
CHAPTER 1 PURPOSE AND NEED

The Colorado Bureau of Land Management (BLM), Little Snake Field Office (LSFO), has continued the planning process to revise the resource management plan (RMP) for public lands within its administrative boundary, which includes portions of Moffat, Routt, and Rio Blanco Counties in northwest Colorado (Map 1-1). This final environmental impact statement (Final EIS) has been prepared as part of this project.

The management of public lands and federal mineral estate administered by BLM within the LSFO boundaries (from this point forward referred to as the Little Snake RMP Planning Area [RMPPA]) is the subject of this document. Planning decisions in this document do not apply to county- or privately-owned lands. Further, lands owned by the State of Colorado and managed by the State Board of Land Commissioners or other State agencies are not covered by this plan. All of these lands are subject to all valid and existing rights, including the right of reasonable access to surface and sub-surface parcels leased for the development of the mineral interest and any other lease agreements for grazing, recreation, and other use leases such as tower sites and rights-of-way (ROW).

The LSFO has made open, public dialogue integral to this planning process to recognize the interests of a wide range of public, private, and governmental representatives in providing input for the management of the RMPPA. An independent group of open membership, the Northwest Colorado Stewardship (NWCOS), which includes representatives of many interests, met with the planning team on 29 occasions between September 2004 and April 2006 to discuss possible consensus solutions to many of the resource issues associated with the Draft RMP/EIS. BLM has agreed to participate in and provide information for these NWCOS discussions. The public process BLM is undertaking with NWCOS supplements all required public input opportunities; however, BLM has not abdicated its responsibility as the final decision maker.

1.1 BACKGROUND

In 1989, a record of decision (ROD) was signed implementing the current Little Snake RMP for management of resources and resource uses within the Little Snake RMPPA. Since the ROD was approved, the RMP has been amended four times—

- ❑ 1991—Amendment for Oil and Gas Leasing and Development
- ❑ 1996—Amendment for Black-Footed Ferret Reintroduction
- ❑ 1997—Amendment for Colorado Land Health Standards
- ❑ 2007—Amendment for Emerald Mountain Land Exchange.

Because BLM identified wilderness characteristics through an inventory of Vermillion Basin in 2001, the LSFO initiated an RMP amendment for this area; however, while exploring the option of a plan amendment, BLM identified other issues outside of Vermillion Basin related to management of oil and gas resources and travel. BLM also received input from Moffat County and several environmental organizations requesting that it revise the RMP for the entire resource area to address these issues.

NWCOS, an independent community-centered stewardship group, was established in April 2003 with the mission of fostering a working relationship among diverse interests, and empowering the affected public to provide substantial input into the decisionmaking process for federal land management. In February 2004, the LSFO sent NWCOS a proposal for the RMP revision. In March 2004, NWCOS responded and expressed its interest in participating in the revision process. In response to NWCOS' willingness to participate in the process, BLM, with assistance from the U.S. Institute for Environmental Conflict

Resolution (USIECR), developed a strategy to design ways in which NWCOS could assist BLM throughout the revision process in a collaborative manner, yet stay within the limits of existing laws and regulations.

BLM published a Notice of Intent (NOI) in the *Federal Register* on November 18, 2004 announcing its intention to prepare an RMP and associated EIS for the LSFO. Public scoping meetings were held in three cities in Colorado (Steamboat Springs, Craig, and Maybell). The public scoping period was open from publishing the NOI through January 31, 2005. More information on the scoping process is presented in Chapter 5 and in the Scoping Report for the Little Snake RMP (April 2005 [BLM 2005a]). The information submitted by citizens and groups during the scoping period helped BLM identify the issues that were addressed during this planning process.

Based on agency expertise and issues raised by the public, BLM prepared a Draft RMP/EIS with a full description of the affected environment, a reasonable range of alternatives, and an analysis of the impacts of each alternative. BLM published the Notice of Availability (NOA) for the Draft Little Snake RMP/EIS in the *Federal Register* on February 9, 2007, announcing the availability of the document for public review and comment. The U.S. Environmental Protection Agency (EPA) published its notice on February 16, initiating the 90-day public comment period, which concluded on May 16, 2007. More information on the public review of the Draft RMP/EIS, public meetings, public comment information and BLM responses is presented in Chapter 5 and Appendix Q.

