

CHAPTER 1—PURPOSE AND NEED FOR THE PLANNING EFFORT

1.1 INTRODUCTION

This draft Environmental Impact Statement (EIS) documents the comprehensive analysis of alternatives for the planning and management of public lands and resources administered by the Bureau of Land Management (BLM) Rawlins Field Office (RFO) in Wyoming. The BLM RFO administrative area is located in southcentral and southeastern Wyoming (see Map 1-1). The RFO includes approximately 11.2 million acres of land in Albany, Carbon, Laramie, and Sweetwater Counties. Within that area, the RFO administers approximately 3.4 million acres of public land surface and mineral estate, 0.1 million acres of public land surface where the mineral estate is state and private, and 1.2 million acres of federal mineral estate where the surface is privately owned or state owned (see Maps 1-2 and 1-3, and Table 1-1). Map 1-4 shows the location and names of communities and other major geographic features within the RFO.

The public lands and federal mineral estate within the Rawlins Resource Management Planning Area (RMPPA) are the subject of the planning effort and this associated EIS document. Neither this document nor the RFO's current land use plan applies to lands or minerals within the RMPPA that are administered by federal agencies other than BLM, such as the U.S. Forest Service, the Bureau of Reclamation, and the U.S. Air Force.

This draft EIS provides analysis of potential management direction for important resource values and resource uses within the RMPPA and allocates the use of public lands for multiple uses. The draft EIS also provides management direction for the protection of certain resources while allowing for leasing and development of mineral resources, livestock grazing, and other activities at appropriate levels.

1.1.1 Reader's Guide

The National Environmental Policy Act (NEPA) requires that an EIS be prepared for any federal actions that may significantly affect the human environment. The preparation and adoption of a Resource Management Plan (RMP) by BLM is such a federal action. This section describes ways to find information in, and related to, this document and provides an overview of the EIS process.

Table 1-1. Land and Minerals Ownership and Administrative Jurisdiction Within the Rawlins RMPPA

Jurisdiction	Acres ¹
Areas the Rawlins RMP decision will cover:	
A. Federal land/federal minerals ²	3,425,270
B. Federal land/nonfederal minerals ³	126,220
C. Nonfederal land/federal minerals ⁴	1,247,130
Total BLM-administered federal land surface to be covered by RMP decisions	3,551,480
Total BLM-administered federal mineral estate to be covered by RMP decisions	4,672,160
Areas the Rawlins RMP decisions WILL NOT cover:	
D. FS land/federal minerals ⁵	971,990
E. USBOR land/federal minerals ⁵	32,830
F. USFWS land/federal minerals ⁵	6,410
Total BLM-administered federal mineral estate that WILL NOT be covered by RMP decisions	1,011,230
Other lands that WILL NOT be covered by RMP decisions:	
G. Department of Defense land	6,030
H. Private land/private minerals and state lands/state minerals ⁶	5,309,520
Total land surface area in the Rawlins RMP planning area (all ownerships) ¹	11,211,490

¹Because of land surface and mineral ownership overlaps and administrative responsibility overlaps, acreage figures are not additive. For the purpose of the Rawlins RMP, where one or more of the mineral resource categories are federally owned, the acres are listed as if all minerals in the area were federally owned. Where mixed minerals ownership occurs (for example, privately owned oil and gas, overlapping with federally owned coal in the same area), minerals planning and management decisions in the RMP will pertain only to the federally owned minerals.

²In areas where the federal land surface and federal mineral estate are both administered by the BLM, the RMP will include planning and management decisions for both the land surface and the mineral estate.

³In areas where the federal land surface is administered by the BLM, and the minerals are privately owned or owned by the State of Wyoming or local governments, the RMP will include planning and management decisions for only the BLM-administered federal land surface. Although these surface management decisions may have some effect on the ability to manage and develop the nonfederally owned minerals, the RMP planning and management decisions will not pertain to the nonfederal mineral estate. At the same time, surface and minerals management actions and development activities anticipated in these areas will be taken into account for purposes of cumulative impact analysis in the Rawlins RMP EIS.

⁴In areas where the land surface is privately owned or owned by the State of Wyoming or local governments, and the minerals are Federally owned, the RMP will include planning and management decisions for only the BLM-administered Federal mineral estate. While the land and resource uses and values on the nonfederal surface will be taken into account and will affect development of the Federal mineral planning and management decisions, these decisions will not pertain to the state and privately owned land surface. At the same time, surface and minerals management actions and development activities anticipated in these areas will be taken into account for purposes of cumulative impact analysis in the Rawlins RMP EIS.

⁵In areas where the federal land surface is administered by the United States Forest Service (USFS), the United States Bureau of Reclamation (USBOR), or the United States Fish and Wildlife Service (USFWS) and the federal mineral estate is administered by the BLM, the land surface planning and management decisions are the responsibility of these "other" federal or state surface management agencies. Any BLM administrative responsibilities within these areas (for example, actions concerning the federal mineral estate) are handled case by case and are guided by the other surface management agencies' policies, procedures, and plans. At the same time, surface and minerals management actions and development activities anticipated in these areas will be taken into account for purposes of cumulative impact analysis in the Rawlins RMP EIS.

It is also important to note that, while other BLM responsibilities include surface management of certain federal lands withdrawn for purposes of the USBOR, 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 the USBOR.

