

CHAPTER 1—INTRODUCTION

This final environmental impact statement (EIS) describes and analyzes a reasonable range of management alternatives for the public lands and resources administered by the Bureau of Land Management (BLM) Pinedale Field Office (PFO) in western Wyoming (Map 1-1). This analysis will aid the BLM decisionmaker in formulating a revised Resource Management Plan (RMP) for the planning area. Within the Pinedale planning area, BLM administers approximately 922,880 acres of public land surface and 1,199,280 acres of federal mineral estate in Sublette and Lincoln counties. Public land in Teton County, Wyoming is covered by the Snake River RMP and is not included in the planning area. Map 1-2 shows surface land ownership within the planning area, and Map 1-3 shows the federal mineral estate and existing federal leases. Table 1-1 provides a summary of land and mineral ownership and administrative jurisdictions within the planning area.

Table 1-1. Land and Mineral Ownership and Administrative Jurisdictions Within the Pinedale Planning Area

Jurisdiction	Acres¹
Total land surface area in the Pinedale planning area (all ownership)	1,618,140
Areas the Pinedale Resource Management Plan (RMP) decisions will cover:	
A. Federal land/federal minerals ²	911,880
B. Federal land/nonfederal minerals ³	11,000
C. Nonfederal land/federal minerals ⁴	287,400
Total BLM-administered federal land surface to be covered by RMP decisions	922,880
Total BLM-administered federal mineral estate to be covered by RMP decisions	1,199,280
Areas the Pinedale RMP decisions will <i>not</i> cover:	
D. Bureau of Reclamation (BOR) land/BLM minerals ⁵	1,500
Total BLM-administered federal mineral estate that will <i>not</i> be covered by RMP decisions	1,500
E. Private or state land/private or state minerals ⁶	397,210
¹ Because of land surface and mineral ownership overlaps and administrative responsibility overlaps, acreage figures for different jurisdictions do not add up to the total acreage. Acreage figures are rounded to the nearest ten unless otherwise stated. ² Where the federal land surface and federal mineral estate are both administered by BLM, RMP decisions would apply to both the land surface and the mineral estate. ³ Where the federal land surface is administered by BLM and the minerals are privately or state owned, RMP decisions would apply only to BLM-administered federal land surface and only to the extent allowed by law. Although surface management decisions may affect the timing and location of development, surface management decisions cannot preclude development of the nonfederally owned minerals. The RMP decisions for mineral management would not apply to the nonfederal mineral estate. Anticipated surface and mineral management actions and their direct, indirect, and cumulative impacts (cumulative impacts to the extent that they affect resource management decisions) are included/disclosed in the analyses. ⁴ Where the land surface is privately owned or owned by the State of Wyoming and the minerals are federally owned (i.e., split estate), the RMP decisions would apply to BLM-administered federal mineral estate and, to varying degrees, the surface estate. RMP decisions would only pertain to the state owned and privately owned land surface to the extent allowed by law and to the extent that the impacts were the result of the federal action. BLM would work with the private/state surface owners to honor their wishes to the extent allowed by law. Anticipated surface and mineral management actions and their direct, indirect, and cumulative impacts (cumulative impacts to the extent that they affect resource management decisions) are included/disclosed in the analyses. ⁵ Where the federal land surface is administered by the BOR and the federal mineral estate is administered by BLM, BOR surface planning and management decisions are incorporated where possible. BLM administrative	

responsibilities are limited to those actions concerning the federal mineral estate, and surface management issues are handled on a case-by-case basis through consultation with BOR in conformance with its management plan(s). The RMP includes management decisions for the federal minerals on these lands. Anticipated surface and mineral management actions and their direct, indirect, and cumulative impacts (cumulative impacts to the extent that they affect resource management decisions) are included/disclosed in the analyses.

Note: Although BLM responsibilities include surface management of the lands withdrawn for BOR purposes, they are carried out in accordance with an interagency agreement between the two agencies. Administrative jurisdiction (including land use planning) for these lands lies with BOR.

⁶ The RMP will not include any management decisions that are applicable to areas where the land surface and minerals are privately owned or owned by the State of Wyoming. However, anticipated impacts that might affect RMP decisions on these lands are included in the cumulative impact analysis.

The National Environmental Policy Act of 1969 (NEPA) requires federal agencies to consider environmental consequences in their planning or decisionmaking processes. NEPA requires that an EIS be prepared for any federal action that may significantly affect the human environment. RMPs, because of their large scope, significantly affect the human environment and are accompanied by EISs.

The analysis in this final EIS considers a comprehensive range of alternatives that provide for various levels of resource protection and opportunities for motorized and nonmotorized recreational activities, leasing and development of mineral resources, livestock grazing, and other land use activities. The final EIS analyzes the potential environmental consequences of implementing each management alternative and the potential land allocation/resource use conflicts.

This RMP revision will result in a land use allocation plan for the Pinedale planning area. Previous site-specific or project-level implementation decisions, such as those made for the Jonah and Pinedale Anticline gas fields, would not be altered by this RMP revision. Operators may request, and BLM may consider, revising existing oil and gas leases to conform with new RMP decisions, but existing leases and developments will continue to be managed under their respective operating plans.

1.1 PURPOSE AND NEED FOR A NEW PINEDALE RESOURCE MANAGEMENT PLAN

The purpose of this revision of the Pinedale RMP is to provide land use allocation that includes resource protection and opportunities for motorized and nonmotorized recreational activities, leasing and development of mineral resources, livestock grazing, and other land use activities within the Pinedale planning area.

The need for the revision of the Pinedale RMP is the result of considerable changes within the planning area since completion of the existing Pinedale RMP (1988). The record of decision (ROD) for the existing Pinedale RMP was signed on December 12, 1988. Routine amendments and maintenance actions are not adequate to address these changes. These changes include increased oil and gas exploration and development activities, heightened public awareness of and interest in BLM management actions and permitted uses, increased demand for recreational use of the lands, increased conflict between land use and wildlife/wildlife habitat, changes in BLM policy, and expanded scientific knowledge and data.

Further, the RMP revision is needed so that management decisions, objectives, and goals can be adjusted to address new information and changed circumstances. The analysis contained in this EIS will aid the decisionmaker in selecting an alternative to become the final RMP. Based on the analyses prepared for this EIS, the new RMP will ensure the sustainability of important resources in the area (such as crucial big game and other wildlife habitats, air and water quality, scenic views, healthy vegetative cover, and soil stability) while providing for resource uses (such as motorized and nonmotorized recreational

activities, livestock grazing and range improvement activities, mineral exploration and development, and economic development opportunities) in accordance with laws and regulations (Section 1.5). Portions of the existing Pinedale RMP (1988) may remain unchanged as a result of the management decisions made in the revised Pinedale RMP.

1.2 READER'S GUIDE

This section briefly describes the organization of this document (the chapter-by-chapter content) and provides an overview of the EIS process.

1.2.1 Reader's Guide to This Document

Federal regulations implementing NEPA dictate much of the organization of this final EIS. These regulations are found in Title 40 Code of Federal Regulations (CFR) §1500–1508.