During the public review of the Draft RMP/EIS, the EPA, in consultation with BLM, identified areas where additional air quality analysis would provide more information on whether the existing analysis in the Draft EIS was accurate and detailed enough. As a result, BLM released its NOI in the *Federal Register*, published December 19, 2007, to prepare an additional air quality analysis.

When the additional air quality analysis was completed, BLM published the NOA for the *Additional Air Quality Impact Assessment to Support the Little Snake Draft RMP/EIS* in the *Federal Register* on October 10, 2008. The additional air quality analysis information was released to the public for review and comment on the data and conclusions. The BLM NOA stated that public comments were to be due within 45 days of the EPA publishing their NOA of this same action. In the November 19, 2008 *Federal Register*, BLM published a Notice of Correction to the NOA for the additional air quality information. This correction noted that the EPA was not required to nor did it intend to publish such an NOA, therefore BLM extended the comment period on the supplemental air quality analysis to be within 45 days following the Notice of Correction. The public comment period on the air quality information concluded on January 5, 2009. Public comments submitted on this NOA were considered and responses prepared for inclusion in the Proposed RMP/Final EIS (Appendix R).

1.2 DESCRIPTION OF PLANNING AREA

The Little Snake RMPPA includes within its administrative boundary approximately 4.2 million acres of federal, State, county, and private lands (Map 1-2). The area is bordered on the north by the State of Wyoming, on the west by the State of Utah, on the south by the BLM White River Field Office and Routt and White River National Forests, and on the east by Routt National Forest. Of the 4.2 million surface acres within the RMPPA, approximately 1.3 million acres (32%) are administered by BLM, 41 percent is privately owned, 6 percent is owned by the State of Colorado, and 21 percent is administered by other federal agencies (Table 1-1). Additionally, approximately 1.1 million acres of the private and State lands are underlain by federally-owned minerals.

Table 1-1. LSFO-Managed Surface Ownership by County

County	Acres of County within RMPPA Boundary	Acres of Surface Ownership			
		BLM LSFO	Other Federal Agencies	State of Colorado	Private
Moffat	2,620,700	1,284,200	135,500	183,900	1,017,100
Routt	1,399,300	48,400	566,600	65,700	718,600
Rio Blanco	133,800	4,300	107,900	0	21,600
Garfield	36,300	0	36,100	0	200
Grand	30,000	0	29,800	100	100
Jackson	1,600	0	1,600	0	0
Total	4,221,700	1,336,900	877,500	249,700	1,757,600

Source: BLM Geographic Information System (GIS) Data

According to the Federal Land Policy and Management Act of 1976 (FLPMA), BLM is responsible for planning for and managing “public lands.” As defined by the act, “public lands” are those federally-owned lands and any federal interest in lands (e.g., federally-owned mineral estate) that are administered by the Secretary of the Interior through BLM. Within the RMPPA, there are intermingled land surface and subsurface ownerships, and the accompanying administrative jurisdictions for land use planning for these ownerships are also intermingled and overlapping. Because of this situation, it is important to reiterate that the Little Snake RMP will not include planning and management decisions for lands or minerals that are owned by private individuals, the State of Colorado, other federal agencies, or local governments. Because of the long history of public land management, there are numerous rights and privileges that have been established on public lands under law, regulation, or planning decisions. A few examples of these rights and privileges include land grants to the states, road ROWs, oil and gas leases, communication sites, and grazing permits. It is important to note that planning decisions in the new RMP will be subject to valid existing rights established on public lands. The RMP decisions will be applied to future decisions made by BLM.

1.3 PURPOSE AND NEED FOR THE RMP REVISION

1.3.1 Purpose

The purpose of the Little Snake RMP revision is to ensure that public lands are managed according to the principles of multiple use and sustained yield. This RMP revision will meet the mandate of FLPMA that public lands be managed according to land use plans and will follow the planning principles outlined in Section 202(c) of FLPMA (43 United States Code [U.S.C.] 1712). This will be accomplished through the establishment of desired resource conditions identified through goals and objectives, special management needs, allowable public land uses, and actions needed to achieve objectives. Comprehensive in nature, the RMP will address resource management issues identified through public, agency, and interagency scoping efforts as well as resource management according to BLM policies. Decisions in the RMP, including management actions that address the major issues identified, will guide future land management actions and subsequent site-specific implementation-level decisions. These land use plan decisions establish goals and objectives for resource management (desired outcomes) and the measures needed to achieve these goals and objectives (management actions and allowable uses).