⁶The Rawlins RMP will not include any planning and management decisions for areas where the land surface and minerals are both privately owned or owned by the State of Wyoming or local governments.

Reader's Guide To This Document

Much of the organization of this draft EIS is dictated by federal regulations implementing NEPA. These regulations are codified in Title 40 Code of Federal Regulations (CFR) Parts 1500–1508 (40 CFR 1500–1508). This draft EIS contains the following major chapter headings and information:

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

Chapter 2, Description of the Alternatives—Describes how the alternatives were developed, management guidance common to all alternatives, and alternatives considered but eliminated from further consideration. It also presents specific management actions proposed under the alternatives, and a comparative summary of the impacts of the alternatives that have been analyzed in detail.

Chapter 3, Affected Environment—Describes the RMPPA and the existing environmental conditions that would be affected by the alternatives.

Chapter 4, Environmental Consequences—Describes the impacts of the alternatives. This section forms the scientific and analytic basis for the comparison of impacts presented in Section 2. This section also describes cumulative impacts, any irreversible or irretrievable commitment of resources, 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 overall EIS scoping process and other past and planned agency consultation and public involvement activities. A list of agencies, organizations, and individuals who were sent the draft EIS is also presented.

Chapter 6, List of Preparers—Presents the names and qualifications of the persons responsible for preparing this draft EIS.

List of Abbreviations and Acronyms—Provides an alphabetized list of abbreviations and acronyms used in this draft EIS.

Glossary—Provides an alphabetized list of definitions of terms used in this draft EIS.

References—Provides full citation information for all references cited in the document. Most cited documents are reasonably available from other public sources such as libraries or the Internet, and many of the cited documents are available for public review at the BLM Rawlins Field Office.

Appendices—Include additional supporting documents that substantiate analysis or provide other information directly relevant to the EIS.

Readers Guide to the EIS Process

The process for preparing an EIS is determined by the federal regulations implementing NEPA (40 CFR 1500–1508). The major steps in the EIS process are described below (see Table 1-2).

Notice of Intent (NOI)—BLM published an NOI in the *Federal Register* on February 25, 2002, to announce its intention to revise the Rawlins RMP, formerly called the Great Divide RMP. The NOI

explained that the RMP was renamed to be consistent with current organizational structure and naming of BLM land use plans in Wyoming.

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) on the BLM Rawlins RMP Web site. BLM requested public input in identifying resource issues and concerns, management alternatives, or other ideas in determining future land use decisions for the RMPPA. The scoping period lasted until April 7, 2003. Scoping meetings were held in Rock Springs, Baggs, Rawlins, and Laramie. The scoping period, its results, and additional agency and public participation are described in Chapter 5, Coordination and Consultation.

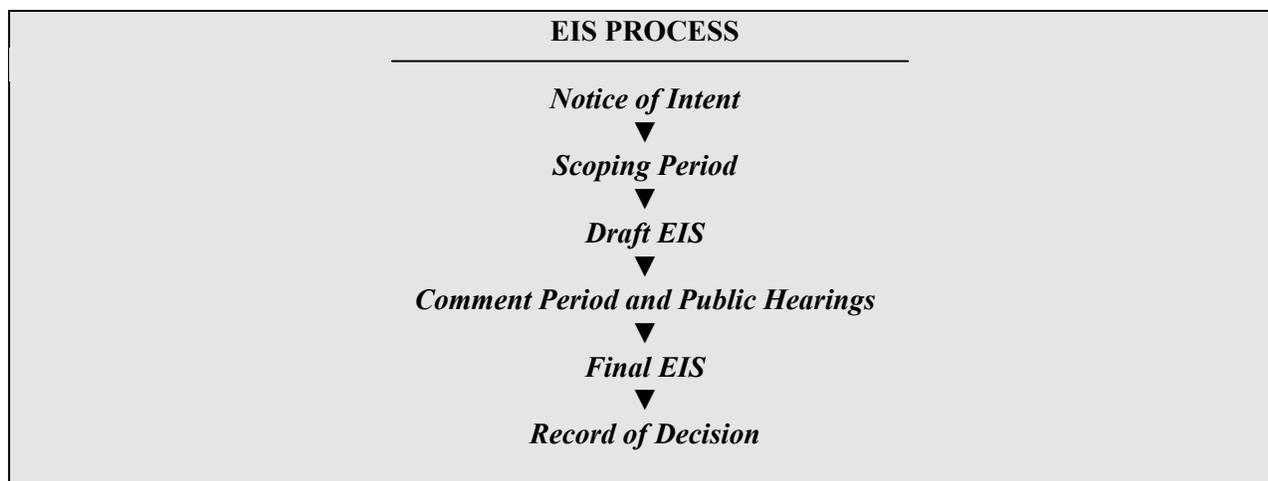
Draft EIS—This document is the draft EIS. The draft EIS considers public and agency comments received during the scoping process, provides a description of the alternatives, describes the environment that would be affected, and assesses the potential impacts. A Notice of Availability (NOA) for the draft EIS was published in the *Federal Register*.

Comment Period and Public Hearings—The public and federal, state, and local government agencies may review and comment on the draft EIS during a 90-day comment period. BLM will hold a public hearing to receive comments from the public. Opportunities for public involvement are further described in Chapter 5, Coordination and Consultation.