This final EIS contains the following major chapter headings and information:

Table of Contents—Presents the content of the document with page references and lists of maps, figures, and appendices.

Chapter 1, Introduction—Presents an introduction to the final EIS; the purpose and need to which BLM is responding; an overview of the BLM planning process; statutes (laws), limitations, and guidelines to which BLM must adhere in preparing the RMP; and the relationship of this final EIS to other plans.

Chapter 2, Description of the Alternatives—Describes the No Action Alternative and how all the management action alternatives were developed, management guidance common to all alternatives, and alternatives considered but eliminated from further consideration. It also presents specific plan-level resource goals, objectives, and management actions proposed for each alternative, as well as a comparative summary. The alternatives present a reasonable range of management directions based on new information, guidance, laws and policy, and scientific knowledge.

Chapter 3, Affected Environment—Describes the planning area and the existing environmental conditions that would be affected by the alternatives presented in Chapter 2.

Chapter 4, Environmental Consequences—Describes the impacts of each management alternative, including direct, indirect, and cumulative impacts; any irreversible or irretrievable commitments of resources; unavoidable adverse impacts; and the relationship between local short-term uses of the environment and the maintenance and enhancement of long-term productivity.

Chapter 5, Consultation and Coordination—Describes the EIS scoping process and other past and planned agency consultation and public involvement activities. This chapter presents a list of agencies, organizations, and individuals to whom this final EIS was sent, along with a list of preparers that includes the names and qualifications of the persons responsible for preparing this final EIS.

List of Acronyms—Presents the acronyms used in the document and their meaning.

Glossary—Presents an alphabetized list of definitions of selected terms used in this final EIS.

Literature Cited—Provides full citation information for all source material cited within this final EIS. Most cited documents are available from other public sources, such as libraries, and many of the cited documents are available for public review at the PFO.

Figures, Maps, and Appendices—Provides additional documents that substantiate analysis or provide other information directly relevant to this final EIS are also included.

1.2.2 Reader's Guide to the EIS Process

The process for preparing an EIS is established through federal regulations implementing NEPA (40 CFR §1500–1508). The major steps in the EIS process are described below.

Notice of Intent (NOI)—BLM published an NOI in the *Federal Register* on February 25, 2002, to announce its intention of revising the Pinedale RMP.

Scoping Period—The official 60-day scoping period began February 3, 2003, with the availability of the Scoping Notice and the Management Situation Analysis (MSA) for the Pinedale RMP on the BLM Pinedale RMP website. BLM requested public input on identifying resource issues and concerns, management alternatives, or other ideas to help in determining future land use decisions for the planning area. Scoping meetings were held in Pinedale, Marbleton, and Rock Springs in March 2003. The formal scoping period extended until April 7, 2003. The scoping period, its results, and additional agency and public participation are described in Chapter 5.

Draft EIS—The draft EIS considers public and agency comments received during the scoping process, provides a description of the alternatives developed from the issues and concerns raised during the scoping process, describes the environment that would be affected, and assesses the potential effects of implementing the alternatives. A Notice of Availability (NOA) for the draft EIS was published in the *Federal Register* on February 16, 2007.

Comment Period and Public Hearings—The public and federal, state, and local government agencies had the opportunity to review and comment on the draft EIS during a 120-day comment period. BLM held meetings and formal public hearings to receive comments from the public. Opportunities for public involvement are further described in Chapter 5.

Final EIS (this document)—The purpose of the final EIS is for BLM to assess, consider, and respond to public and agency comments received on the draft EIS. A NOA for the final EIS was published in the *Federal Register*. BLM will accept protests regarding the final EIS for 30 days after it is published. All protests will be resolved before finalizing the ROD.

ROD and Approved RMP—The ROD/Approved RMP is a separate and concise public record that clearly identifies and describes the management actions BLM will use to administer public lands within the planning area over the life of the plan. This document also links management decisions to the analysis presented in the EIS and describes how environmental impacts and other factors were considered in the decisionmaking process.

After issuing the ROD and Approved Plan, an implementation strategy will be developed. The implementation strategy will include an annual coordination meeting between BLM and the cooperating agencies in the RMP revision. The annual coordination meeting will include an update on implementation of the plan, foreseeable activities for the upcoming year, and opportunities for continued collaboration with the RMP cooperators. Additional coordination meetings could be held as needed.

1.3 AGENCY ROLES AND RELATIONSHIPS

This section presents the roles and responsibilities of both the lead and cooperating agencies throughout this EIS process.

1.3.1 Bureau of Land Management

BLM is the lead agency for this RMP EIS process and has primary responsibility for preparing the EIS and requesting the participation of each cooperating agency at the earliest possible time. In addition, the lead agency must use the environmental analysis and proposals of cooperating agencies with jurisdiction by law or special expertise to the greatest extent possible consistent with its responsibility as lead agency. In the planning process, the responsibility for making the final decision rests with BLM; the State Director is the deciding official.

1.3.2 Cooperating Agencies

The primary role of cooperating agencies (also called cooperators) is to provide special expertise and/or assistance to the lead agency throughout the RMP EIS process. Cooperator roles include participation in the scoping process; provision of staff, information, and assistance to the lead agency; performance of (or assistance with) independent preparation of analysis where cooperating staff has special expertise; review of draft information; and provision of overall advice during the EIS process. Cooperators meet throughout the NEPA process as a group to discuss issues, solutions, and ideas for revising the plan. Staff from cooperating agencies should be available to enhance the interdisciplinary capability of the lead agency by providing advice, technical information, and specialized expertise throughout the NEPA process.

Upon request of the lead agency, any other federal, state, or local government agency having jurisdiction by law or having special expertise with respect to an environmental issue may become a cooperating agency. An agency may also request the lead agency to designate it a cooperating agency. Any designated federal, state, or local government agency that becomes a cooperator is required to sign a memorandum of understanding that details its specific roles and responsibilities.

The following agencies with jurisdiction, special expertise, or interest in the Pinedale RMP EIS development process are cooperating agencies:

- Sublette County
- Sublette County Conservation District
- Lincoln County
- Lincoln Conservation District
- Sweetwater County
- Sweetwater County Conservation District
- Town of Pinedale
- Environmental Protection Agency
- Wyoming Office of Federal Land Policy
- Wyoming Game and Fish Department
- Wyoming Office of State Lands
- Wyoming Oil and Gas Conservation Commission
- Wyoming State Historic Preservation Office
- Wyoming Department of Environmental Quality
- Wyoming Department of Agriculture
- Wyoming Department of Transportation

- Wyoming Governor's Office
- Wyoming State Geological Survey
- Wyoming Business Council.

1.4 OVERVIEW OF THE BLM PLANNING PROCESS

BLM is directed by the Federal Land Policy and Management Act of 1976 (FLPMA) to plan for and manage “public lands.” As defined by the Act, public lands are those federally owned lands, and any interest in lands (e.g., federally owned mineral estate), that are administered by BLM.

The process for developing, approving, maintaining, and amending or revising RMPs was initiated under the authority of FLPMA Section 202(f). BLM's regulations under 43 CFR §1610 require BLM to use NEPA processes in preparing the plan so that the plan selected is based on informed decisionmaking and public involvement. The process is guided by BLM planning regulations in 43 CFR §1600 and the Council on Environmental Quality (CEQ) regulations in 40 CFR §1500.