1.3.2 Need

The Little Snake RMP that was approved in April 1989 was amended four times to address oil and gas leasing and development (1991), the black-footed ferret reintroduction (1996), the Colorado Land Health Standards (1997), and the Emerald Mountain land exchange (2007). In 2004, an additional RMP amendment to address Vermillion Basin was needed. However, after consultation with Moffat County and several environmental organizations, BLM determined that an RMP revision for the entire resource area to address other issues outside of Vermillion Basin was necessary.

An RMP is a set of comprehensive long-range decisions concerning the use and management of resources administered by BLM. In general, an RMP accomplishes two objectives—

- ❑ Provides an overview of goals, objectives, and needs associated with public lands management
- ❑ Resolves multiple use conflicts or issues associated with those requirements that drive the preparation of the RMP.

FLPMA requires that BLM “*develop, maintain, and, when appropriate, revise land use plans*” (43 U.S.C. 1712 (a)). BLM has determined it is necessary to revise the existing RMP based on a number of new issues that have arisen since preparation of the earlier RMP in 1989. A comprehensive list of issues is detailed in Section 1.5. Major issues contributing to the revision of the current RMP include the following:

- ❑ Management of lands with wilderness characteristics outside of existing WSAs
- ❑ Consideration of new data
- ❑ Management of energy and mineral resources, particularly in sensitive or unique areas
- ❑ Management of increased off-highway vehicle (OHV) use and non-motorized visitation
- ❑ Involvement of local levels of government and citizens in determining traditional and emerging uses of public land.

Other changes have occurred since the last plans were developed that could result in impacts not previously analyzed. The RMP revision will allow for updating management decisions to align with changes in federal law and BLM policies. The RMP revision is also needed to address discrepancies that have occurred because of changes in BLM policy (OHV route designation policy, consideration of areas of critical environmental concern [ACEC], Energy Policy and Conservation Act Reauthorization of 2000 [EPCA], change in listed species, etc.). The planning criteria and issues described in Section 1.5 provide constraints and ground rules that further define the need for this plan revision.

1.4 BLM PLANNING PROCESS

The revision of the Little Snake RMP was initiated under the authority of Section 202(f) of FLPMA and is subject to Section 202(c) of the National Environmental Policy Act of 1969 (NEPA). The process is guided by BLM planning regulations in Title 43 of the Code of Federal Regulations (CFR), Part 1600 (43 CFR 1600) and the Council on Environmental Quality (CEQ) regulations in 40 CFR 1500.

Development of the RMP represents the first of the two-tiered BLM planning process—the land use planning tier. As such, the RMP prescribes the allocation of and general future management direction for the resource and land uses of BLM-administered public lands in the RMPPA. In turn, the RMP guides the second tier of the planning process—the more site-specific activity or implementation planning tier and daily operations.

Land use plan decisions that are implemented upon approval of the RMP do not require any further environmental analysis or documentation until modified through a RMP amendment or revision. Whenever implementation-level plans are prepared, additional environmental analysis and documentation would be required. Individual management actions or projects requiring additional site-specific project planning, as funding becomes available, would require further environmental analysis.