Final EIS—The purpose of the final EIS (EIS) is for BLM to assess, consider, and respond to public and agency comments received on the draft EIS. An NOA will be published in the *Federal Register* when the Proposed RMP final EIS is available. A 30-day protest period will follow the release of the Proposed RMP final EIS.

Record of Decision (ROD)—The ROD is a separate and concise public record that clearly identifies and describes the chosen RMP and links BLM's decision to the analysis presented in the EIS. The ROD addresses how environmental impacts and other factors were considered in the decision-making process.

Table 1-2. The EIS Process



This planning area wide final EIS provides a comprehensive evaluation of BLM's potential management actions for the broad administration of the public land within the Rawlins RMPPA and the natural resources found on those lands. A comprehensive final EIS that includes all of BLM's management programs is needed because management actions share a common timing or geography with other

management actions, thereby creating potential conflict among various resource values and management actions.

This planning area wide final EIS also allows for tiering (see also 40 CFR 1505.28) of subsequent activity or project-specific EISs or Environmental Assessments (EAs) that are conducted within the RMPPA. That is, subsequent lower-level EISs or EAs will reference and adopt the relevant information and goals from this broader planning area-wide EIS as formal NEPA documentation, thereby avoiding duplication of effort and reducing costs associated with completing future NEPA analyses.

1.1.2 Agency Roles and Relationships

This section identifies roles and responsibilities of both lead and cooperating government agencies in the EIS process.

BLM

The BLM is the lead agency for the EIS process. The lead agency takes primary responsibility for preparing the EIS as well as requesting the participation of each cooperating agency. According to federal regulations, the lead agency is to request the participation of each cooperating agency in the EIS process at the earliest possible time. Also, the lead agency must use the environmental analysis and proposals of cooperating agencies with jurisdiction by law or special expertise, to the maximum extent possible consistent with its responsibility as lead agency.

Cooperating Agencies

Upon request of the lead agency, any other federal agency that has jurisdiction by law will be a cooperating agency (also called a cooperator). In addition, any other federal agency that has special expertise with respect to any environmental issue that should be addressed in the EIS may be a cooperating agency upon request of the lead agency. An agency may also request the lead agency to designate it a cooperating agency.

The concept of cooperators has been extended from federal agencies to include state and local government agencies in recent years. This inclusion of state and local government agencies as cooperating agencies is consistent with BLM's planning approach and policies. Any designated federal, state, or local government agency that becomes a cooperator is required to sign a Memorandum of Understanding (MOU) as to its specific roles and responsibilities.

The primary role of the cooperating agencies is to provide input during the EIS process on issues for which they have special expertise or jurisdiction. They also serve as reviewers of draft information and give overall advice on the EIS process. Cooperators meet with the lead agency periodically throughout the EIS process to discuss EIS issues as a group. Cooperating agencies are expected to participate in the EIS process at the earliest possible time, including participation in the scoping process. Staffs from cooperating agencies are available to enhance the interdisciplinary capability of the lead agency by providing needed information throughout the NEPA process.

The following agencies with jurisdiction, special expertise, or interest in the Rawlins RMP development process have agreed to participate in the EIS process as cooperating agencies:

- Saratoga-Encampment-Rawlins Conservation District
- Medicine Bow Conservation District
- Little Snake River Conservation District

- Sweetwater County Conservation District
- U. S. Environmental Protection Agency (EPA)
- State of Wyoming and its agencies
- Carbon County
- Sweetwater County
- Albany County.

1.2 PURPOSE AND NEED FOR A NEW RAWLINS RESOURCE MANAGEMENT PLAN/ENVIRONMENTAL IMPACT STATEMENT

1.2.1 Background

An RMP guides management actions on public lands covered by the plan. Land use plan decisions establish goals and objectives for resource management, the measures needed to achieve goals and objectives, and parameters for using BLM lands or resources. They identify lands that are open or available for certain uses, including any applicable restrictions, and lands that are closed to certain uses. Land use plan decisions ordinarily are made on a broad scale and customarily guide subsequent site-specific implementation decisions. When there are competing resource uses and values in the same area, the Federal Land Policy and Management Act (FLPMA) requires that BLM manage the public lands and their various resources so that they are used in the combination that will best meet the present and future needs of the American people. Land use plan decisions are made according to the procedures in BLM's planning regulations in 43 CFR 1600.

An EIS serves as the action-forcing device to ensure that the policies and goals of NEPA are infused into the ongoing programs and actions of the Federal Government. The EIS provides full and fair discussion of significant environmental impacts and informs decision-makers and the public of the reasonable alternatives, which would avoid or minimize adverse impacts or enhance the quality of the human environment. An EIS is prepared according to the regulations for implementing NEPA in 40 CFR 1500–1508.

The BLM prepares an EIS in conjunction with an RMP to plan actions and make decisions affecting public lands in the planning area.

The Great Divide RMP, approved by the Wyoming BLM State Director on November 8, 1990, currently covers the public lands included in the Rawlins RMP. The Great Divide RMP provides guidance and direction for management of BLM-administered public land surface and federal mineral estate.