The pre-planning phase of the BLM planning process consists of (1) compiling and reviewing the current laws, regulations, policies, executive orders (EO), and directives pertaining to the planning area and (2) developing any needed State Director's guidance specific to the process and planning effort for the planning area.

The hierarchy of documents that BLM decisionmakers consider for planning and project implementation is—

- **Land Use Plans.** The highest level of decisionmaking specific to land use is the management plan. The RMP is BLM's management plan. RMPs generally make land allocations and provide goals and objectives for managing specific areas of land. They provide the framework for managing all natural resources under BLM authority for the planning area. Plan decisions are based on a public NEPA disclosure process, usually an EIS.
- **Activity Plans.** For BLM, mid-level decisions are provided in activity plans. These plans contain more detailed management decisions than do RMPs. Activity plans address management of specific programs or areas. Examples include grazing allotment management plans, recreation area management plans, and habitat management plans. An activity plan usually selects and applies best management practices to meet land use plan objectives. Decisions that cover major (often geographically widespread) proposals lead to coordinated activity plans that cover all programs in an integrated manner. Activity plans can be assessed through either an EIS or an environmental assessment (EA) level of NEPA analysis.
- **Project Plans.** BLM analyzes individual projects proposed in a specific location for localized or site-specific effects. For example, BLM would evaluate a range improvement proposal with a site-specific environmental analysis including NEPA, Endangered Species Act consultation, and National Historic Preservation Act consultation.

Once finalized, the Pinedale RMP will prescribe land allocation and future management direction for BLM-administered land and resources within the planning area. Future BLM-permitted activities and/or projects must conform to land use plan decisions, and any additional NEPA documents will be tiered to the RMP EIS or result in a plan amendment.

1.4.1 Planning Issues

Planning issues are determined from demands, concerns, conflicts, or problems concerning use or management of public lands and resources. These issues are usually expressed in terms of the potential adverse consequences or effects that a particular land or resource use may have on other land or resources used or valued by another or for another purpose. The following planning issues were identified through public scoping and information gathered in analyzing the existing management situation in the planning area. Based on the input of the public, other government agencies, and BLM and its cooperators, 10 key issues or unresolved conflicts were identified.

Issue 1: Development of Energy Resources and Minerals-Related Issues

Mineral development (i.e., oil and gas, coalbed natural gas, and oil shale exploration and development; and sand, gravel, and decorative rock mining) and the related transportation network(s) conflict with other land and resource uses or values. Principal management considerations include (1) activities and human presence in fish and wildlife habitats (big game crucial winter range and parturition areas, and habitats of other wildlife species given special consideration, such as greater sage-grouse, mountain plovers, white-tailed prairie dogs, Colorado River cutthroat trout, and raptors) and (2) effects of mineral development on recreation values, forage use, air quality, scenic quality, sensitive vegetation types, sensitive watersheds, and water quality. Areas where surface disturbing activities (e.g., mineral exploration and development activities, right-of-way [ROW] construction activities) are suitable, not suitable, or should be restricted or avoided must be identified.

Issue 2: Land Tenure Adjustment

Opportunities exist to make land ownership adjustments in the form of acquisition and disposal that would benefit private landowners, local communities, and the public. Identification of land parcels and/or establishment of criteria that would be used to identify lands for land tenure adjustments are necessary.

Issue 3: Vegetation Management

It is important to determine the appropriate mix of resources produced from the public lands. Vegetation resource values include native vegetative cover, important watersheds, properly functioning riparian areas, fragile and important soils, and important wildlife habitat (particularly big game crucial winter range and habitat for candidate, sensitive, proposed, or threatened and endangered wildlife and vegetative species). Consumptive uses of vegetation include livestock grazing, off-highway vehicle (OHV) use, management of forest products, wildlife foraging, and vegetation removal by mineral development, ROW construction, and other surface disturbing activities.

Issue 4: Cultural Resources (Including National Historic Trails) and Paleontological Resource Management

Cultural and paleontological resources must be managed in a way that appropriately protects these unique resources, consistent with laws, regulations, and policies (Appendix 1). Certain resources and areas need protection, whereas others should be accessible for more public and recreational uses. Of particular concern is the need for protection of congressionally designated National Historic Trail (NHT) variants, such as the Lander Trail; other significant emigrant trails; other historic transportation resources in the region, including prehistoric and historic Native American trails, early historic exploration trails, and Expansion Era roads; and Native American traditional use areas and sacred places. Visual intrusions along these trails and surrounding Native American respected places are also an issue.

Issue 5: Travel Management—OHV Use

OHV use can conflict with other land and resource uses and values. Of concern are potential effects on resources, including soil, vegetation, watershed, visual values, and other recreation values. Principal considerations include providing for suitable and sufficient recreation uses and facilities (both dispersed and commercial), visual resource management direction, and OHV use designations.

Issue 6: Wildland/Urban Interface

The expansion of population centers and populated areas toward range and forested wildlands and the ability to protect residences and other improvements from wildfire are principal concerns. New demands are being placed on public lands as a result of accelerated growth in and around cities and towns within the planning area. Population, community, and subdivision growth have changed the way communities interact with surrounding public lands, as well as community expectations. Principal considerations include wildland fire and fuels management, water source depletion, fragmentation of wildlife habitat, community expansion, transportation and utility corridors, open space, recreational uses, and land tenure adjustments.

Issue 7: Special Status Species Management

Several categories of species and their habitats within the planning area require special management or considerations. These species are federally listed threatened and endangered, proposed for listing, and candidate and state sensitive species. Principal concerns associated with Special Status Species are habitat identification, its use, and its quality; and the interrelationships between these species and other resource uses and human activities.

Issue 8: Water Quality

The principal issue with respect to water quality is maintaining the current high water quality in the planning area. The effects of energy exploration and development, livestock grazing, and motorized recreation must be considered while ensuring that state water quality standards are met. Salinity contributions to the Colorado River system and ensuring land health sufficient to adjust to normal fluctuations in water quantities are concurrent issues.

Issue 9: Special Management Designations

Resources or features of the lands within the planning area must be evaluated to determine if and how those resources or features might be managed in the future using specific or special practices. Two areas of critical environmental concern (ACEC), Rock Creek and Beaver Creek, were designated in the 1988 RMP. The 1988 RMP established three areas to be managed with an emphasis on providing high-quality recreation opportunities: Upper Green River, Boulder Lake, and Scab Creek. Two wilderness study areas (WSA), Scab Creek and Lake Mountain, were recommended by BLM for wilderness designation. Some members of the public have expressed interest and desire that the BLM evaluate and identify additional geographic areas or features that would merit special management practices or treatment. The BLM has not proposed any additional WSAs during the planning process for this RMP.

Issue 10: Wildlife Habitat, Including Greater Sage-Grouse

The principal issue concerning wildlife habitat is disruptive activities and human presence in big game (i.e., elk, deer, pronghorn, moose, and bighorn sheep) habitat, big game crucial habitat (crucial winter range, migration routes, and birthing areas), and the habitats of other important fish and wildlife species

(i.e., greater sage-grouse, plovers, Colorado River cutthroat trout, and raptors). This issue includes managing nonlimiting habitats such as transitional and summer ranges to prevent these habitats from becoming limiting. Development of private lands has increased the importance of maintaining functional habitats on public lands.