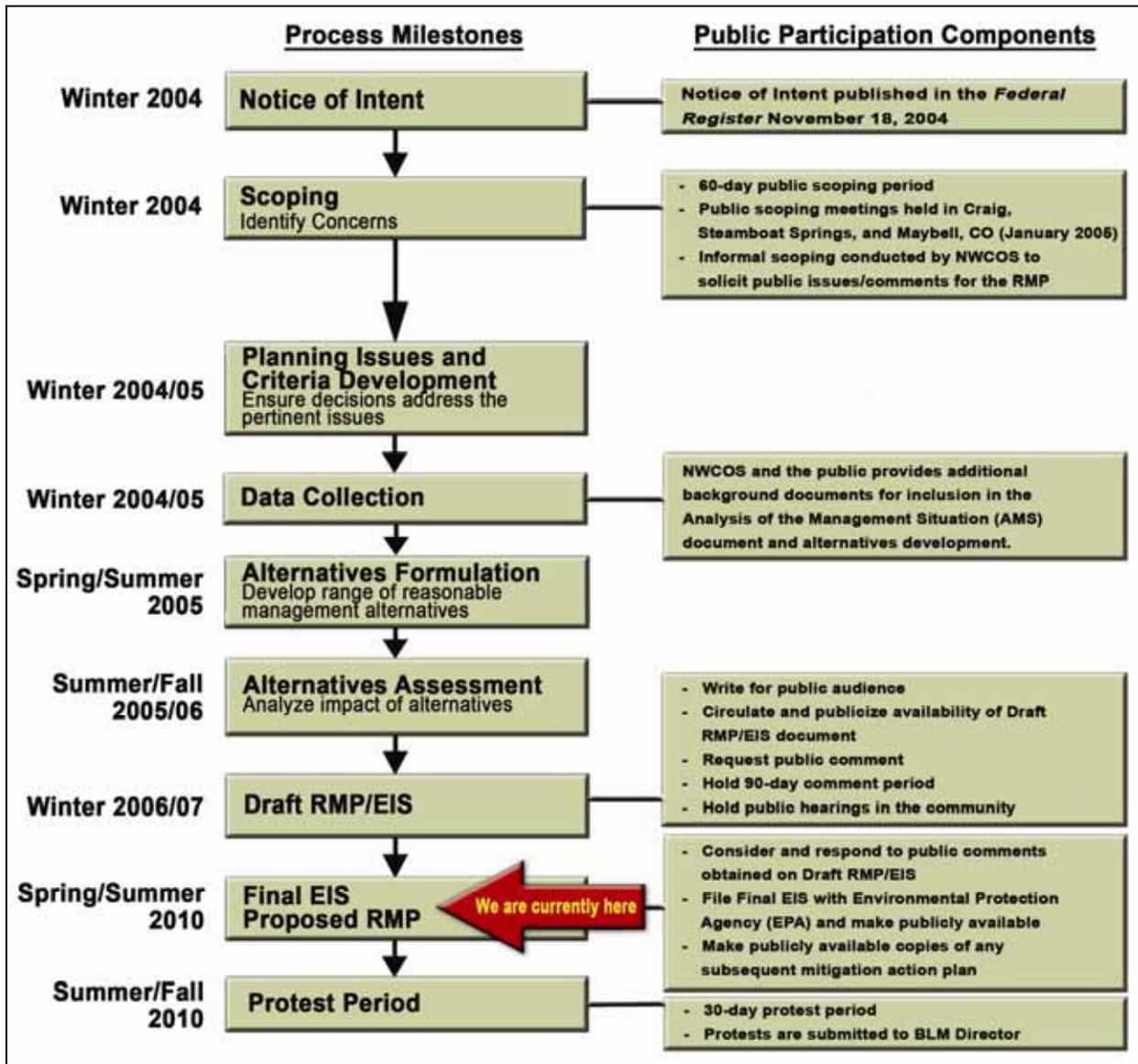
Site-specific environmental analyses and documentation (including the use of categorical exclusions and determinations of NEPA adequacy where appropriate) may be prepared for one or more individual projects in accordance with management objectives and decisions established in the approved land use plan. In addition, BLM will ensure that the environmental review process includes evaluation of all critical elements, including cultural resources and threatened and endangered species, and completes required U.S. Fish and Wildlife Service (USFWS) Section 7 consultations and coordination with the State Historic Preservation Office (SHPO).

Interdisciplinary impact analysis will be based on this RMP/EIS and other applicable EISs. If the analysis prepared for site-specific projects finds potential for significant impacts not already described in an existing EIS, another EIS or a supplement to an existing EIS may be warranted.

Upon providing public notice of a decision, supporting environmental documentation will be sent to all affected interests and made available to other publics on request. Decisions to approve implementation-level plans or to implement site-specific projects are subject to administrative review at the time such decisions are made.

BLM's multistep planning process (described in 43 CFR 1600) was used to develop this plan. Figure 1-1 presents the Little Snake RMP revision planning process, including key timeframes for the completion of the RMP.