1.2.2 Purpose

The purpose of the Rawlins RMP Revision and EIS is to replace the existing Great Divide RMP, and to address the deficiencies described in the Great Divide RMP Evaluation (see Section 1.2.3). The Rawlins RMP will provide the overall management direction for the public lands and resources administered by the RFO. Portions of the Great Divide RMP determined to be adequate will likely be unchanged in the plan revision.

The Great Divide RMP includes five Wilderness Study Areas (WSA)—Encampment River Canyon, Prospect Mountain, Bennett Mountains, Adobe Town, and Ferris Mountains; four Areas of Critical Environmental Concern (ACEC)—Jep Canyon, Como Bluff, Shamrock Hills, and Sand Hills; three Wild Horse Herd Management Areas (HMA)—Adobe Town, Stewart Creek, and Lost Creek; and three Special Recreation Management Areas (SRMA)—Continental Divide National Scenic Trail, North Platte River,

and Shirley Mountain Caves. Major land uses include mineral development, wildlife habitat, wild horse use, livestock grazing, and recreation.

1.2.3 Need

BLM completed an evaluation of the Great Divide RMP on July 5, 2001. The BLM determined that the RMP was deficient in the following areas as a result of changing conditions and demands on the area's resources:

- Although air quality decisions are adequate (i.e., comply with state law and standards and guidelines), there is a need for a regionwideregion wide analysis.
- Environmental justice (Executive Order 12898) has not been addressed.
- Old *Classification and Multiple Use Act* classifications and withdrawals are being used to protect various resource values.
- Management direction for utility and transportation systems and communication sites may be inadequate.
- Management direction for land tenure adjustment may be inadequate.
- Standards for Healthy Rangelands (BLM 1997) must be incorporated into all programs.
- The vegetation resource is treated as a subset of livestock grazing.
- Invasive-plant decisions are not included in the RMP.
- Fluid mineral development levels are approaching Reasonable Foreseeable Development (RFD) scenarios established for analysis purposes in the existing RMP.
- Protection standards for paleontological resources are lacking.
- Recreation uses and demands are increasing.
- New ACEC designations may be needed, and existing ones may be outdated.
- Visual Resource Management (VRM) classifications are outdated. There are inconsistencies between the Rock Springs Field Office and the Rawlins Field Office. The designation for Adobe Town WSA is inconsistent between the Rock Springs Field Office and the Rawlins Field Office.
- Federal and state requirements for water quality warrant additional attention as the RMP is implemented and updated.
- Wild and Scenic River evaluations have not been conducted in the RMPPA.
- New information on cultural resources has been prepared.

Based on the plan evaluation findings, along with new information and changed circumstances since adoption of the Great Divide RMP (see Chapter 3, Affected Environment), the Rawlins Field Office will replace the Great Divide RMP/EIS with the new Rawlins RMP/EIS.

The evaluation also noted that many of the decisions of the Great Divide RMP had already been implemented. In some cases, implementation of previous decisions resulted in the establishment of valid existing rights or other obligations that will be an important consideration in the preparation of the

Rawlins RMP. For example, many of the oil and gas resources in the planning area have been leased. The presence of these valid existing rights will affect the management choices available for BLM to consider in developing the Rawlins RMP. Alternatives described in the RMPPA will address potential stipulations attached to new leases, consider the availability of lands for future oil and gas leasing, and describe mitigation measures to be considered in approving Applications for Permits to Drill (APDs).

1.3 OVERVIEW OF THE BLM PLANNING PROCESS

As provided by the FLPMA of 1976, the BLM has the responsibility 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 the BLM.

The process for the development, approval, maintenance, and amendment or revision of RMPs was initiated under the authority of Section 202(f) of the FLPMA and Section 202(c) of the NEPA of 1969. BLM planning regulations in Title 43 of the CFR, Part 1600 (43 CFR 1600), and the Council on Environmental Quality (CEQ) regulations in 40 CFR 1500 guide the process.

The preplanning phase of the BLM planning process consists of (1) compiling and reviewing the current laws, regulations, policies, Executive Orders, and directives pertaining to the RMPPA; and (2) developing any needed State Director’s guidance specific to the planning effort and the RMPPA.

BLM decision-making relevant to land use planning includes the following:

- **Management planning.** The highest level of decision-making specific to land and resource use is in the management plan. The RMP is BLM’s management plan. RMPs generally make land use allocations and provide general future management direction for managing specific areas of land and provide the framework for management of all natural resources under BLM authority. Plan decisions are based on a public NEPA disclosure process, usually including the development of an EIS.
- **Activity planning.** For BLM, mid-level decisions are provided in activity or implementation plans. These plans encompass more detailed management decisions than RMPs. Activity planning addresses management of specific programs and usually selects and applies best management practices (BMPs) to meet land use plan objectives. Decisions that cover major (e.g., often geographically widespread) proposals lead to coordinated activity plans that cover all programs in an integrated manner. A program-oriented activity plan such as a “habitat management plan” is another example of an activity plan. Activity plans can be assessed through either an EIS or an EA level of NEPA analysis.
- **Project decisions.** For BLM, individual projects proposed in a specific location are analyzed for localized or site-specific effects. For example, an oil and gas proposal is evaluated based on the Application for Permit to Drill (APD) process, with a NEPA document presenting impact analysis for the proposed well(s). A documented project decision allows the wells to be drilled and completed with site-specific mitigation.

