM has yet to undertake. Management of the desert yellowhead should be carefully addressed in the RMP revision. (Wyoming Outdoor Council, Lander, WY - Comment: #323, letter #19)*

Comment: One of the main commitments that the BLM made in the Biological Assessment that the U.S. Fish and Wildlife Service relied on when issuing its Biological Opinion on the existing Lander RMP was that the entire critical habitat area would be withdrawn from mineral location and entry, but this has not yet occurred. The Service's consultation letter dated June 7, 2005 stated, "Processes to complete the withdrawal of this site are expected to be finalized December 2005" (p. vi). The Service concluded: Based on the Bureau's description of the Energy and Minerals program and the Bureau's commitment to conservation measures listed in the Appendix such as the Bureau's prohibition of surface disturbing activities and the Bureau's commitment to withdraw the desert yellowhead site from locatable mineral entry, the Service concurs that Bureau activities under the energy and minerals program are not likely to adversely affect the desert yellowhead or its designated critical habitat. (pp. vii-viii) Because the BLM has failed to meet this commitment, it should reconult on the impacts of the Energy and Minerals Management program, and may currently be in violation of the Endangered Species Act. (Wyoming Outdoor Council, Lander, WY - Comment: #324, letter #19)

Comment: The Service also based the conclusions of the Biological Opinion on the assumption that the emergency road closure instituted in 2005 would become permanent: Based on the

Bureau's description of the Off-Road Vehicle program, the Bureau's March 16, 2005 road closure of the area to ORV use, and the Bureau's conservation measures to protect the desert yellowhead population, the Service concurs that Bureau activities under this program are not likely to adversely affect the desert yellowhead designated critical habitat. The Service understands that this was an emergency road closure on the part of the Bureau. The Service has based its concurrence on the likelihood that this closure will remain in effect throughout the life of the Lander RMP. (p. xxi) (Wyoming Outdoor Council, Lander, WY - Comment: #325, letter #19)

Comment: The Service also based the conclusions of the Biological Opinion on the assumption that the emergency road closure instituted in 2005 would become permanent: Based on the Bureau's description of the Off-Road Vehicle program, the Bureau's March 16, 2005 road closure of the area to ORV use, and the Bureau's conservation measures to protect the desert yellowhead population, the Service concurs that Bureau activities under this program are not likely to adversely affect the desert yellowhead designated critical habitat. The Service understands that this was an emergency road closure on the part of the Bureau. The Service has based its concurrence on the likelihood that this closure will remain in effect throughout the life of the Lander RMP. (p. xxi) The Biological Opinion also stated, "The Service recommends that the Bureau maintain the road closure for the desert yellowhead site indefinitely" (p. 10). The BLM should ensure that the RMP revision closes roads and ORV use in the desert yellowhead's critical habitat permanently. All of the "Conservation Measures Committed to by the Bureau" (p. 14) in the Biological Opinion should be fully incorporated in the RMP revision. For example, we are uncertain whether this measure has been implemented: The Bureau will work with all interested parties in the development and implementation of a monitoring plan for the desert yellowhead and its designated critical habitat. The plan will include regular patrol of the site for unlawful uses of the land, and the monitoring of invasive weed populations. This plan will also include, but is not limited to, the inventory and monitoring of all vehicle access to the area for the purpose of restricting access of vehicles that pose a threat to the desert yellowhead population. (p. 14) Monitoring for compliance with ORV closures, and for potential impacts of livestock grazing, should be included in the RMP revision. Since consultation occurred in 2005, renewed interest in uranium has surfaced. The BLM should ensure that mineral withdrawal happens as quickly as possible, and the agency may need to reconsult with the Service based on this newly emergent threat. (Wyoming Outdoor Council, Lander, WY - Comment: #326, letter #19)

Comment: In 2000 the BLM completed a draft Conservation Agreement, Assessment and Strategy for the desert yellowhead that, to our knowledge, has yet to be finalized and adopted. We also are not aware of any work that has been done to convene a recovery team or adopt a recovery plan for this species. The BLM and Service should take these actions as soon as possible so that the RMP revision may incorporate strategies from both the BLM's own plan and from the official recovery plan. We remain concerned that the BLM has not fully met its Endangered Species Act obligations to the desert yellowhead. RMP revision provides a vehicle for the BLM to rectify this. (Wyoming Outdoor Council, Lander, WY - Comment: #327, letter #19)

Comment: As required by the ESA, BLM should seek to conserve the ecosystems upon which endangered and threatened species depend on in the RMP area. (Wyoming Outdoor Council, Lander, WY - Comment: #345, letter #19)

Comment: As for "special status species", if you are referring to sage grouse for example, action needs to be taken to insure that concern for them does not overshadow all other multiple uses to the point of exclusion. Adaptability, evolution and survival of the fittest are natural processes that should and will run their courses inspite of well intentioned but often misguided attempts at manipulation (Individual, Lander, WY - Comment: #416, letter #24)

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modify management where they are not. (Wyoming Outdoor Council, Lander, WY - Comment: #229, letter #19)

Comment: The State's antidegradation policy is also a critical component of water quality standards. See 40 C.F.R. § 131.12 and applicable State regulations. Of particular significance are Outstanding National Resource waters, where water quality must be maintained and protected. 40 C.F.R. §131.12(a)(3). Outstanding National Resource waters are waters that "constitute an outstanding National resource, such as waters of National and State parks and wildlife refuges and waters of exceptional recreational or ecological significance . . ." Id. (emphasis added). While States designate Outstanding National Resource waters, the Clean Water Action Plan makes it appropriate for BLM to identify waters that should be fully protected by this designation during its planning process, and to make recommendations to the State and EPA accordingly. (Wyoming Outdoor Council, Lander, WY - Comment: #230, letter #19)