Figure 1-1. Little Snake Planning Process



This Proposed RMP/Final EIS represents the culmination of extensive public and cooperating agency involvement. BLM conducted an iterative alternatives development process with NWCOS and cooperating agencies. NWCOS and cooperating agencies also provided input on the adequacy of the alternatives analysis relative to their knowledge of the RMPPA. In addition, the independent community group NWCOS provided recommendations to BLM on the Draft RMP/EIS.

All input received on the Draft RMP/EIS considered and incorporated, as appropriate, into this Proposed RMP/Final EIS document. Chapter 5, Consultation and Coordination, discusses the planning process in detail.

1.5 PLANNING ISSUES AND CRITERIA

1.5.1 Planning Issues

The following planning issues were identified through public and internal scoping and incorporate information from the analysis of the existing management situation in the RMPPA. Public scoping was conducted from November 18, 2004 to January 31, 2005, during which time three public open houses were held in Steamboat Springs, Craig, and Maybell, Colorado, to solicit public comment on the planning process. A total of 477 comments and issues were received during the scoping period. The Draft Analysis of the Management Situation (AMS) for the LSFO was made available for public comment in January 2005. Comments received were reviewed and incorporated, as appropriate, to develop the Final AMS, published in April 2005.

Planning issues identify demands, concerns, or conflicts regarding the use or management of public lands and resources. These issues typically express potential impacts that some land and resource values and uses have on other land and resource values and uses. They can be input from BLM, the public, government agencies, and private organizations.

Issue 1: Energy and Minerals

The RMPPA contains known deposits of coal, oil and gas, bituminous sandstone, gold, rare-earth elements, uranium, copper, lead, zinc, silver, sand, and gravel. Based on known occurrences and/or known favorable geologic relationships, the area has the potential for other considerable deposits of these commodities, as well as other mineral resources, including base and precious metals, oil shale and associated commodities, geothermal energy, zeolites, construction stone, and clays. Management of these resources, including identifying areas and conditions in which mineral development can occur, is crucial to the planning process. Issues regarding where and how mineral resources could be developed will be a principle focus of this plan.

Issue 2: Special Management Areas

Colorado conservationists have presented BLM with a Statewide Citizens' Wilderness Proposal (CWP) that includes the compilation of numerous citizen wilderness inventories and area-by-area justification for areas conservationists consider eligible for wilderness protection. Seven of these areas fall within the RMPPA (Cold Spring Mountain, Cross Mountain, Diamond Breaks, Dinosaur Adjacent [which includes six units and is also referred to as Dinosaur Wilderness Additions], Pinyon Ridge, Vermillion Basin, and Yampa River). BLM conducted an inventory of Vermillion Basin in 2001 and determined that more than 77,000 acres contained wilderness characteristics. Many of the proposed areas with wilderness characteristics also have oil and gas potential and support other uses, which could affect how BLM determines appropriate management.

BLM resource specialists conducted a Wild and Scenic River (WSR) technical analysis in 1991, in which 172 stream segments in the RMPPA were inventoried and analyzed for potential eligibility. Seven stream segments on the Yampa River and one stream segment on the Little Snake River were found to be potentially eligible. Currently, there are no river segments within the RMPPA that have been through the entire WSR review process. The WSR analysis will be completed as part of this RMP revision process.

Issue 3: Transportation and Travel Management:

BLM often connects travel management with recreation, as recreation is the primary activity associated with travel management. Recreational activities occur throughout the area and include motorized and non-

motorized vehicle touring, big and small game hunting, backpacking, horseback riding, hiking, mountain bike use, sightseeing, pleasure driving, and OHV use (which includes motorcycles, all-terrain vehicles [ATV], and full-size, four-wheel drive vehicles such as jeeps and sport utility vehicles [SUV]). Increased OHV use and non-motorized visitation over the years in areas such as Sand Wash Basin have led to increased concerns regarding resource protection and conflicting uses.

Other land management activities, such as oil and gas exploration and range management, are also associated with travel management. Use and proliferation of roads contribute to impacts to environmental values, wildlife, cultural and paleontological resources, and other values, and contribute to user conflicts over those values.