As the highest level in the BLM planning process, the RMP will prescribe the allocation of and general future management direction for the resources and land uses of the BLM-administered public lands in the entire RMPPA. In turn, the RMP also guides lower tiers of the planning process; the activity plans and project- or site-specific plans.

1.3.1 Planning Issues

Planning issues are determined from demands, concerns, conflicts, or problems involving the use or management of public lands and resources. These issues are usually expressed in terms of the effects that some land and resource uses have on other land and resource uses or resource values. The following planning issues have been identified through public scoping and information gathered in analyzing the existing management situation in the RMPPA. These issues are based on the input of BLM personnel, the public, and interagency consultation.

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

Special attention is needed to address energy resource development (i.e., oil and gas, coal, solar, and wind energy) and related transportation network conflicts with other land and resource uses and values. Principal considerations include disruptive activities and human presence in big game (i.e., elk, deer, antelope, moose, and bighorn sheep) habitat, big game crucial habitat (crucial winter range and birthing areas), and other important wildlife species habitats (i.e., Greater sage-grouse, plovers, raptors, and fish) and the effects of disruptive activities on recreation values, forage uses, air quality, sensitive vegetation types, and sensitive watersheds. Areas need to be identified where surface disturbing and other disruptive activities (e.g., mineral exploration and development activities, rights-of-way construction activities) are suitable or should be restricted or avoided.

Issue 2: Special Management Designations

There are unique areas or sensitive lands and resources in the RMPPA that meet the criteria for protection and management under special management designations. There are five WSAs—Encampment River Canyon, Prospect Mountain, Bennett Mountains, Adobe Town, and Ferris Mountains. Four areas already designated as ACECs (Como Bluff, Sand Hills, Jep Canyon, and Shamrock Hills Raptor Concentration Area) contain unique resources warranting special management attention. Three of these ACECs (Como Bluff, Jep Canyon, and Shamrock Hills) are within the checkerboard land pattern. Effective management of these ACECs will be extremely difficult without full landowner cooperation, which presently does not exist. Three SRMAs (Continental Divide National Scenic Trail, North Platte River, and Shirley Mountain Caves) contain recreation values that require special management attention. Three HMAs (Adobe Town, Stewart Creek, and Lost Creek) are designated for wild horses. Three designated National Natural Landmarks (NNL) (Big Hollow, Sand Creek, and Como Bluff) containing unique landscape values require special management attention. Additional special management areas have been proposed in areas containing sensitive lands and/or resources. There are also concerns that special management area designations may result in too many restrictions on the use of public lands.

Issue 3: Resource Accessibility

Resource accessibility relates to the idea that the value or usability of some resources is enhanced by improved accessibility by the public. To be used, resources must be accessible (legally and physically) and manageable (the ability to apply constraints or requirements). Some areas in the RMPPA are isolated and difficult to access (i.e., legal and physical access) and manage. Land disposals and acquisitions (fee and easements) could provide improved access and manageability of public lands.

Issue 4: Wildland-Urban Interface

New demands are being placed on public lands because of growth in and around some cities, towns, rural developments, and subdivisions in the RMPPA. Growth has changed the way communities relate to surrounding public lands and has changed the communities' expectations. The basic problem is providing

for public land management along with increased demands for public land and resources. Principal considerations include providing for air and water quality, preventing the depletion of water resources, reducing accelerated erosion in critical watersheds, and preventing fragmentation of critical wildlife habitat. Considerations also include providing for development patterns and transportation and utility corridor planning, and demands for open space and recreational uses, land tenure adjustment, and wildland fire and fuels management.

Issue 5: Special Status Species Management

Attention is needed to address management of special status species (threatened and endangered, proposed, candidate, and sensitive plant and animal species) and the interrelationships of these species with other resource uses and activities. Principal considerations include management of species habitat to ensure continued use by these species. Areas where other resource activities may conflict with special status species and their habitat requirements need to be identified.

Issue 6: Water Quality

Federal and state requirements for addressing water quality of waterbodies located within the RMPPA will warrant additional attention as the RMP is implemented and updated. Land management decisions made by the RFO during the planning effort regarding contributing watersheds can impact water bodies listed on the State of Wyoming's list of threatened or impaired water bodies (303d list), watersheds used for municipal water supplies, and watersheds that contribute to sources of water used for agricultural, industrial, and other purposes.

Increased interest in the production of natural gas in the RMPPA, particularly from coal formations, requires BLM to consider methods to dispose of the water produced during oil and gas exploration and development. Legal changes to the status of depletions in the Colorado and Platte Drainages must be addressed in addition to rule changes for salt loading in the Colorado River Basin. In general, surface-disturbing activities from BLM-approved activities are designed to reduce non-point pollution sources throughout the RMPPA and should be addressed in relation to their impact on water quality.

Issue 7: Vegetation Management

There are conflicting demands for consumptive and nonconsumptive uses of the vegetation resources in the RMPPA. The basic problem is maintaining resource values and nonconsumptive uses while allowing for consumptive uses. Resource values include vegetative cover, watershed protection, maintenance and enhancement of riparian areas, soil stabilization, maintenance and enhancement of wildlife habitat (particularly big game crucial winter range and habitat for candidate, sensitive, proposed, or threatened and endangered wildlife and vegetation species). Vegetative consumptive uses include livestock, wildlife, and wild horse grazing; forest management; off-road vehicle use; vegetation removal by mineral development; rights-of-way construction; and surface disturbing and other disruptive activities.