Populations of greater sage-grouse have declined in the planning area, and some intensively developed areas no longer provide functioning sage-grouse habitats. The greater sage-grouse is a Wyoming BLM sensitive species; sage-grouse habitats should be managed to avoid the necessity of listing the greater sage-grouse in the future. The greater sage-grouse was proposed for listing under the Endangered Species Act; however, the U.S. Fish and Wildlife Service (USFWS) determined in December 2004 that listing is not warranted at this time. In April 2008, the USFWS announced the extension of the period for submitting information pertinent to the status review of the greater sage-grouse. The extension provided the public and federal, state, and local agencies with an additional opportunity to submit information for the status review. All submitted information was due by June 27, 2008.

1.4.2 Planning Criteria

Planning criteria are the conditions and guidelines or parameters that frame the planning effort and preparation of the Pinedale RMP EIS. The planning criteria serve the following purposes:

- To ensure that the planning effort focuses on the issues, follows and incorporates legal requirements, and addresses management of all public land resources and land uses in the planning area, and that plan preparation is accomplished efficiently.
- To identify the scope and parameters of the planning effort for the decisionmaker, the interdisciplinary planning team, and the public.
- To inform the public of what should and should not be expected from the planning effort. This includes identifying any planning issues that will be addressed only through subsequent activity or implementation planning efforts or in approval of public land and resource use authorizations (e.g., livestock grazing allotment management plans; wildlife habitat management plans; watershed management plans; other coordinated activity planning; and processing applications for permits for mineral exploration, ROWs, etc.).

Planning criteria are based on standards prescribed by laws and regulations; guidance provided by the BLM Wyoming State Director; the results of consultation and coordination with the public, other agencies, other governmental entities, and Native American tribes; analysis of information pertinent to the planning area; public input; and professional judgment. The general planning criteria have been developed to help focus the preparation of planning and management alternatives and the analysis of their impacts and to guide selection of the proposed plan for the final EIS. Additional planning criteria may be identified during the planning process.

General Planning Criteria

General planning criteria are as follows:

- Actions must comply with laws, EOs, and regulations.
- The planning decisions in the RMP will apply only to BLM-administered public land surface and mineral estate in the planning area, including BLM-administered minerals that underlie nonfederal lands (split estate).

- BLM decisions will not apply to private land with private mineral estate, federal lands administered by other federal agencies, or federal mineral estate administered by other federal agencies.
- The impact analysis will include all lands that may affect, or be affected by, management occurring on BLM-administered public lands in the planning area.
- A collaborative and multijurisdictional approach will be used, where possible, to jointly determine the desired future condition and management direction for the public lands.
- To the greatest extent possible and within legal and regulatory parameters, BLM management and planning decisions will complement the planning and management decisions of other agencies, state and local governments, and Native American tribes with jurisdictions intermingled with and adjacent to the planning area.
- Planning and management direction will be focused on the relative values of resources and not on the combination of uses that will give the greatest economic return or economic output.
- Where practicable and timely for the planning effort, current scientific information, research, and new technologies will be considered.
- Existing endangered species recovery plans, including plans for reintroduction of endangered species and other species, will be considered. Consultation, coordination, and cooperation with USFWS will be in accordance with the 2000 BLM/FWS Interagency Memorandum of Understanding regarding Section 7 Consultation. All existing biological assessments and biological opinions for portions of the planning area will be reviewed for adequacy and possible consolidation and update.
- Notwithstanding other planning criteria, all decisions in the revised Pinedale RMP are subject to valid existing rights.

Planning Criteria for Specific Situations

Criteria for Hydrocarbon Potential

Using available geologic information, reports of past production, and information from the minerals industry, areas of high, moderate, and low potential for the occurrence and development of hydrocarbons in the planning area have been identified. Estimates of reasonably foreseeable oil and gas (including coalbed natural gas) exploration and development activity have been developed from analysis of past activity and production. These estimates have been used to aid in the analysis of environmental consequences. Because these occurrence and development potential classifications and production estimates are general, they are appropriate for planning purposes but are not appropriate for predicting future specific activity or the specific locations of new discoveries.

Criteria for Withdrawals and Classifications

Under Sections 202(d) and 204(l) of FLPMA, any classification or withdrawal of BLM-administered public land is subject to periodic review to determine whether it is serving its intended purpose and is still needed. These reviews will be conducted during the planning effort and may result in modification or termination of classifications and withdrawals. During the planning effort, the need for new withdrawals may also be identified.

- **Withdrawals Under Other Agency Jurisdiction.** The withdrawal review requirement of FLPMA has not yet been completed on those federal lands withdrawn for purposes of other federal agencies (i.e., those lands under the jurisdiction of the Department of Defense or BOR). For the purposes of this planning effort, it must be assumed that these withdrawals will remain in effect and that the planning and management authorities for these withdrawn lands will remain with those agencies. Thus, the planning effort will not include consideration of any planning or management decisions for either the federal land surface or the federal minerals within these withdrawn areas. These lands will be considered in conducting the environmental analysis for the planning effort in terms of cumulative impacts and in terms of how they may be affected by management in the planning area or vice versa.
- **Withdrawals and Classifications Under BLM Jurisdiction.** The review of withdrawals and classifications on any lands under BLM jurisdiction may result in a determination that withdrawals or classifications are no longer serving their intended purposes and should be terminated (either in their entirety or in part). This review will include consideration of whether new withdrawals or classifications, for other purposes, are needed and should be put into place before termination of old withdrawals on the same areas.

Criteria for Wilderness

There are two WSAs (Lake Mountain and Scab Creek) on BLM-administered public lands in the planning area. These WSAs were established in accordance with the requirements of FLPMA Section 603(c). The WSAs will continue to be managed under the Interim Management Policy (IMP) for Lands Under Wilderness Review until Congress either designates all or portions of the WSAs as wilderness or releases the lands from further wilderness consideration. There may be instances in which resource values within WSAs will require RMP management decisions or prescriptions that are more stringent than those of the IMP.

Criteria for Areas of Critical Environmental Concern

The relevance and importance criteria for ACEC designation, found in BLM Manual 1613, were applied to BLM-administered public lands in the planning area to identify areas that have the potential for ACEC designation (U.S. Department of the Interior [USDI], BLM 2006). An ACEC designation alone does not change the allowed uses of public lands involved (FLPMA Section 201(a) and 43 CFR §1601.0-5a). In addition, protective measures for ACECs are not applied or required simply because of the designation. Any protective measures applied to ACECs are based on what is necessary to protect the relevance and importance criteria for which the ACEC was designated. The only automatic requirement associated with an ACEC designation is that a plan of operations must be submitted for any mining claim development in the area (43 CFR §3809.11(c)(3)).