Another issue related to travel management is Revised Statute (R.S.) 2477, which states in its entirety, “*The right-of-way for the construction of highways over public lands not reserved for public uses, is hereby granted*” (Act of July 26, 1866, Chapter 262, § 8, 14 statute 251, 253 codified in 1873 as Section 2477 of Revised Statutes, recodified in 1938 as 43 U.S.C. § 932). Sec. 706 of FLPMA repealed R.S. 2477, but also stated that ROWs existing when the Act was approved are not affected; however, FLPMA did not address the procedures to be followed with respect to recognition of pre-1976 R.S. 2477 ROW. When the Department of the Interior (DOI) proposed regulations that would address recognition of such ROWs, Congress enacted a moratorium, which DOI recognized in January 1997.

On January 10, 2003 the Moffat County Commissioners identified ROW across federal lands into the county’s road system. A map of Moffat County’s assertions is provided on Map 3-41.

BLM recognizes that R.S. 2477 assertions are made by Moffat County and that many of these routes existed before 1976 on public lands that were unreserved. The authorizing authority for many of these roads may well be R.S. 2477; however, until recently the 1997 DOI policy moratorium limits BLM’s ability to process R.S. 2477 ROW claims.

On September 8, 2005, the United States Court of Appeals for the Tenth Circuit in *Southern Utah Wilderness Alliance v. Bureau of Land Management (SUWA v. BLM)*, 425 F.3d 735 (10th Cir. 2005) expressly authorized BLM to make non-binding determinations concerning the validity of R.S. 2477 claims for its own planning purposes. In *SUWA v. BLM*, the Tenth Circuit stated that BLM does not have authority to adjudicate an R.S. 2477 ROW nor can BLM impose federal rather than state law criteria when evaluating an R.S. 2477 ROW claim. The Tenth Circuit concluded that, “*Federal law governs the interpretation of R.S. 2477, but that in determining what is required for acceptance of a right-of-way under the statute, federal law ‘borrows’ from long-established principals of state law, to the extent that state law provides convenient and appropriate principals for effectuating congressional intent*” (*SUWA v. BLM*, 25 F.3d at 768).

On March 22, 2006 Interior Secretary Gale Norton issued a policy statement that, among other things, revoked the 1997 DOI policy moratorium and confirmed DOI’s recognition of the Tenth Circuit’s ruling. The March 22, 2006 DOI policy encourages communication and cooperation in the administration of R.S. 2477. It also reiterates the Tenth Circuit finding that binding determinations of R.S. 2477 rights is a judicial, not an executive function. As such, the RMP is not the venue to definitively resolve the R.S. 2477 issue. The RMP/EIS will address transportation and access issues at the land use plan level, and will disclose impacts of travel management decisions on resource uses and motorized access. Potential conflicts may exist between BLM planning decisions and R.S. 2477 assertions to different degrees in the different management alternatives. Chapter 4 provides an analysis of which R.S. 2477 assertions would not be available for vehicle use under each alternative, unless later recognized as valid existing ROW. The RMP/EIS does not constitute a non-binding determination.

The LSFO has assured the Moffat County Commissioners that the RMP/EIS will acknowledge the existence of the R.S. 2477 assertions, and that the RMP/EIS decisions are subject to valid existing rights. Judicial recognition of a valid R.S. 2477 right of way allows the public certain rights of use. However, land managers may take reasonable measures to ensure that the use of roads within federal land does not violate the federal landowners' duty to protect the surrounding and underlying lands, even if the roads are valid ROWs. Public use carries the potential to lead to additional impacts, however these impacts cannot be reasonably foreseen absent judicial recognition of the existence and scope of a specific right of way. Route-specific transportation planning is not part of this RMP but will take place subsequent to the signing of the ROD. Close cooperation with Moffat County during transportation planning will be required to address any specific issues that might arise. Discussions will focus on resolving issues about individual routes in the RMPPA.

Issue 4: Wildlife

Public lands within the RMPPA provide habitat for a variety of wildlife species. Special management attention might be needed to restore, maintain, or enhance priority species and their habitats. Public land uses such as recreation, grazing, motorized vehicle use, commercial forestry, oil and gas development, and mining, if not properly managed, have the potential to unacceptably affect wildlife populations and habitat. Integrating habitat management with other resource programs requires careful planning to minimize impacts on wildlife species and their habitats, while still providing for other uses on the public lands. Special attention will be given to many species, including but not limited to big game, white-tailed prairie dog, black-footed ferret, Canadian lynx, Greater sage-grouse, raptors, migratory birds, and native fish.