Issue 8: Recreation, Cultural Resources, and Paleontological Resource Management

Certain resources and areas need protection while others need to be considered for more public and recreation uses. Off-highway vehicle use can conflict with other land and resource uses and can cause damage to resources, including wildlife and watershed values and other recreation values. Principal considerations include providing for suitable and sufficient recreation uses and facilities (both dispersed and commercial), visual resource management, off-highway vehicle road and trail designations, management of paleontological resources, and management of cultural and historical resources (of

particular concern is the need for protection of historic transportation resources such as the Overland Trail, the Cherokee Trail, and expansion era roads, and Native American respected places). The viewshed along these trails and Native American respected places are also an issue.

1.3.2 Planning Criteria

General Planning Criteria

Planning criteria are the constraints or guidelines that are developed to direct the planning effort for preparation of the Rawlins RMP draft EIS. The planning criteria serve the following purposes:

- To ensure that the planning effort is focused on the issues, follows and incorporates legal requirements, addresses management of all public land resources and land uses in the RMPPA, and that preparation is accomplished efficiently
- To identify the scope and parameters of the planning effort for the decision-maker, 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 identification of any planning issues that are not ready for decision-making and that will be addressed only through subsequent activity or implementation planning efforts or in approving public land and resource use authorizations (e.g., livestock grazing allotment management plans, wildlife habitat management plans, other coordinated activity planning, watershed management plans, processing applications for permits for mineral exploration, rights-of-way).

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 and with other agencies, governmental entities, and Native American tribes; analysis of information pertinent to the RMPPA; 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 preferred alternative for the draft EIS. The degree to which each of the planning criteria, identified below, is used in the planning process will depend on the specific resource presence, accessibility, and demand. Additional planning criteria may be identified as the planning process proceeds.

Planning Criteria for Specific Situations

Criteria for Use of Standard Mitigation Guidelines

The Wyoming BLM has developed standard and best management practices for use in determining the types and levels of mitigation needed to protect important resources from actions involving surface-disturbing and other human-presence disturbance or disruptive activities. These practices are used in the planning/NEPA process for (1) developing management options and alternatives and analyzing their impacts; and (2) as part of the planning criteria for developing the options and alternatives for determining mitigation requirements. The *Wyoming BLM Mitigation Guidelines for Surface-Disturbing and Disruptive Activities* are detailed in Appendix 1, which also contains further information on how the practices are used in the planning/NEPA process.

Criteria for the Coal Screening/Planning Process

The previously conducted coal planning/screening process including application of the coal unsuitability criteria (43 CFR 3461) will be reviewed and revised, as needed, for the planning effort. The NOI to

conduct a planning review and modification of the Great Divide RMP included a call for any available coal and other resource information for the RMPPA. The planning review and coal screening process will be consistent with the Federal Coal Management Program, policies, environmental integrity, national energy needs, and related demands. Conducting the environmental analysis and developing the EIS will serve as a mode for public input to the coal screening/planning process. The coal screening process will be conducted for the Rawlins RMP planning area to determine if existing RMP coal planning decisions are still appropriate in light of changes to the federal coal regulations and changes in resource conditions since the Great Divide RMP was approved (BLM 1990a) (see Appendix 2). After identifying areas of coal occurrence and coal with any degree of development potential in the RMPPA, the remainder of the coal screening/planning process will be conducted on those federal coal areas with development potential to determine what federal coal is acceptable for further consideration for leasing.

Note: Upon consideration of the potential for development of coal resources within the RMPPA during the 20-year life of the plan, it was determined that, with the exception of Carbon Basin, leasing of coal resources is unlikely during the 20-year planning period. Therefore, only the first two steps of the coal screening process (identification of areas with coal development potential and the application of coal unsuitability criteria) will be completed during land use planning for the RMPPA. Completion of the coal screening process will occur upon receipt of a lease-by-application.

Criteria for Hydrocarbon Potential

To aid in the planning review, criteria will be developed for leasing and development of hydrocarbon-based minerals (oil and gas). 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 RMPPA will be identified. Estimates of reasonably foreseeable oil and gas exploration and development activity will be developed from analysis of geology, past activity, and production. These estimates will be used to aid in the analysis of environmental consequences. Because they are general, these occurrence and development potential classifications and production estimates are appropriate for planning purposes, but they are not appropriate for, nor are they intended to predict, future specific activity or the specific locations of new discoveries.

Criteria for Locatable Minerals Potential

Criteria will be developed for location and development of locatable mineral entry to extract minerals such as gold, diamonds, uranium, and bentonite. Areas of high, moderate, and low occurrence and development potential will be determined to facilitate analysis of the effects that the variety of other land and resource uses and management actions would have on locatable minerals development and vice versa. This determination will be based only on a representative analysis by inference and does not imply that there may or may not be undiscovered locatable minerals of economic value in the RMPPA.

Criteria for Withdrawals and Classifications

Under sections 202(d) and 204(1) of FLPMA, any classification or withdrawal on BLM administered public land is subject to periodic review to determine whether it is serving its intended purpose and is still needed. These reviews would be initiated upon signing of the ROD. During the implementation phase the need for new withdrawals may also be identified. Where the need is identified for new withdrawals that overlap existing withdrawals that should be terminated, the new withdrawals would be put in place before terminating the old withdrawal on the same areas. The criteria for conducting these reviews in the course of the implementation phase are presented below.