Criteria for Wild and Scenic Rivers

During the preparation of the MSA for this planning area, free-flowing streams were evaluated under the criteria established by the Wild and Scenic Rivers Act of 1968 to determine their eligibility and suitability for inclusion in the National Wild and Scenic Rivers System. BLM developed interim management prescriptions for those stream segments passing through public lands deemed eligible or suitable or both. To provide a clear basis for comparisons, the No Action Alternative will not consider or include any of the stream segments evaluated in association with preparing the MSA for the revision of the RMP.

1.5 RELEVANT STATUTES, LIMITATIONS, AND GUIDELINES

This section provides a listing of the authorities that apply to the selection and implementation of management actions in the RMP.

1.5.1 Environmental Policy

National Environmental Policy Act of 1969

NEPA (42 United States Code [USC] 4321 et seq.) requires the preparation of EISs for federal projects that may have a significant effect on the environment. It requires systematic, interdisciplinary planning to ensure the integrated use of the natural and social sciences and the environmental design arts in making decisions about major federal actions that may have a significant effect on the environment. The procedures required under NEPA are implemented through the CEQ regulations in 40 CFR §1500.

Federal Compliance with Pollution Control Standards (EO 12088)

Federal Compliance with Pollution Control Standards (EO 12088) states that federal agencies must comply with applicable pollution control standards.

Protection and Enhancement of Environmental Quality (EO 11514)

Protection and Enhancement of Environmental Quality (EO 11514, as amended by EO 11991) establishes the policy for federal agencies to provide leadership in environmental protection and enhancement.

1.5.2 Land Use and Natural Resources Management

Federal Land Policy and Management Act of 1976

FLPMA, as amended (43 USC 1701, et seq.), provides for public lands to be generally retained in federal ownership for periodic and systematic inventory of the public lands and their resources; for a review of existing withdrawals and classifications; for establishment of comprehensive rules and regulations for administering public lands statutes; for multiple-use management on a sustained yield basis; for protection of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archeological values; for receiving fair market value for the use of the public lands and their resources; for establishment of uniform procedures for any disposal, acquisition, or exchange; for identification and protection of ACECs; for recognition of the nation's need for domestic sources of minerals, food, timber, and fiber from the public lands, including implementation of the Mining and Mineral Policy Act of 1970; and for payments to compensate states and local governments for burdens created as a result of the immunity of federal lands from state and local taxation. The general land management regulations are provided in 43 CFR §2000, Subchapter B.

General Mining Law of 1872

The General Mining Law of 1872, as amended (30 USC 22, et seq.), provides for locating and patenting mining claims where a discovery has been made for locatable minerals on public lands in specified states. Regulations for staking and maintenance of claims on BLM-administered lands are listed in 43 CFR §3800.

Mineral Leasing Act of 1920

The Mineral Leasing Act of 1920, as amended (30 USC 181, et seq.), provides for the leasing of deposits of coal, phosphate, sodium, potassium, oil, oil shale, native asphalt, solid and semisolid bitumen, bituminous rock or gas, and lands containing such deposits owned by the United States, including those in national forests but excluding those acquired under other acts subsequent to February 25, 1920, and those lands within the national petroleum and oil shale reserves. Regulations for onshore oil and gas leasing are provided in 43 CFR §3100.

Federal Coal Leasing Amendments Act of 1976

The Federal Coal Leasing Amendments Act of 1976 (30 USC 201, et seq.) requires competitive leasing of coal on public lands and mandates a broad spectrum of coal operations requirements for lease management. Coal leasing regulations for BLM-administered lands are provided in 43 CFR §3400.

Materials Act of 1947

The Materials Act of 1947, as amended (30 USC 601–604, et seq.), provides for the sale of common variety materials for personal, commercial, or industrial uses and for free use for local, state, and federal governmental entities. The sales of mineral materials are controlled by the regulations listed in 43 CFR §3600.

Taylor Grazing Act of 1934

The Taylor Grazing Act of 1934, as amended (43 USC 315), provides authorization to the Secretary of the Interior to establish grazing districts from any part of the public domain of the United States (exclusive of Alaska) which, in the Secretary's opinion, are chiefly valuable for grazing and raising forage crops; to regulate and administer grazing use of the public lands; and to improve the public rangelands. Regulations for grazing permits are provided in 43 CFR §4100.

Public Rangelands Improvement Act of 1978

The Public Rangelands Improvement Act of 1978 (43 USC 1901, et seq.) provides for the improvement of range conditions on public rangelands, research on wild horse and burro population dynamics, and other range management practices.

Federal Noxious Weed Act of 1974

The Federal Noxious Weed Act of 1974, as amended (7 USC 2814), provides for the designation of a lead office and a person trained in the management of undesirable plants, establishment and funding of a management program for undesirable plants, completion and implementation of cooperative agreements with state agencies, and establishment of integrated management systems to control undesirable plant species.

Healthy Forests Restoration Act of 2003

The Healthy Forests Restoration Act serves to further the Healthy Forests Initiative to reduce the threat of destructive wildfires while upholding environmental standards and encouraging early public input during review and planning processes. The Act strengthens public participation in developing high-priority forest health projects; reduces the complexity of environmental analysis, allowing federal land agencies to use the best science available to actively manage land under their protection; provides a more effective

appeals process, encouraging early public participation in project planning; and issues clear guidance for court action against forest health projects.

Grazing Fees of 1986 (EO 12548)

EO 12548 provides for establishment of appropriate fees for the grazing of domestic livestock on public rangelands and directs that the fee shall not be less than \$1.35 per animal unit month.

Wilderness Act of 1964

The Wilderness Act of 1964 (16 USC 1131, et seq.) provides for the designation and preservation of wilderness areas.

Federal Land Exchange Facilitation Act of 1988

The Federal Land Exchange Facilitation Act amended FLPMA with respect to BLM land exchanges. It was designed to streamline land exchange procedures.

Federal Land Transaction Facilitation Act of 2000

The Federal Land Transaction Facilitation Act provides for the use of revenues from the sale or exchange of public lands identified for disposal under land use plans in effect as of the date of the FLTFA.

Recreation and Public Purposes Act of 1926

In 1954, the Congress enacted the Recreation and Public Purposes Act (43 USC 869 et. seq.) as a complete revision of the Recreation Act of 1926 in response to the public need for a nationwide system of parks and other recreational and public purposes areas. This law is administered by BLM. The Act authorizes the sale or lease of public lands for recreational or public purposes to state and local governments and to qualified nonprofit organizations. Examples of typical uses under the Act are historic monument sites, campgrounds, schools, fire houses, law enforcement facilities, municipal facilities, landfills, hospitals, parks, and fairgrounds.

Airport and Airway Improvement Act of 1982

The Airport and Airway Improvement Act established the Airport Improvement Program, which provides grants to public agencies and, in some cases, to private owners and entities for the planning and development of public-use airports that are included in the National Plan of Integrated Airport Systems.

Energy Policy and Conservation Act of 2000

The purposes of the Energy Policy and Conservation Act of 2000, as amended (42 USC 6217 et seq.), are to—

- Grant specific authority to the President to fulfill obligations of the United States under the international energy program
- Provide for the creation of a Strategic Petroleum Reserve capable of reducing the impact of severe energy supply interruptions

- Conserve energy supplies through energy conservation programs, and, where necessary, the regulation of certain energy uses
- Provide for improved energy efficiency of motor vehicles, major appliances, and certain other consumer products
- Provide a means for verification of energy data to ensure the reliability of energy data
- Conserve water by improving the water efficiency of certain plumbing products and appliances.