Comment: In addition to the antidegradation policy's protections for waters that are meeting water quality standards, where State water quality standards have not been achieved despite implementation of point source pollution controls, section 303(d) of the CWA requires a State to develop a list of those still-impaired waters, with a priority ranking, and to set total maximum daily loads (TMDLs) of pollutants for the stream "at a level necessary to implement the applicable water quality standards. . . ." 33 U.S.C. §1313(d)(1)(C). Consequently, to the extent waters within the BLM's jurisdiction have been identified as water quality impaired segments, or contribute stream flow to such segments, the RMP should include affirmative steps toward reducing that impaired status, regardless of whether the State has made a specific allocation of pollutant load to BLM lands at the time the RMP is prepared. If any specific load allocation has been made by the State for activities on BLM lands, BLM should obviously ensure that these are complied with. (Wyoming Outdoor Council, Lander, WY - Comment: #231, letter #19)

Comment: The RMP should ensure full compliance with sections 401 and 404 of the CWA. Section 401 requires State certification of compliance with State water quality standards prior to authorization of certain actions on BLM lands. 33 U.S.C. § 1341. The RMP should fully implement this requirement. Section 404 requires permits before discharges of dredged or fill material can be made into navigable waters, and BLM, through the RMP, should assist the EPA and Army Corps of Engineers with implementation and enforcement of this requirement, which, of course, is a powerful means for the protection of wetlands. See 33 U.S.C. § 1344. (Wyoming Outdoor Council, Lander, WY - Comment: #232, letter #19)

Comment: As required by the Clean Water Act, BLM should seek to restore and maintain the chemical, physical, and biological integrity of all waters in the RMP area. Additionally, the plan should seek to eliminate the discharge of pollutants into waters in the RMP area, "provide for the protection and propagation of fish, shellfish, and wildlife," and provide for "recreation in and on the water[s]" in the RMP area. 33 U.S.C. § 1251(a)(1)-(2). (Wyoming Outdoor Council, Lander, WY - Comment: #346, letter #19)

Comment: The RMP revision should identify and recommend in-stream flow needs for river reaches on public lands that BLM should then work with the State of Wyoming to implement those recommendations. An example would be the public land reaches of the Sweetwater River. This effort should be coordinated with the Rock Springs Field Offices as they also administer important reaches of this important river system. (Individual - Comment: #437, letter #26)

Comment: If BLM is to continue its policy of prohibiting the disposal of produced water on public lands then areas of public land suitable for such activity should be identified as suitable for disposal under the Recreation and Public Purposes Act (RPPA). Currently BLM is forcing such disposal onto private lands, which due to historical settlement patterns, are near municipalities, residential areas or riparian areas. BLM policy places a disproportionate burden on the relatively small percent of private lands within the county. It also increases environmental impacts related to the travel to transport the liquids to the off-site disposal. (Sweetwater County

Conservation District, Rock Springs, WY - Comment: #467, letter #28)

Comment: *Discharge of produced water to public lands, including stream channels and uplands should be permitted when found to be beneficial to other uses.* (Sweetwater County Conservation District, Rock Springs, WY - Comment: #517, letter #28)

Comment: *Development within the 100 year flood plain should not be prohibited if such activity can be designed so as not to interfere with the proper function of the flood plain.* (Sweetwater County Conservation District, Rock Springs, WY - Comment: #518, letter #28)

Comment: *FEMA maps should not be used to delineate the 100 year flood plain as there are often areas within these maps that have elevations above the flood plain. Alternatives should provide for identification and development of these areas if necessary. Flood plains should not be avoided when such avoidance would create additional surface disturbance.* (Sweetwater County Conservation District, Rock Springs, WY - Comment: #519, letter #28)

Comment: *No management actions should be proposed that prevent full use, protection and enjoyment of existing water rights. This includes access to points of diversion facilities and delivery systems. All access must be economically and technically feasible.* (Sweetwater County Conservation District, Rock Springs, WY - Comment: #520, letter #28)

Comment: *No management actions should be proposed that would prevent treatments to rehabilitate or enhance watersheds on which water rights exist.* (Sweetwater County Conservation District, Rock Springs, WY - Comment: #521, letter #28)

Comment: *If BLM is to continue its policy of prohibiting the disposal of produced water on public lands then areas of public land suitable for such activity should be identified as suitable for disposal under the Recreation and Public Purposes Act (RPPA). Currently BLM is forcing such disposal onto private lands, which due to historical settlement patterns, are near municipalities, residential areas or riparian areas. BLM policy places a disproportionate burden on the relatively small percent of private lands within the county. It also increases environmental impacts related to the travel to transport the liquids to the off-site disposal.* (Wyoming Coalition of Local Governments - Comment: #567, letter #29)

Comment: *Structures and facilities may be built within flood plains, wetland or riparian areas when determined that they will not adversely affect the function of the wetlands.* (Wyoming Coalition of Local Governments - Comment: #613, letter #29)

Comment: *Discharge of produced water to public lands, including stream channels and uplands should be permitted when found to be beneficial to other uses.* (Wyoming Coalition of Local Governments - Comment: #615, letter #29)

Comment: *Development within the 100 year flood plain should not be prohibited if such activity can be designed so as not to interfere with the proper function of the flood plain.* (Wyoming Coalition of Local Governments - Comment: #616, letter #29)

Comment: *FEMA maps should not be used to delineate the 100 year flood plain as there are often areas within these maps that have elevations above the flood plain. Alternatives should provide for identification and development of these areas if necessary. Flood plains should not be avoided when such avoidance would create additional surface disturbance.* (Wyoming Coalition of Local Governments - Comment: #617, letter #29)

Comment: *No management actions should be proposed that prevent full use, protection and enjoyment of existing water rights. This includes access to points of diversion facilities and delivery systems. All access must be economically and technically feasible.* (Wyoming Coalition of Local Governments - Comment: #618, letter #29)

Comment: *No management actions should be proposed that would prevent treatments to rehabilitate or enhance watersheds on which water rights exist.* (Wyoming Coalition of Local

management strategies necessary to meet those objectives. c. Ensuring that BLM activities affecting the habitat of candidate [and sensitive] species are carried out in a manner that is consistent with the objectives for managing those species. d. Monitoring populations and habitats of candidate [and sensitive] species to determine whether management objectives are being met. (Wyoming Outdoor Council, Lander, WY - Comment: #315, letter #19)