For purposes of providing an adequate comparison of impacts, for the planning effort, all existing withdrawals and classifications and their segregative effects will be assumed to continue in effect in the description of the continuation of existing management direction.

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 under the jurisdiction of the Department of Defense or Bureau of Reclamation). For 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. It is anticipated that the existing withdrawals (approximately 73,000 acres), with the exception of approximately 3,205 acres of USBOR-administered withdrawn lands, would be retained throughout the life of the plan. However, a withdrawal review program would be initiated to determine if those withdrawals would be retained, revoked or modified. Thus, the planning effort will not include consideration of any planning or management decisions for either the federal land surface or federal minerals within these withdrawn areas, except for the 3,205 acres of USBOR-administered lands with withdrawals likely to be revoked during the life of the Rawlins RMP. 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 RMPPA 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 all 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 terminating old withdrawals on the same areas.

Criteria for Wilderness

There are five WSAs (Adobe Town, Ferris Mountains, Prospect Mountain, Bennett Mountains, and Encampment River Canyon) on BLM-administered public lands in the RMPPA. These WSAs were established in accordance with the requirements of Section 603(c) and 202 of FLPMA. These WSAs will continue to be managed under the Interim Management Policy for Lands Under Wilderness Review (IMP) until Congress either designates all or portions of the WSAs as wilderness or releases the lands from further wilderness consideration.

Criteria for Areas of Critical Environmental Concern

The relevance and importance criteria for ACEC designation, found in BLM Manual 1613, will be applied to BLM-administered public lands in the RMPPA to determine if any areas have the potential for ACEC designation. An ACEC designation alone does not change the allowed uses of public lands involved (FLPMA-Sec.201[a] and 43 CFR 1601.0-5a). Protective measures for ACECs are not applied or required simply because of the designation, rather, the nature of the values, resources, or natural hazards they contain are the basis for determining the appropriate types and levels of management needed. The only automatic requirement for an ACEC designation is that a “plan of operations” must be submitted for any degree of mining claim development in the area (43 CFR 3809.1-4).

Criteria for Wild and Scenic Rivers

In the course of conducting the analysis of the management situation (MSA document) for the planning effort, BLM-administered public land along waterways in the RMPPA has been reviewed, to determine the land’s eligibility and suitability to be considered for inclusion in the National Wild and Scenic Rivers System. In preparing and analyzing options and alternatives for the planning effort, interim management

prescriptions have been developed for public land waterway segments determined to be suitable for further consideration. The Encampment River, within the Encampment River WSA, was the only waterway segment determined to be suitable for further consideration (see Appendix 3).

Criteria for Wild Horses

There are three wild horse HMAs (Adobe Town, Lost Creek, and Stewart Creek) on BLM-administered public land within the RMPPA. These HMAs were established in accordance with the requirements of Section 3 of the Wild, Free-Roaming Horse and Burro Act, as amended. These HMAs will continue to be managed under existing policy and guidance that emphasizes multiple-use management.

Three Herd Areas (HA) in the RMPPA were not established as HMAs. Significant amounts of private land and lack of landowner consent to allow wild horses to occupy private property precluded consideration of these HAs as HMAs.

The current appropriate management levels (AML) for wild horses were based on a 1994 evaluation of wild horse HMAs in the RMPPA. The evaluation analyzed and interpreted extensive monitoring data collected over a number of years. It is assumed that any wild horses within the RMPPA that are above the current AMLs are “excess,” in the meaning of the Act, and are subject to removal.

Removal methods, transportation of wild horses, handling/preparation, adoption, and long-term care arrangements are beyond the scope of this analysis and will not be addressed in this planning review.

1.4 RELEVANT STATUTES, LIMITATIONS, AND GUIDELINES

The following provides a description of the authorities that apply to the selection and implementation of the management actions for the RMP. This is not an inclusive list of statutes, limitations, and guidelines. Additional laws, regulations, and policies are identified in the various appendices for specific resource programs.

1.4.1 Environmental Policy

NEPA (42 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 natural and social sciences and 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 at 40 CFR 1500.

Federal Compliance with Pollution Control Standards (Executive Order [EO] 12088) requires that federal agencies comply with applicable pollution control standards.

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.

1.4.2 Land Use and Natural Resources Management

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 establishing 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 archaeological values; for receiving fair market value for the use of the public lands and their resources; for establishing uniform procedures for any disposal, acquisition, or exchange; for protecting ACEC; for recognizing the nation's need for domestic sources of mineral, 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, Sub-chapter B.

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.

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.

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.

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.

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 all public lands; and to improve the public rangelands. Regulations for grazing permits and leases are provided in 43 CFR 4100.

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.

The Federal Noxious Weed Act of 1974, as amended (7 USC 2814), provides for establishment and funding of an undesirable plant management program, completion and implementation of cooperative agreements with state agencies, and establishment of integrated management systems to control undesirable plant species.