Issue 5: Socioeconomic Values

People value northwest Colorado for a variety of reasons, such as it is a source of livelihood, has scenic qualities and open spaces, and is a place to recreate. Local levels of government and citizens have and will continue to provide input on an array of issues regarding both traditional and emerging uses of public land and their potential social and economic effects on local communities and values. This RMP will describe the social and economic values associated with public lands in the area and the potential impact of planning decisions on them.

Issue 6: Lands and Realty

BLM regularly receives ROW applications for pipelines, roads, legal access, and communication sites. This plan will provide some direction for these uses.

BLM is interested in consolidating its lands to benefit public access, use, and resource management. The planning process will include developing guidance for how and when BLM may consider sale or exchange of public land.

BLM also anticipates an increasing need to consider the sale or exchange of mineral rights, particularly for split-estate lands, to simplify land management and mineral leasing throughout the RMPPA. BLM has seen a steady annual increase in mineral leases over the past several years and since the last RMP decision document; however, the 1989 RMP does not contain language for the sale or exchange of mineral rights.

1.5.2 Planning Criteria

Planning criteria are the constraints, conditions, and guidelines for conducting the BLM planning process. Planning criteria are based on standards prescribed by laws and regulations; guidance provided by the

BLM Colorado State Director, input from the public, and government and tribal agency consultation and coordination; analysis of information relevant to the RMPPA; and professional judgment. The following general planning criteria were developed to guide planning, development of management alternatives, impacts analysis, and selection of the Little Snake RMP. Additional planning criteria may be identified throughout the planning process.

The currently identified planning criteria include the following:

- ❑ The Little Snake RMP will be completed in compliance with the FLPMA (43 U.S.C. 1701 et seq.).
- ❑ The planning process will include an EIS that will comply with NEPA standards.
- ❑ Planning work will be completed on time and on budget.
- ❑ The collaborative effort will be focused to allow the collaborators to understand how they make a difference and within a timeframe that is reasonable and achievable.
- ❑ A strategy will be provided for reaching desired conditions and outcomes and meeting objectives.
- ❑ The Little Snake RMP will recognize valid existing rights.
- ❑ The Little Snake RMP will recognize the specific niche that federal lands provide both to the nation and to the surrounding community. A successful plan will be one that is responsive to both national and local needs.
- ❑ Public participation will be encouraged throughout the process as per the Public Participation Plan. BLM will collaborate and build relationships with tribes, State and local governments, federal agencies, local stakeholders, and others in the community who might be affected by the plan. Collaborators will be regularly informed and offered timely and meaningful opportunities to participate in the planning process. The NWCOS will participate in the collaborative process to contribute to finding a common vision and strategy for the Little Snake RMP.
- ❑ Decisions in the Little Snake RMP will strive to be compatible with the existing plans and policies of adjacent local, State, and federal agencies, provided the decisions comply with federal laws and regulations that direct resource management on the public lands.
- ❑ Road and trail access guidance (and OHV management) will be incorporated into the Little Snake RMP to ensure public and resource needs are met. At a minimum, the Little Snake RMP will divide the RMPPA into OHV area designations that are open, limited, or closed. The Little Snake RMP will include a map of area designations and address travel over snow. Specific criteria and definitions for open, limited, and closed designations can be found in 43 CFR 8340.0-5 (f), (g) and (h). Additional criteria are provided by existing law, proclamation, Executive Order, regulation, or policy.
- ❑ EPCA inventory results will be integrated into land use planning and energy use authorizations.
- ❑ Environmental protection and energy production are both desirable and necessary objectives of sound land management practices and are not to be considered mutually exclusive priorities.
- ❑ For all stipulations developed in new land use plans, and to further improve consistency and understanding of lease stipulations, BLM will use the Uniform Format for Oil and Gas Lease Stipulations prepared by the Rocky Mountain Regional Coordinating Committee in March 1989. Lease stipulations will be reviewed for consistency with neighboring BLM Field Offices and States, and where there are discrepancies, efforts will be undertaken to achieve consistency or to explain any differences.
- ❑ The Little Snake RMP will take into consideration the lifestyles and concerns of area residents.
- ❑ A qualified organization or individual will prepare a socioeconomic assessment of the RMPPA that will identify, analyze, and review the social and economic considerations of the Little Snake RMP. BLM will also facilitate community discussions on resolving community issues generated by agency land use plans.
- ❑ The Little Snake RMP will incorporate the Colorado Rangeland Health Standards and Guidelines. It will include a strategy for ensuring that proper grazing practices are followed. Grazing will be managed to maintain or improve the health of the public lands by incorporating conditions to enhance resource conditions into permitted operations.