Comment: Additionally, BLM must ensure compliance with BLM Manual MS-6840.22. Provisions here require BLM to take a broad and proactive approach to special status species management, and in the context of planning require that, "Land use plans shall be sufficiently detailed to identify and resolve significant land use conflicts with special status species without deferring conflict resolution to implementation-level planning." (Wyoming Outdoor Council, Lander, WY - Comment: #316, letter #19)

Comment: BLM has a duty to protect the diversity of all native wildlife on public lands by providing for ecosystem-based management. The FLPMA requires public land management to protect ecological and other values, and also requires that they be managed for multiple use and sustained yield. 43 U.S.C. §§ 1701(a)(7)-(8). The NEPA requires BLM to fulfill its trustee obligation for future generations, assure productive surroundings, avoid environmental degradation, preserve important natural aspects of our national heritage, and enhance the quality of renewable resources. 42 U.S.C. §§ 4331(b)(1)-(6). The CWA established the objective of restoring and maintaining the chemical, physical, and biological integrity of the Nation's waters, which of course includes the RMP area. 33 U.S.C. § 1251. The ESA establishes the purpose of conserving the ecosystems upon which threatened and endangered species depend on. 16 U.S.C. § 1531(b). BLM's livestock grazing standards and guidelines establish standards of ecological health applicable not only to livestock grazing, but to resource management generally. See 43 C.F.R. subpt. 4180. Read together, these and other legal standards establish that BLM must ensure the ecosystems it manages are fully protected so as to enhance biological diversity. With this in mind, we ask that the RMP provide for the following steps to ensure that wildlife diversity is protected. As requested above, all riparian areas should be designated ACECs and given special management. It is widely recognized that (1) riparian areas in the west are crucial centers of biological diversity and (2) most BLM riparian areas are in unhealthy condition. Consequently, special management provisions for these areas must be made in the RMP. Riparian area management is discussed in more detail below. The RMP must also ensure that other special habitats are protected and enhanced. As noted, all wildlife requires adequate habitat for feeding, reproducing, and hiding or resting (sheltering), and the plan must ensure that such is provided for all species at all critical life stages. Wintering areas, colonial or other concentrated avian nesting areas, spawning beds, and traditional birthing areas are examples of the special habitats the RMP should provide for and protect. (Wyoming Outdoor Council, Lander, WY - Comment: #329, letter #19)

Comment: In addition to protecting special habitats, the plan must provide for protecting certain species to ensure that biological diversity is protected. Certainly species listed pursuant to the ESA and BLM and/or State sensitive species must receive species-specific attention, but other species should receive special emphasis as well. The plan should identify and provide for the protection of "keystone" species, which can be literally key to preventing undesirable, cascading ecological effects, such as widespread extinctions. Prairie dogs are an example of a keystone species that demand special management efforts. The status of carnivores is often indicative of the overall environmental health of an area, and thus they warrant special management prescriptions, and in any event there is widespread public demand and support for protecting these magnificent creatures. It is also important to note that there are keystone resources that are critical for protecting a host of species. Springs or other water holes, deep pools in streams, and salt or mineral licks are examples. BLM should ensure that the RMP makes special provision for protecting keystone resources, as well as keystone species. (Wyoming Outdoor Council, Lander, WY - Comment: #330, letter #19)

Comment: The EIS must carefully evaluate problems resulting from habitat fragmentation and the need for maintaining the connectivity or linkage of habitats. Habitat fragmentation is strongly associated with the road building that accompanies most, if not all, traditional management activities. By altering the physical environment, roads and highways modify animal behavior. Many species shift home ranges, change movement patterns and even reproductive and feeding behaviors to avoid roads. Perhaps the most pervasive, yet insidious, impact of roads is providing access to natural areas and encouraging further development. It is apparent that the RMP must limit habitat fragmentation resulting from road building, protect current roadless areas, provide for aggressively closing unneeded or ecologically destructive roads, and provide for maintaining needed roads so as to reduce negative environmental impacts. The RMP must also limit habitat fragmentation resulting from other activities, such as the construction of well pads. (Wyoming Outdoor Council, Lander, WY - Comment: #331, letter #19)

Comment: More generally, the BLM should consider the principles of island biogeography so as to ensure that fragmentation does not degrade existing wildlife habitats. That is, it must insure that small islands of habitat are not created by management activities such as logging, chaining, or oil and gas development. The RMP should ensure both that the total areas of important habitats are maintained and that these habitats are not further fragmented. Creating habitat fragments impedes dispersal, colonization, and foraging. Moreover, fragmented habitats can have altered environmental conditions and allow for intrusions of pests (weed invasions and cowbird nest parasitism are classical examples). We specifically requests that BLM limit any further fragmentation of sagebrush communities, which are critical to many species on many BLM lands, and which is an increasingly imperiled ecosystem. (Wyoming Outdoor Council, Lander, WY - Comment: #332, letter #19)

Comment: The flip side of habitat fragmentation is maintaining migration corridors and other ecological linkages. The conservation biology literature indicates it is probably more effective to preserve existing corridors/linkages than to attempt to create new ones. It is crucial the EIS identify existing migration and other movement corridors. The RMP must ensure that management actions authorized by the RMP protect the ecological integrity of these corridors and linkages. Big game migration routes have been widely documented, but riparian areas, mountain ranges and ridges, and other areas serve as important linkages among habitats (and even eco-regions) that must be preserved. Ensuring that corridors remain as wide as possible is the best way to ensure that they are in fact effective. (Wyoming Outdoor Council, Lander, WY - Comment: #333, letter #19)

Comment: We also request that BLM consider and enunciate in the RMP a policy relative to habitat "edge." Increasing edge has been common in classical wildlife management because it was perceived as a means to increase biological diversity, or more particularly, as a means to benefit certain games species. Modern conservation biology, however, recognizes a number of problems associated with increasing the amount of edge, such as: modifying microclimates needed by some species, increasing impacts of wind in some communities, increasing the incidence of fire, and increasing predation and competition from exotic and pest species that are often well adapted to the disturbed conditions that characterize ecological edges. Furthermore, even if increasing edge increases overall biological diversity, it can be harmful to certain, usually rare and/or specialized, species. Similarly, increasing edge can be problematic for species that require large, undisturbed blocks of habitat, such as many predators. We believe it would be inappropriate to increase edge to the detriment of rare or highly specialized native species or species that need large contiguous habitats, and the RMP must ensure that this does not occur. Sagebrush obligate species (sage grouse, Brewer's sparrow, etc.) should receive special consideration in this regard in the Lander Field Office area. (Wyoming Outdoor Council, Lander, WY - Comment: #335, letter #19)