Executive Order (E.O.) 11987 (Exotic Organisms), signed May 24, 1977, requires federal agencies, to the extent permitted by law, to restrict the introduction of exotic species into the natural ecosystems on lands and waters owned or leased by the United States; to encourage states, local governments, and private citizens to prevent the introduction of exotic species into natural ecosystems of the United States; to restrict the importation and introduction of exotic species into any natural U.S. ecosystems as a result of activities they undertake, fund, or authorize; and to restrict the use of federal funds, programs, or

authorities to export native species for introduction into ecosystems outside the United States where they do not occur naturally.

E.O.13112 (Invasive Species), signed on February 3, 1999, prevents the introduction of invasive species and provides for their control, as well as to minimize the economic, ecological, and human health impacts that invasive species cause. Under this Executive Order, federal agencies whose actions may affect the status of invasive species shall (1) identify such actions, (2) use relevant programs and authorities to prevent, control, monitor, and research such species, and (3) not authorize, fund, or carry out actions that it believes are likely to cause or promote the introduction or spread of invasive species in the United States or elsewhere.

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.

E.O. 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.

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

1.4.3 Air Quality

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

1.4.4 Water Quality

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.

Wyoming Water Quality Regulations implement permitting and monitoring requirements for the National Pollutant Discharge Elimination System, operation of injection wells, groundwater protection requirements, prevention and response requirements for spills, and salinity standards and criteria for the Colorado River Basin.

Protection of Wetlands (E.O. 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 (E.O. 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.

1.4.5 Cultural Resources

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.

The National Historic Preservation Act of 1966, as amended (16 USC 470), expands protection of historic and archaeological properties to include those of national, state, and local significance. It also directs federal agencies to consider the effects of proposed actions on properties eligible for or included in the National Register of Historic Places.

The Archaeological Resources Protection Act of 1979, as amended (16 USC 470a, 470cc, 470ee), requires permits for the excavation or removal of federally administered archaeological 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.

The Native American Graves Protection and Repatriation Act of 1990 provides a process for federal agencies to return certain Native American cultural items (e.g., human remains, funerary objects, sacred objects, and objects of cultural patrimony) to lineal descendants and culturally affiliated Native American tribes.

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

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.

1.4.6 Hazardous Materials

The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), 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 and requires responsible parties, including federal agencies, to clean up releases of hazardous substances.

The Resource Conservation and Recovery Act (RCRA), as amended by the Federal Facility Compliance Act of 1992 (42 USC 6901–6992), authorizes the Environmental Protection Agency (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.

The Emergency Planning and Community Right-To-Know Act of 1986 (42 USC 11001–11050) requires the private sector and federal, state, local, and tribal governments 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.

1.4.7 Wildlife

The Endangered Species Act of 1973 (ESA), as amended (16 USC 1531, et seq.), directs federal agencies to ensure that their actions do not jeopardize threatened and endangered species, and that through their authority they help bring about the recovery of such species.

The Bald Eagle Protection Act of 1940 (16 USC 668), amended in 1962 to include the golden eagle, prohibits the taking or possession of and commerce in bald and golden eagles, with limited exceptions.

Fish and Wildlife Coordination Act of 1958 (16 USC 661 et seq.) provides that whenever the waters or channel of a body of water are modified by a department or agency of the United States, the department or agency first will consult with the U.S. Fish and Wildlife Service and with the head of the agency exercising administration over the wildlife resources of the state where construction will occur, with a view to the conservation of wildlife resources.

Fish and Wildlife Improvement Act of 1978 (16 USC 7421) authorizes the Secretary of the Interior and the Secretary of Commerce to assist in training of state fish and wildlife enforcement personnel, to cooperate with other federal or state agencies for enforcement of fish and wildlife laws, and to use appropriations to pay for rewards and undercover operations.

Fish and Wildlife Conservation Act of 1980, as amended, (16 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 also direct the Secretary to undertake certain activities to research and conserve migratory nongame birds.

Migratory Bird Treaty Act of 1918 (16 USC 703-711) manages and protects migratory bird species through consultation with state and local governments and protection of land and water resources necessary for the conservation of migratory birds. Under the Act, taking, killing, or possessing migratory birds is unlawful.

The Sikes Act of 1960 (16 USC 670a-670o), as amended, Public Law 86-797, 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. Public Law 93-452, signed in 1974, authorized conservation and rehabilitation programs on BLM lands. Public Law 97-396, approved in 1982, provided for the inclusion of endangered plants in conservation programs developed for BLM lands. It also defined “cooperative agreements” with states and clarified section 209 concerning purchases and contracts for property and services from states.

1.5 RELATIONSHIP WITH OTHER PLANS

BLM land use plans and amendments must be consistent with officially approved or adopted resource-related plans of Native American tribes, other federal agencies, and state and local governments to the maximum extent practical, given that BLM land use plans must also be consistent with the purposes, policies, and programs of FLPMA and other federal laws and regulations applicable to public lands (43 CFR 1610.3-2 [a]).

If these other entities do not have officially approved or adopted resource-related plans, BLM land use plans must, to the maximum extent practical, be consistent with their officially approved and adopted resource-related policies and programs. This consistency will be accomplished as long as BLM land use plans are consistent with the policies, programs, and provisions of public land laws and regulations (43 CFR 1610.3-2 [b]).

This draft EIS with its associated descriptions of planning alternatives is being distributed to other federal agencies, state and local governments, and Native American tribes for the opportunity for them to identify where specific inconsistencies may exist, and to suggest ways to resolve them.