Bureau of Land Management Energy and Non-Energy Mineral Policy

This statement sets forth BLM policy for the management of energy and non-energy mineral resources (mineral resources) on public lands. It reflects the provisions of five important acts of Congress relating to mineral resources: the Domestic Minerals Program Extension Act of 1953; the Mining and Minerals Policy Act of 1970; the Federal Land Policy and Management Act of 1976; the National Materials and Minerals Policy, Research and Development Act of 1980; and the Energy Policy Act of 2005. This policy represents a commitment by BLM to implement the requirements of these statutes consistent with BLM's other statutory obligations, as follows:

The Domestic Minerals Program Extension Act of 1953 states that each department and agency of the Federal Government charged with responsibilities concerning the discovery, development, production, and acquisition of strategic or critical minerals and metals shall undertake to decrease further, and to eliminate where possible, the dependency of the United States on overseas sources of supply of each such material.

The Mining and Minerals Policy Act of 1970 declares that it is the continuing policy of the Federal Government to foster and encourage private enterprise in the development of a stable domestic minerals industry and the orderly and economic development of domestic mineral resources. This act includes all minerals, including sand and gravel, geothermal, coal, and oil and gas.

The Federal Land Policy and Management Act of 1976 reiterates that the 1970 Mining and Minerals Policy Act shall be implemented and directs that public lands be managed in a manner which recognizes the Nation's need for domestic sources of minerals and other resources.

The National Materials and Minerals Policy, Research and Development Act of 1980 requires the Secretary of the Interior to improve the quality of minerals data in Federal land use decision-making.

The Energy Policy Act of 2005 encourages energy efficiency and conservation; promotes alternative and renewable energy sources; reduces dependence on foreign sources of energy; increases domestic production; modernizes the electrical grid; and encourages the expansion of nuclear energy.

The BLM recognizes that public lands are an important source of the Nation's energy and non-energy mineral resources, some of which are critical and strategic. The BLM is responsible for making public lands available for orderly and efficient development of these resources under principles of multiple use management, and the concept of sustainable development as was defined at the World Summit on Sustainable Development in 2002, in Johannesburg, South Africa.

The following principles will guide the BLM in managing mineral resources on public lands:

1. Except for Congressional withdrawals, public lands shall remain open and available for mineral exploration and development unless withdrawal or other administrative actions are clearly justified

in the national interest in accordance with the Department of the Interior Land Withdrawal Manual 603 DM 1, and the BLM regulations at 43 CFR §2310. Petitions to the Secretary of the Interior for revocation of land withdrawals for mineral exploration and development will be evaluated through the land use planning process.

2. The BLM endorses the Sustainable Development Plan of Implementation applicable to mineral resources signed by 193 countries, including the United States; in Johannesburg in 2002. This plan encourages social, environmental, and economic considerations before decisions are made on mineral operations. The BLM actively encourages development by private industry of public land mineral resources, and promotes practices and technology that least impact natural and human resources.

3. The BLM will adjudicate and process mineral patent applications, permits, operating plans, mineral exchanges, leases, and other mineral use authorizations for public lands in a manner to prevent unnecessary and undue degradation, and in a timely and efficient manner, and will require financial assurances to provide for reclamation of the land and for other purposes authorized by law. Mine closure and reclamation considerations include alternative forms of use such as for landfills, wind farms, biomass facilities and other industrial uses, to attract partnerships to utilize the existing mine infrastructure for a future economic opportunity.

4. The BLM land use planning and multiple-use management decisions will recognize that, with few exceptions, mineral exploration and development can occur concurrently or sequentially with other resource uses. The least restrictive stipulations that effectively accomplish the resource objectives or uses will be used. The BLM will coordinate with surface owners when the Federal minerals estate under their surface ownership is proposed for development.

5. Land use plans will reflect geological assessments and mineral potential on public lands through existing geology and mineral resource data, and to the extent feasible, through new mineral assessments to determine mineral potential. Partnerships with State Geologists and the U.S. Geological Survey for obtaining existing and new data should be considered.

6. The BLM will work closely with Federal, State and Tribal governments to reduce duplication of effort while processing mineral related permit applications.

7. The BLM will monitor locatable, salable and leasable mineral operations to ensure proper resource recovery and evaluation, production verification, diligence and enforcement of terms and conditions. The BLM will ensure receipt of fair market value for mineral materials, and appropriate royalty rates for leasable commodities unless otherwise provided for by statute.

8. The BLM will continue to develop e-Government solutions that will provide for electronic submission and tracking of applications for exploration and development of mineral resources. The BLM will continue to provide public access to mineral records, including spatial display of all types of authorizations and mineral resource data.

9. The BLM will maintain and enhance the understanding, skills, and abilities of effective professional, technical, and managerial personnel knowledgeable in adjudication, geology, mineral exploration and development.

10. To the extent provided by law, regulation, secretarial order, and written agreement with the Bureau of Indian Affairs, the BLM will apply the above principles to the management of mineral resources and operations on Indian Trust lands in order to comply with its Trust Responsibilities.

1.5.3 Air Quality

The Clean Air Act of 1990

The Clean Air Act of 1990, as amended (42 USC 7401, 7642), requires BLM to protect air quality, maintain federal- and state-designated air quality standards, and abide by the requirements of the state implementation plans.

Wyoming Air Quality Standards and Regulations

Wyoming air quality standards and regulations, Chapters 1 to 11, specify the requirements for air permitting and monitoring to implement Clean Air Act and state ambient air quality standards.

1.5.4 Water Quality

The Clean Water Act of 1987

The Clean Water Act of 1987, as amended (33 USC 1251), establishes objectives to restore and maintain the chemical, physical, and biological integrity of the nation's water. The Act also requires permits for point source discharges to navigable waters of the United States and the protection of wetlands and includes monitoring and research provisions for protection of ambient water quality.

The Safe Drinking Water Act

The Safe Drinking Water Act (SDWA) was originally passed by Congress in 1974 to protect public health by regulating the nation's public drinking water supply. The law was amended in 1986 and 1996 and requires many actions to protect drinking water and its sources: rivers, lakes, reservoirs, springs, and groundwater wells. SDWA authorizes the U.S. Environmental Protection Agency (EPA) to set national health-based standards for drinking water to protect against both naturally occurring and manmade contaminants that may be found in drinking water. U.S. EPA, states, and water systems work together to ensure that these standards are met.

Wyoming Water Quality Standards and Regulations

Wyoming water quality standards and regulations implement permitting and monitoring requirements for the National Pollutant Discharge Elimination System, operation of injection wells, ground water protection requirements, prevention and response requirements for spills, and salinity standards and criteria for the Colorado River Basin.

Colorado River Salinity Control Act

The 1974 Colorado River Basin Salinity Control Act, Public Law 93-320, authorizes the construction, operation, and maintenance of works in the Colorado River Basin to control the salinity of water delivered to Mexico.