Comment: It may be impossible to fully protect biological diversity (and to effectively manage many other resources) without considering other landowners and landholdings within the RMP

area. Therefore, we request that the EIS consider other landholdings relative to BLM's efforts to protect biological diversity. Land exchanges could be warranted in some circumstances, and if so the RMP should provide for initiating any needed legislative authority or other processes. The Land and Water Conservation Fund, as well as the new Land Conservation, Preservation and Infrastructure Improvement Fund, are two funds that might allow acquisition of important inholdings, or other lands, in fee simple or perhaps via other mechanisms such as conservation easements. The RMP should establish a program or at least guidance for how BLM will attempt to work with other landowners relative to biodiversity protection efforts, and make provision for accessing funding needed to implement those efforts. (Wyoming Outdoor Council, Lander, WY - Comment: #336, letter #19)

Comment: Wildlife must not be the dominate use driving the development of management actions in this plan. The Federal Land Policy and Management Act (FLPMA) recognizes six principal multiple uses, "domestic livestock grazing, fish and wildlife development and utilization, mineral exploration and production, rights-of-way, outdoor recreation, and timber production." 43 U.S.C. 1702(l). No one of the principal multiple uses should override the other. Vegetation condition and availability must be the basis for wildlife considerations, not population goals. Other public land uses must enjoy equate share in vegetation and habitat management. (Sweetwater County Conservation District, Rock Springs, WY - Comment: #450, letter #28)

Comment: Plan must determine if habitat can support population objectives established by the Wyoming Game and Fish without adversely affecting livestock grazing numbers and other multiple uses before adopting them in the RMP, (Sweetwater County Conservation District, Rock Springs, WY - Comment: #525, letter #28)

Comment: RMP should include history of game populations, including the increases in game population objectives since the last RMP was written. (Sweetwater County Conservation District, Rock Springs, WY - Comment: #526, letter #28)

Comment: Plan must provide that wildlife habitat management conforms to Wyoming Standards for Healthy Rangelands. (Sweetwater County Conservation District, Rock Springs, WY - Comment: #527, letter #28)

Comment: Spatial buffers and seasonal closures should not be applied to potential habitats and only to occupied crucial or critical habitats when scientifically proven to be effective and after analysis of socio-economic impacts to local communities have been analyzed. (Sweetwater County Conservation District, Rock Springs, WY - Comment: #529, letter #28)

Comment: Restrictions on human disturbance must not be placed on any areas. (Sweetwater County Conservation District, Rock Springs, WY - Comment: #530, letter #28)

Comment: No introductions or re-introduction should be made unless it has been demonstrated that viable habitats for the subject species exist in the area and that such actions are not incompatible with existing uses. Introduction and reintroduction must also occur with coordination with local governments. (Sweetwater County Conservation District, Rock Springs, WY - Comment: #531, letter #28)

Comment: Management actions for wildlife must not be used to restrict the development of livestock improvements, change season of use; restrict use or timing of use of water developments or conversions in type of livestock. (Sweetwater County Conservation District, Rock Springs, WY - Comment: #532, letter #28)

Comment: The plan must provide for feasible access to all areas for predator control. Predator control must be coordinated with local boards. (Sweetwater County Conservation District, Rock Springs, WY - Comment: #533, letter #28)

Comment: Wildlife must not be the dominate use driving the development of management actions in this plan. The Federal Land Policy and Management Act (FLPMA) recognizes six principal

multiple uses, "domestic livestock grazing, fish and wildlife development and utilization, mineral exploration and production, rights-of-way, outdoor recreation, and timber production." 43 U.S.C. 1702(l). No one of the principal multiple uses should override the other. Vegetation condition and availability must be the basis for wildlife considerations, not population goals. Other public land uses must enjoy equate share in vegetation and habitat management. (Wyoming Coalition of Local Governments - Comment: #551, letter #29)

Comment: Plan must determine if habitat can support population objectives established by the Wyoming Game and Fish without adversely affecting livestock grazing numbers and other multiple uses before adopting them in the RMP, (Wyoming Coalition of Local Governments - Comment: #623, letter #29)

Comment: RMP should include history of game populations, including the increases in game population objectives since the last RMP was written. (Wyoming Coalition of Local Governments - Comment: #624, letter #29)

Comment: Plan must provide that wildlife habitat management conforms to Wyoming Standards for Healthy Rangelands. (Wyoming Coalition of Local Governments - Comment: #625, letter #29)

Comment: Restrictions on human disturbance must not be placed on any areas. (Wyoming Coalition of Local Governments - Comment: #628, letter #29)

Comment: No introductions or re-introduction should be made unless it has been demonstrated that viable habitats for the subject species exist in the area and that such actions are not incompatible with existing uses. Introduction and reintroduction must also occur with coordination with local governments. (Wyoming Coalition of Local Governments - Comment: #629, letter #29)

Comment: Management actions for wildlife must not be used to restrict the development of livestock improvements, change season of use; restrict use or timing of use of water developments or conversions in type of livestock. (Wyoming Coalition of Local Governments - Comment: #630, letter #29)

Comment: The plan must provide for feasible access to all areas for predator control. Predator control must be coordinated with local boards. (Wyoming Coalition of Local Governments - Comment: #631, letter #29)

Comment: " The RMPP must provided clear management direction for the protection of ESA listed and BLMM Sensitive Species (Western Watersheds Project, Pinedale, WY - Comment: #650, letter #27)

Comment: The RMP must provide scientifically defensible and clear direction for the recovery and management ESA listed and BLM Sensitive Species. We provide a literature review on just a few of these species below. (Western Watersheds Project, Pinedale, WY - Comment: #682, letter #27)

Comment: BLM must ensure full compliance with BLM Manual MS-6840.06.E (Special Status Species Management). BLM Manual MS-6840.06.E requires that "protection provided by the policy for candidate species shall be used as the minimum level of protection for BLM sensitive species": that is: Consistent with existing laws, the BLM shall implement management plans that conserve candidate species and their habitats and shall ensure that actions authorized, funded, or carried out by the BLM do not contribute to the need for the species to become listed. BLM Manual MS-6840.06.C & .06.E. See BLM Manual MS-6840.06.C (1&3) (discussing BLM's responsibility to confer with U.S. Fish & Wildlife Service regarding individual species' needs). (Western Watersheds Project, Pinedale, WY - Comment: #683, letter #27)

Comment: BLM Manual MS-6840.06.C.2 imposes a series of additional substantive obligations on the BLM regarding candidate [and therefore sensitive] species management: 2. For candidate

species [and sensitive species] where lands administered by the BLM or BLM authorized actions have a significant effect on their status, [the BLM shall] manage the habitat to conserve the species by: " Ensuring candidate [and BLM sensitive species] are appropriately considered in land use plans (BLM 1610 Planning Manual and Handbook, Appendix C). " Developing, cooperating with, and implementing range-wide or site-specific management plans, conservation strategies and assessments for candidate [and sensitive] species that include specific habitat and population management objectives designed for conservation, as well as management strategies necessary to meet those objectives. " Ensuring that BLM activities affecting the habitat of candidate [and sensitive] species are carried out in a manner that is consistent with the objectives for managing those species. " Monitoring populations and habitats of candidate [and sensitive] species to determine whether management objectives are being meet. (Western Watersheds Project, Pinedale, WY - Comment: #684, letter #27)

Comment: Additionally, BLM must ensure compliance with BLM Manual MMS-6840.222. Provisions here require BLM to take a broad and proactive approach to special status species management, and in the context of planning require that, "Land use plans shall be sufficiently detailed to identify and resolve significant land use conflicts with special status species without deferring conflict resolution to implementation-level planning." (Western Watersheds Project, Pinedale, WY - Comment: #685, letter #27)

Comment: Sage Grouse Habitat Requirements: Several authors have reviewed and documented the biology and habitat requirements for sage grouse during their various life stages. These life stages include leks or breeding, nesting, brood-rearing and wintering. (Western Watersheds Project, Pinedale, WY - Comment: #686, letter #27)

Comment: Diets of sage grouse vary through the year and by age. Sage grouse depend entirely on sagebrush from October through April. In May, they shift to a forb-dominated diet (20 - 60%) with the remainder being mostly sagebrush. They shift back to sagebrush during September. Chicks begin life depending heavily on insects at about 60%, then shift to a forb dominated diet with about 15% sagebrush during the second month. (Western Watersheds Project, Pinedale, WY - Comment: #689, letter #27)

Comment: The RMP/EIS must review the habitat requirements for migrant birds, the effects of livestock grazing at the permitted numbers in combination with all other habitat altering management proposed and provide prescriptions that will assure migrant birds and their habitat improve. (Western Watersheds Project, Pinedale, WY - Comment: #701, letter #27)

Comment: Pygmy Rabbits: While acknowledging the pygmy rabbit is in decline throughout the West, the BLM must describe current populations or the habitats required by pygmy rabbits. The RMP/EIS must describe past management actions that have resulted in this decline and offered corrective actions to restore pygmy rabbits. (Western Watersheds Project, Pinedale, WY - Comment: #702, letter #27)

Comment: The RMP must research pygmy rabbit habitat requirements and map potential pygmy rabbit habitat, describe its current condition and the causes of that condition. Then, the RMP must provide numeric criteria describing desired conditions of this habitat and place it off limits to surface disturbing activities or surface occupancy and limit livestock grazing by setting conservative utilization levels, providing rest to restore grasses and forbs needed to provide the necessary herbaceous forage during spring, summer and fall, and not impose the minimal sagebrush cover guidelines it has cited for sage grouse. (Western Watersheds Project, Pinedale, WY - Comment: #704, letter #27)

Comment: Areas in the vicinity of South Pass City contain sage-grouse leks and brood-rearing habitat that require special management for sensitive species. (Alliance for Historic Wyoming, Casper, WY - Comment: #28, letter #11)

Comment: *We specifically request that the BLM consider the following publications as it develops the RMP: " Mule Deer: Hall Sawyer et al. 2005. 2005 Annual Report, Sublette Mule Deer Study (Phase II): Long-term Monitoring Plan to Assess Potential Impacts of Energy Development on Mule Deer n the Pinedale Anticline Project Area. Western Ecosystems Technology (WEST), Inc., 52 pp " Mule Deer: Hall Sawyer et al. 2006. 2006 Annual Report, Sublette Mule Deer Study (Phase II): Long-term Monitoring Plan to Assess Potential Impacts of Energy Development on Mule Deer n the Pinedale Anticline Project Area. Western Ecosystems Technology (WEST), Inc., 115 pp. " Sage Grouse: Holloran, M.J. 2005. Greater Sage Grouse (Centrocercus urophasianus) Population Response to Natural Gas Field Development in Western Wyoming. Ph.D Dissertation. University of Wyoming. Laramie, Wyoming. " Sage Grouse: Connelly, J. W., M. A. Schroeder, A. R. Sands, and C. E. Braun. 2000. Guidelines to manage sage grouse populations and their habitats. Wildlife Society Bulletin 28: 967-985. " All Wildlife: Wyoming Game and Fish Department. Minimum Recommendations for Development of Oil and Gas Resources within Crucial and Important Wildlife Habitats on BLM Lands. Available at <http://gf.state.wy.us/habitat/index.asp>. As to the last publication, we request that BLM fully consider this comprehensive analysis of means to manage and protect wildlife in the face of oil and gas development, and specifically request that BLM adopt these mitigation measures as RMP decisions. BLM has a duty under FLPMA and its own regulations dealing with BLM-State relations regarding wildlife management to adopt state policies unless they are inconsistent with Federal policy, which these recommendations are not. (Wyoming Outdoor Council, Lander, WY - Comment: #322, letter #19)*