1.5.5 Protection of Wetlands (EO 11990)

Protection of Wetlands (EO 11990) requires federal agencies to take action to minimize the destruction, loss, or degradation of wetlands and to preserve and enhance the natural and beneficial values of wetlands.

Floodplain Management (EO 11988)

Floodplain Management (EO 11988) provides for the restoration and preservation of national and beneficial floodplain values, and enhancement of the natural and beneficial values of wetlands in carrying out programs affecting land use.

1.5.6 Cultural Resources

Historic Sites Act of 1935

The Historic Sites Act (16 USC 461) declares national policy to identify and preserve historic sites, buildings, objects, and antiquities of national significance, thereby providing a foundation for the National Register of Historic Places (NRHP).

National Historic Preservation Act of 1966

The National Historic Preservation Act of 1966 (NHPA), as amended (16 USC 470), expands protection of historic and archeological properties to include those of national, state, and local significance. The NHPA (in Section 106) requires federal agencies to take into account the potential effects of agency actions on properties listed on or eligible for the NRHP. Agencies are also required to consult with the State Historic Preservation Office (SHPO), and sometimes with the Advisory Council on Historic Preservation, concerning those effects. The SHPO is also sometimes consulted concerning applicable methods for determining whether there are NRHP-eligible properties in the area of potential effect of an agency undertaking, whether properties are eligible, and appropriate mitigation measures. The NHPA (in Section 110) also requires federal agencies to identify properties that may qualify for listing on the NRHP, to evaluate and nominate such places to the register, and to develop plans for their management. Both Section 110 and the Archeological Resources Protection Act of 1979 require federal agencies to develop proactive programs to interpret archeological resources for the benefit of the public. The 1992 amendments to the NHPA call for federal agencies to conduct Native American consultation on projects that may affect sites or resources that tribal representatives consider sensitive, sacred, or culturally important.

Archeological Resources Protection Act of 1979

The Archeological Resource Protection Act, as amended (16 USC 470a, 470cc, 470ee), requires permits for the excavation or removal of federally administered archeological resources, encourages increased cooperation among federal agencies and private individuals, provides stringent criminal and civil penalties for violations, and requires federal agencies to identify important resources vulnerable to looting and to develop a tracking system for violations.

National Trails System Act of 1968

The National Trails System Act of 1968, as amended (16 USC 1241–1249), establishes a national trails system and requires that federal rights in abandoned railroads be retained for trail or recreation purposes, or sold with the receipts to be deposited in the Land and Water Conservation Fund. The purpose of the Act is to provide the means for outdoor recreation needs of an expanding population and to promote the preservation of and access to outdoor areas and historic resources of the United States by instituting a national system of recreation, scenic, and historic trails, designating the Appalachian Trail and the Pacific Crest Trail as the initial components of the system, and prescribing the methods and standards by which additional components may be added to the system.

The Antiquities Act of 1906

The Antiquities Act of 1906 protects objects of historic and scientific interest on public lands. It authorizes the President to designate historic landmarks and structures as national monuments and provides penalties for people who damage these historic sites. The Act has two main components: (1) a criminal enforcement component, which provides for the prosecution of persons who appropriate, excavate, injure, or destroy any historic or prehistoric ruin or monument, or any object of antiquity on lands owned or controlled by the United States, and (2) a component that authorizes a permit for the examination of ruins and archeological sites and the gathering of objects of antiquity on lands owned or controlled by the United States.

American Indian Religious Freedom Act of 1978

The American Indian Religious Freedom Act clarifies U.S. policy pertaining to the protection of Native Americans' religious freedom. The special nature of Native American religions has frequently resulted in conflicts between federal laws and policies and religious freedom. The Act establishes a policy of protecting and preserving the inherent right of individual Native Americans (including American Indians, Eskimos, Aleuts, and Native Hawaiians) to believe, express, and exercise their traditional religions.

Native American Graves Protection and Repatriation Act of 1990

The Native American Graves Protection and Repatriation Act is a federal law passed in 1990 that provides a process for museums and federal agencies to return certain Native American cultural items—human remains, funerary objects, sacred objects, and objects of cultural patrimony—to lineal descendants, culturally affiliated Native American tribes, and Native Hawaiian organizations.

Protection and Enhancement of the Cultural Environment of 1971

Protection and Enhancement of the Cultural Environment (EO 11593) directs federal agencies to locate, inventory, nominate, and protect federally owned cultural resources eligible for the NRHP and to ensure that their plans and programs contribute to preservation and enhancement of nonfederally owned resources.

Indian Sacred Sites (EO 13007)

EO 13007, signed in 1996, requires each executive branch agency with statutory or administrative responsibility for the management of federal lands to accommodate access to and ceremonial use of Native American sacred sites by Native American religious practitioners and avoid adversely affecting the physical integrity of such sacred sites, whenever possible.

Trails for America in the 21st Century (EO 13195)

EO 13195, signed in 2001, requires federal agencies, to the extent permitted by law and where practicable—and in cooperation with tribes, states, local governments, and interested citizen groups—to protect, connect, promote, and assist trails of all types throughout the United States.

Preserve America (EO 13287)

EO 13287, signed in 2003, requires the Federal Government to lead the preservation of America's heritage by actively advancing the protection, enhancement, and contemporary use of the historic

properties owned by the government and by promoting intergovernmental cooperation and partnerships for the preservation and use of historic properties.

1.5.7 Hazardous Materials

Comprehensive Environmental Response, Compensation, and Liability Act of 1980

The Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986 (42 USC 9601–9673), provides for liability, risk assessment, compensation, emergency response, and cleanup (including the cleanup of inactive sites) for hazardous substances. The Act requires federal agencies to report sites where hazardous wastes are or have been stored, treated, or disposed of and requires responsible parties, including federal agencies, to clean up releases of hazardous substances.

Resource Conservation and Recovery Act

The Resource Conservation and Recovery Act, as amended by the Federal Facility Compliance Act of 1992 (42 USC 6901–6992), authorizes the U.S. EPA to manage, by regulation, hazardous wastes on active disposal operations. The Act waives sovereign immunity for federal agencies with respect to all federal, state, and local solid and hazardous waste laws and regulations. Federal agencies are subject to civil and administrative penalties for violations and to cost assessments for the administration of the enforcement.

Emergency Planning and Community Right-to-Know Act of 1986

The Emergency Planning and Community Right-to-Know Act of 1986 (42 USC 11001–11050) requires the private sector to inventory chemicals and chemical products, to report those in excess of threshold planning quantities, to inventory emergency response equipment, to provide annual reports and support to local and state emergency response organizations, and to maintain a liaison with the local and state emergency response organizations and the public.

1.5.8 Wildlife

Endangered Species Act of 1973

The purpose of the Endangered Species Act (ESA) is to protect and recover imperiled species and the ecosystems upon which they depend. It is administered by the USDI's USFWS and the Department of Commerce's National Marine Fisheries Service (NMFS). The USFWS has primary responsibility for terrestrial and freshwater organisms, while the responsibilities of NMFS are mainly marine species such as salmon and whales.