Comment: *Habitat management guidelines must be based on data that conform to the Data Quality Act. The plan should disclose the empirical basis for such guidelines. (Sweetwater County Conservation District, Rock Springs, WY - Comment: #534, letter #28)*

Comment: *Habitat management guidelines must be based on data that conform to the Data Quality Act. The plan should disclose the empirical basis for such guidelines. (Wyoming Coalition of Local Governments - Comment: #632, letter #29)*

Comment: *Braun et al (Braun, Clait E., Tim Britt and Richard O. Wallestad. 1977. Guidelines for maintenance of sage grouse habitats. Wildlife Society Bulletin 5(33):99-105) in their review found that leks or breeding sites were generally open areas surrounded by sagebrush and that nesting areas appeared too occur within a few kilometers of the lek sites. The maximum distance between leks and nesting sites reported was 112.9 km, with 59% being within 3.2 km. Successful nest sites had significantly greater sagebrush canopy cover (27%%) as opposed to unsuccessful sites at 20%. An important component of thee nesting sites is also thee cover provided by herbaceous vegetation, particularly grasses. Connelly et al (Connelly, John W., Michael A. Schroeder, Alan R. Sands, and Clait Braun. 2000. Guide lines to manage sage grouse populations and their habitats. Wildlife Society Bulletin 28(4):9667-985) reported a range of grass height at nest sites between 14 - 34 inches and a mean of 20 inches with canopy cover of grasses ranging from 4 to 551% with a mean of 16%%. During brood-rearing, grouse with chicks preferred more open sagebrush uplands at about 10% - 14% canopy, while loafing of adults occurred in stands with 30% canopy. Beginning in June and during mid-late summer, broods moved to more mesic sites such as meadows. Hockett (2002) stressed the importance of riparian and wet meadow sites during summer and fall. Wintering sites were reported to have greater than 220% sagebrush canopy cover. (Western Watersheds Project, Pinedale, WY - Comment: #687, letter #27)*

Comment: *Connelly et al (20000) summarized some general characteristics of sage grouse habitat in the following table The sagebrush canopy characteristic for breeding habitats is reported as a broad range, but it is important to remember that successful nests occur in areas with canopy cover at the high end of the range or higher as cited above, so to set criteria in the RMP for ranges of sagebrush, grass or forb canopy less than optimum to justify vegetation treatments in order to increase access to livestock forage while degrading sage grouse habitat is*

in opposition to the objective of maintaining or improving habitat for special status species.
(Western Watersheds Project, Pinedale, WY - Comment: #688, letter #27)

Comment: *Braun et al (1977), Welch et al (Welch, Bruce L., Fred J. Wagstaff and Richard L. Williams. 1990. Sage grouse status and recovery plan for Strawberry Valley, Utah. USDA Forest Service Intermountain Research Station Research Paper INT-430), Connelly et al (2000) report that spraying, burning and mechanical treatments of sagebrush resulted in declines of sage grouse. Other activities such as construction of roads, power lines, fences, reservoirs, ranches, farms and housing developments have resulted in sage grouse habitat fragmentation and loss. Structures such as fences and power lines provide perch sites for raptors that prey on sage grouse and also result in injury or death when grouse collide with these. RMP proposals for massive vegetation treatments, power lines, land disposals and other habitat fragmenting activities across most of the Pocatello Resource Area must be recognized in their outcomes which are counter to the objective of maintaining and improving habitat for sage grouse. Also ignored is the research showing that sage grouse have high seasonal fidelity to seasonal ranges and females return to the same area to nest each year (Hockett, Glenn A. 2002. Livestock impacts on the herbaceous components of sage grouse habitat: a review. Intermountain Journal of Science 8(2):105-114).* (Western Watersheds Project, Pinedale, WY - Comment: #690, letter #27)

Comment: *Beck and Mitchell (2000) and Hockett (2002) reviewed the effects of livestock grazing on sage grouse. Livestock, by consuming herbaceous vegetation and reducing grass cover needed to conceal grouse nests from predation, reduce grouse production. Ground squirrels favored by high levels of grazing, combined with drought conditions account for significant nest predation. The depletion of forbs and loss of associated insects can directly impact chick survival (Beck, Jeffrey L. and Dean L. Mitchell. 2000. Influences of livestock grazing on sage grouse habitat. Wildlife Society Bulletin 28(4):993-1002; Miller, Richard F. and Lee L. Eddleman. 2000. Spatial and Temporal Changes of Sage Grouse Habitat in the Sagebrush Biome. Oregon State University Agricultural Experiment Station Technical Bulletin 151. 35p). Mattise (Mattise, Samuel N. 1995. Sage grouse in Idaho: Forum '94. Idaho BLM Technical Bulletin 95-15. 10p) noted that "we have poor strategies for protecting important brood rearing habitat during severe drought conditions. Riparian areas, springs and seeps are not being managed to provide vegetative recovery and enhancement." Rich (Rich, Terrell. 1985. Sage grouse population fluctuations: evidence for a 10-year cycle. Idaho BLM Technical Bulletin 85-1. 20p) reviewed historical studies of sage grouse populations from 32 years of monitoring in southern Idaho and northwestern Utah. He concluded that sage grouse experience cyclic population patterns with 10 year highs. Mitchell and Maxfield (2001) analyzed results of lek counts in Utah from 1967 through 2000. They found a decreasing trend in numbers of males per lek site, and their data clearly shows a 10 year cycle of peaks and valleys (Maxfield, Brian D. and Dean L. Mitchell. 2001. Sage grouse in Utah. Utah Division of Wildlife Resources. 10p). The last valley was found in 1996 with an uptrend through 2000. It is important to reflect on these possible trends when analyzing results for short periods. Rich (Medin, Dean E., Bruce L. Welch and Warren P. Clary. 2000. Bird habitat relationships along a Great Basin elevational gradient. USDA Forest Service Rocky Mountain Research Station Research Paper RMRS-RP-23. 22p)31 states, "evaluations of grouse population responses to habitat changes are critically dependent on understanding the long-term population dynamics of the species, especially where such evaluations may be done over a period of a few years." He concludes that "Ten years data may be required to even begin an adequate definition of just the breeding habitat of a population."* (Western Watersheds Project, Pinedale, WY - Comment: #691, letter #27)

Comment: *The following bullet points are extracted from the publications by Braun, Connelly and Welch cited above: " Sagebrush eradication should not be practiced. Treatments can be used to thin dense sagebrush stands to a range of sagebrush cover from 15% to 25%. Burns should be avoided in xeric Wyoming big sagebrush habitats). Only small burns to create mosaics in mountain big sagebrush should be contemplated and these are considered experimental. "*

Rehabilitation following wildfire or other disturbances should focus on re-establishing sagebrush and native herbaceous plants. Annual grass establishment following fire is detrimental. Grazing should not be allowed on seeded areas until plant recruitment has occurred. " Range seedings should focus on establishing forbs, native grasses and sagebrush. Monoculture seedings of crested wheatgrass and other non-natives are discouraged. " Applying insecticides to summer habitat is not recommended. " Livestock use around water sources and wet meadows in brood rearing areas should be regulated through fencing or other management to restrict overuse. " Grazing practices should be adjusted to maintain residual grass growth essential for nest concealment and then delay grazing the same areas until after nesting. " Plot sage grouse use areas including leks, nesting areas, wintering sites, meadows and summer range or brooding areas on maps. " No sagebrush will be treated or removed until a comprehensive plan has been formulated for management of the area. " Sagebrush control projects will include provisions for long-term quantitative measurement of vegetation before and after to determine effects on habitat and whether objectives were met. " No sagebrush control projects will be done on areas where live cover is less than 20%, on steep slopes or upper slopes with skeletal soils where big sagebrush is less than 30 cm. " No sagebrush control should occur along streams, meadows or intermittent drainages. A 100 meter strip of live sagebrush should be left on each edge of meadows and drainages. " When sagebrush control is found to be unavoidable, treatment measures should be applied in irregular patterns using topography and other ecological considerations. Widths of treated and untreated areas can vary except treated areas will not be wider than 30 meters and untreated areas will be at least as wide. " Manage breeding habitats to support 15 - 25% canopy cover of big sagebrush, perennial herbaceous cover #18 cm in height with # 15% canopy cover of grasses and # 10% canopy cover of forbs. " Most recently, Braun, Connelly and Shroeder (Braun, Clait E., John W. Connelly, and Michael A. Shroeder. 2005. Seasonal Habitat Requirements for Sage Grouse, Summer, Fall and Winter. USDA RMRS-P-38) have published more specific information defining seasonal habitat needs of sage grouse and Clait Braun has published detailed management recommendations including livestock grazing utilization levels and management (Braun, Clait E. 2006. A Blueprint for Sage Grouse Conservation and Recovery. Grouse, Inc. May, 2006). (Western Watersheds Project, Pinedale, WY - Comment: #692, letter #27)

Comment: Partners in Flight (Page, Christine and Sharon A. Ritter. 1999. Birds in a Sagebrush Sea: Managing Sagebrush Habitats for Bird Communities. Partners in Flight, Western Working Group. 47p) provide management recommendations for sage grouse and migratory birds obligate to sagebrush-steppe. These include: " Identify and protect those habitats that still have a thriving community of native understory and sagebrush plants. ¾ Maintain large, continuous blocks of unfragmented habitat " Maintain seeps, springs, wet meadows and riparian vegetation in a healthy state " Avoid practices that convert sagebrush to non-native grassland or farm land. " Maintain stands of sagebrush for a balance between shrub and perennial grass cover. " In large disturbed areas, sagebrush and perennial grasses may need to be reseeded to shorten recovery time. " To maintain bluebunch wheatgrass vigor, avoid grazing during the growing season until plants begin to cure. Bluebunch wheatgrass is especially sensitive to heavy grazing during the growing season. Recovery of these plants following heavy grazing during a single spring can require 8 years under the best management and environmental conditions. " Grazing plans will depend on the current condition and plant composition of the area. Defer grazing until after crucial growth periods. Note that in the presence of cheatgrass, deferred grazing can favor the cheatgrass. " For sage grouse maintain average grass height of at least 18 cm in May and early June. Sharp-tailed grouse require 20 cm. " Consider livestock exclusion from heavily damaged areas, particularly wet sites. " Livestock concentrations around water developments can increase cowbird parasitism. " Use fences with smooth top and bottom wires for exclosures around wet sites. (Western Watersheds Project, Pinedale, WY - Comment: #693, letter #27)

Comment: Miller and Eddleman (Miller, Richard F. and Lee L. Eddleman. 2000. Spatial and Temporal Changes of Sage Grouse Habitat in the Sagebrush Biome. Oregon State University

Agricultural Experiment Station Technical Bulletin 151. 35p) also provide an excellent review of sage grouse ecology, habitat and management. They emphasize that sage grouse habitat management plans must take into account landscape heterogeneity, site potential, site condition and habitat needs of sage grouse during different parts of their life cycle (breeding, nesting, brood rearing, wintering). They also stress the importance of accurate resource inventories and assessments before making management decisions as to when and how each community across the landscape should be managed. Grazing management plans must identify potential conflicts between sage grouse and livestock. (Western Watersheds Project, Pinedale, WY - Comment: #694, letter #27)