Bald and Golden Eagle Protection Act

The Bald Eagle Protection Act (16 USC 668) prohibits the take, possession, sale, purchase, barter, offer to sell, purchase, transport, export or import, of any bald eagle, alive or dead, or any part, nest, or egg thereof. "Take" includes pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, or molest, or disturb (50 CFR §22.3).

Fish and Wildlife Coordination Act of 1958

The Act of March 10, 1934, (16 USC 661 et seq.) as amended, authorizes the Secretaries of Agriculture and Commerce to provide assistance to and cooperate with federal and state agencies to protect, rear, stock, and increase the supply of game and fur-bearing animals, as well as to study the effects of domestic sewage, trade wastes, and other polluting substances on wildlife. The Act also directs the Bureau of Fisheries to use impounded waters for fish-culture stations and migratory-bird resting and nesting areas and requires consultation with the Bureau of Fisheries before the construction of any new dams to provide for fish migration. In addition, the Act authorizes the preparation of plans to protect wildlife resources, the completion of wildlife surveys on public lands, and the acceptance by the federal agencies of funds or lands for related purposes provided that land donations receive the consent of the state in which they are located.

The amendments enacted in 1946 require consultation with the USFWS and the fish and wildlife agencies of states where the “waters of any stream or other body of water are proposed or authorized, permitted or licensed to be impounded, diverted...or otherwise controlled or modified” by any agency under a federal permit or license. Consultation is to be undertaken for the purpose of “preventing loss of and damage to wildlife resources.”

Fish and Wildlife Improvement Act of 1978

The Fish and Wildlife Improvement Act of 1978 (16 USC 7421; 92 Stat. 3110), Public Law 95-616, authorizes the Secretaries of the Interior and Commerce to establish, conduct, and assist with national training programs for state fish and wildlife law enforcement personnel. It also authorized funding for research and development of new or improved methods to support fish and wildlife law enforcement. The law provides authority to the Secretaries to enter into law enforcement cooperative agreements with state or other federal agencies and authorizes the disposal of abandoned or forfeited items under the fish, wildlife, and plant jurisdictions of these Secretaries. Public Law 105-328, signed October 30, 1998, amended the Act to allow the USFWS to use the proceeds from the disposal of abandoned items derived from fish, wildlife, and plants to cover the costs of shipping, storing, and disposing of those items.

Fish and Wildlife Conservation Act of 1980

The Fish and Wildlife Conservation Act (USC 2901–2911), commonly known as the Nongame Act, encourages states to develop conservation plans for nongame fish and wildlife of ecological, educational, aesthetic, cultural, recreational, economic, or scientific value. The states may be reimbursed for a percentage of the costs of developing, revising, or implementing conservation plans approved by the Secretary of the Interior. Amendments adopted in 1988 and 1989 directed the Secretary to undertake research and conservation activities for migratory nongame birds.

Migratory Bird Treaty Act of 1918

Taking, killing, or possessing migratory birds is unlawful (16 USC 703–712. § 703). It shall be unlawful at any time, by any means or in any manner, to pursue, hunt, take, capture, kill, attempt to take, capture, or kill, possess, offer for sale, sell, offer to barter, barter, offer to purchase, purchase, deliver for shipment, ship, export, import, cause to be shipped, exported, or imported, deliver for transportation, transport or cause to be transported, carry or cause to be carried, or receive for shipment, transportation, carriage, or export, any migratory bird, any part, nest, or eggs of any such bird, or any product, whether or not manufactured, which consists, or is composed in whole or part, of any such bird or any part, nest, or egg thereof, included in the terms of the conventions between the United States and Great Britain for the protection of migratory birds concluded August 16, 1916 (39 Stat. 1702); the United States and the

United Mexican States for the protection of migratory birds and game mammals concluded February 7, 1936; the United States and the Government of Japan for the protection of migratory birds and birds in danger of extinction, and their environment concluded March 4, 1972 [1]; and the convention between the United States and the Union of Soviet Socialist Republics for the conservation of migratory birds and their environments concluded November 19, 1976 (50 CFR §10.12).

Sikes Act of 1960

The Sikes Act (16 USC 670a–670o, 74 Stat. 1052), as amended, Public Law 86-797, approved September 15, 1960, provides for cooperation by the Departments of the Interior and Defense with state agencies in planning, development, and maintenance of fish and wildlife resources on military reservations throughout the United States. Key amendments to the Act that affect this EIS are highlighted below:

- An amendment enacted August 8, 1968 (Public Law 90-465, 82 Stat. 661), authorized a program for development of outdoor recreation facilities.
- Public Law 93-452, signed October 18, 1974 (88 Stat. 1369), authorized conservation and rehabilitation programs on Department of Energy (DOE), National Aeronautics and Space Administration (NASA), Forest Service, and BLM lands. These programs are carried out in cooperation with the states by the Secretary of the Interior and on Forest Service lands by the Secretary of Agriculture.
- Public Law 97-396, approved December 31, 1982 (96 Stat. 2005), provided for the inclusion of endangered plants in conservation programs developed for BLM, Forest Service, NASA, and DOE lands.
- Public Law 105-85, approved November 18, 1997 (11 Stat. 2017, 2018, 2020, 2022), added that each integrated natural resources management plan (INRMP) prepared under this act should provide for the sustainable use by the public of natural resources, to the extent that the use is not inconsistent with the needs of fish and wildlife resources. Public Law 105-85 also requires that the Secretary of the Interior, in consultation with state fish and wildlife agencies, submit a report annually on the amounts expended by the USDI and state fish and wildlife agencies on activities conducted pursuant to INRMPs to respective congressional committees with oversight responsibilities.

Federal Cave Resources Protection Act of 1988

The purpose of the Federal Cave Resources Protection Act (16 USC 63) is to secure, protect, and preserve significant caves on federal lands for the perpetual use, enjoyment, and benefit of all people and to foster increased cooperation and exchange of information between governmental authorities and those who use caves located on federal lands for scientific, education, or recreational purposes.

1.5.9 Wild Horses

Wild Free Roaming Horse and Burro Act of 1971

The Wild Free Roaming Horse and Burro Act of 1971 provides for the management, protection, and control of wild horses and burros on public lands and authorizes “adoption” of wild horses and burros by private individuals. Regulations applicable to wild horse and burro management on BLM-administered lands are provided in 43 CFR §4700.

1.6 RELATIONSHIP WITH OTHER PLANS

BLM land use plans and amendments must be consistent with officially approved or adopted resource-related plans, and the policies and programs contained therein, of other federal agencies, state and local governments, and Native American tribes, so long as the guidance and RMPs are also consistent with the purposes, policies, and programs of federal laws and regulations applicable to public lands, including federal and state pollution control laws as implemented by applicable federal and state air, water, noise, and other pollution standards or implementation plans.

The Energy Policy Act of 2005, Section 368, directed that BLM participate in an interagency effort to identify, evaluate, and ultimately establish ROW corridors to accommodate infrastructure that transports forms of energy. Energy-related infrastructure could include natural gas pipelines, high-voltage electrical transmission lines, and similar developments. Upon completion of a programmatic EIS and ROD, this RMP would be amended to incorporate guidance and decisions made for management of the energy corridors established within the planning area.