Comment: Migrant Birds: Woodyard et al (2003) conducted bird censuses along an elevational gradient in east-central Nevada. These censuses were conducted in study plots monitored in 1981 and 1982 by Dean E. Medin and found fewer species and total numbers of birds (62% less) (Woodyard, John, Melissa Renfro, Bruce L. Welch and Kristina Heister. 2003. A 20-year recount of bird populations along a Great Basin elevational gradient. USDA Forest Service Rocky Mountain Research Station Research Paper RMRS-RP-43). Parrish et al (Parrish, Jimmie R., Frank Howe and Russell Norvell. 2002. Utah Partners in Flight Avian Conservation Strategy Version 2.0. Utah Division of Wildlife Publication No. 02-27. 305p) also describe the declines in these birds due to a variety of factors relating to habitat. They provide descriptions of the birds in Utah most in need of conservation and describe their habitat requirements, threats and management considerations. They discuss habitats most in need of conservation. Habitats such as shrub-steppe occurring in the Pocatello Resource Area are described as in need of protection. Medin et al (2000) provide a discussion of bird-habitat relationships for the Great Basin that provide insight into the habitats that occur in the Pocatello Resource Area and their relationships to these birds. Many of these birds are dependent on riparian areas (Medin, Dean E., Bruce L. Welch and Warren P. Clary. 2000. Bird habitat relationships along a Great Basin elevational gradient. USDA Forest Service Rocky Mountain Research Station Research Paper RMRS-RP-23. 22p). (Western Watersheds Project, Pinedale, WY - Comment: #695, letter #27)

Comment: Paige and Ritter (1999) cite population declines of 63% and 70% in shrub dependent and grassland bird species during the last 30 years across the U.S. In the Intermountain West, more than 50% of shrub- and grassland species show downward trends with sagebrush steppe as the highest priority for conservation based on trends for habitat and bird populations (Rich, Terrell D. 2002. Using breeding land birds in the assessment of western riparian systems. Wildlife Society Bulletin 30(4):1128-1139). They provide detailed descriptions of the history, characteristics and management of these systems with management recommendations. They note that cattle grazing in sagebrush steppe first select grasses and forbs and avoid browsing on sagebrush. In addition, even light grazing can put pressure on the herbaceous plants favored by livestock and intensive spring grazing prevents bunchgrasses from reproducing, eventually eliminating the palatable native bunchgrasses. They also discuss the response time for recovery of these systems and parasitism by cowbirds, a significant factor in decline of songbirds in some areas. (Western Watersheds Project, Pinedale, WY - Comment: #696, letter #27)

Comment: Taylor (1986) evaluated the effects of cattle grazing on birds nesting in riparian habitats (Taylor, Daniel M. 1986. Effects of cattle grazing on passerine birds nesting in riparian habitat. Journal of Range Management 39(3):254-258). He found that increased grazing resulted in decreases shrub volume and density and decreased bird abundance. "The longer the time since a transect was last grazed correlated significantly with increases in bird abundance, shrub volume and shrub height". (Western Watersheds Project, Pinedale, WY - Comment: #697, letter #27)

Comment: Bird species decreased with increased grazing, bird counts were 5 to 7 times higher on an area ungrazed since 1940 than on 2 areas grazed annually until 1980 and 11 to 13 times higher on a transect that was severely disturbed. (Western Watersheds Project, Pinedale, WY - Comment: #698, letter #27)

Game and Fish, Cheyenne, WY - Comment: #185, letter #18)

Comment: Raptors also often receive protective stipulations and other protective measures, particularly in the context of oil and gas development activities. The EIS should examine existing stipulations and protections to determine their effectiveness and to determine whether they should be modified so as to protect these magnificent birds. Too often raptor stipulations only apply to occupied nests. Again, however, this is an inappropriately restricted approach from a biological and ecological perspective. The EIS should examine whether habitat that could potentially be occupied by raptors, such as previously utilized nests, should receive protection so as to ensure the continued viability of raptors in the RMP area. It should consider all biological needs of raptors and develop suitable protections for all significant life-stages of the various raptors, all of which should be included in the RMP. Additionally, the EIS should address compliance with the Bald Eagle Protection Act and Migratory Bird Treaty Act and the RMP should specify the means by which BLM will ensure compliance with these laws as well as pursue (or facilitate) enforcement of them. (Wyoming Outdoor Council, Lander, WY - Comment: #318, letter #19)

Comment: The sage grouse too often receives special protective measures, particularly in the context of oil and gas development activities. Typical stipulations limit oil and gas development activities when sage grouse are utilizing known leks. BLM should reexamine whether these types of stipulations are sufficient, standing alone, to protect the viability of sage grouse populations. It is axiomatic that wildlife require all environmental features (food, cover, shelter) necessary to support all life-stages. Focusing exclusively on one element of a species' ecological needs not only might fail to protect the species, it might also blind BLM to other critical factors affecting the species. For example, it is well known that sage grouse chicks need access to wet meadow areas so they can find high-protein insects to support early growth. Dense stands of sagebrush are critical winter habitat. Furthermore, the appropriate means to protect sage grouse is to not only focus management efforts (and protective measures) on particular habitat needs (e.g., protecting leks), but also to ensure sagebrush habitats, an increasingly imperiled ecosystem, are protected. The same, of course, is true for many other species, including such sagebrush obligate species as Brewer's sparrow, sage sparrow's, and sage thrashers; and of course the same is true for species dependent on other habitats and ecosystems. (Wyoming Outdoor Council, Lander, WY - Comment: #319, letter #19)

Comment: Consideration of the above issues is necessary to prevent unnecessary or undue degradation of wildlife on the public lands. Additionally, the protections discussed above involve "timing limitations" during actual exploration or drilling for oil and gas. The EIS should consider whether other types of stipulations are needed (including no surface occupancy), and also whether stipulations and protections are required for ongoing operations so as to effectively protect wildlife. If additional, needed protections are identified, they should be adopted in the RMP. The need to not grant exemptions and exceptions to stipulations on oil and gas leases was discussed above in the section on oil and gas activities at the APD stage (Wyoming Outdoor Council, Lander, WY - Comment: #320, letter #19)

Comment: E). Where timing limitations are in place to protect crucial habitat, nesting range and roosting range we advocate that those stipulations be strongly enforced and not waived in order to accommodate industry. We are concerned that where these stipulations have been waived there is often an adverse impact on the wildlife that the stipulations were put in place to protect. (Wyoming Outdoor Council, Lander, WY - Comment: #360, letter #19)

Comment: Spatial buffers and seasonal closures should not be applied to potential habitats and only to occupied crucial or critical habitats when scientifically proven to be effective and after analysis of socio-economic impacts to local communities have been analyzed. (Wyoming Coalition of Local Governments - Comment: #627, letter #29)

1.128 Primary Topic: Wind energy