- ❑ The Little Snake RMP will contain an adaptive framework that incorporates regular monitoring and evaluation to adjust management within the direction of the existing plan, or when that is not possible, with a focused plan amendment process.
- ❑ The Little Snake RMP will have realistic desired conditions and achievable objectives consistent with likely budgets and the design criteria.
- ❑ Lands with wilderness characteristics would be managed to protect and/or preserve some or all of those characteristics. This could include protecting certain lands in their natural condition and/or providing opportunities for solitude or primitive and unconfined types of recreation.
- ❑ The Little Snake RMP will determine when management of a Special Recreation Management Area (SRMA) is justified, considering the following: (a) public desires for specific recreation products (e.g., essential service delivery systems; essential setting characteristics; experience/benefit and activity outcome opportunities; and negative outcomes to be avoided), (b) identified visitor and/or resident customer segments that are significant enough to justify investments in facilities and/or visitor assistance required to produce them, and (c) the Field Office manager positively determines that BLM and its cooperating business/local government partners can sustainably deliver the services required to produce those products. Other areas of the RMPPA where public demands are only for visitor and/or recreation resource stewardship of recreation/tourism activities or to address identified care-taking issues would be managed as an Extensive Recreation Management Area (ERMA).
- ❑ The Little Snake RMP will take into consideration the prehistoric and historic heritage of the region, while recognizing these resources are of value to local and national interests.
- ❑ The Little Snake RMP will identify existing and potential corridors (potential corridors include existing ROWs that can be considered for additional facilities, and thus be considered a corridor if not already so designated).
- ❑ The Little Snake RMP will identify existing and potential ROW development sites such as energy development areas (e.g., wind energy sites) and communication sites.
- ❑ The Little Snake RMP will describe likely development of potential corridors and other ROW sites as a basis for impact assessment.

1.6 RELEVANT STATUTES, LIMITATIONS, AND GUIDELINES

The following section provides a general description of certain major federal authorities that apply to the selection and implementation of the management actions for the Little Snake RMP. Readers are referred to the authorities cited for definitive information on their scope and provisions.

1.6.1 Environmental Policy

NEPA (42 U.S.C. 4321, et seq.) requires the preparation of EISs for federal projects that could have a significant effect on the environment. An EIS requires systematic, interdisciplinary planning to ensure the natural and social sciences, and the environmental design arts are incorporated into the decisionmaking for 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.

The Endangered Species Act of 1973 (ESA), as amended (16 U.S.C. 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.

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

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

1.6.2 Land Use and Natural Resources Management

FLPMA, as amended (43 U.S.C. 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 archaeological values; preserving and protecting certain public lands in their natural conditions; providing food and habitat for fish and wildlife and domestic animals; providing for outdoor recreation and human occupancy and use, for receipt of 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 State 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.

The General Mining Law of 1872, as amended (30 U.S.C. 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 U.S.C. 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 owned by the United States containing such deposits, 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 U.S.C. 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 U.S.C. 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 U.S.C. 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.

The Public Rangelands Improvement Act of 1978 (43 U.S.C. 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 U.S.C. 2814), provides for the designation of a lead office and a person trained in the management of undesirable plants, 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.

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.

Executive Order 12548 provides for the 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 U.S.C. 1131, et seq.) provides for the designation and preservation of wilderness areas.

1.6.3 Public and Local Government Involvement

The Administrative Procedure Act (APA), 5 U.S.C. §553, requires notice and comment of proposed regulations.

The Intergovernmental Cooperation Act, 3 U.S.C. §301, 42 U.S.C. §4231(a), provides that federal agencies are to coordinate programs and plans with State and local governments. See Executive Order 12372 (July 14, 1982).

CFR, 40 CFR Sec. 1508.5 states, “A State or local agency of similar qualifications or, when the effects are on a reservation, and Indian Tribe, may by agreement with the lead agency become a cooperating agency.”

FLPMA, 43 U.S.C. §1701, et seq., states, “The Secretary shall allow an opportunity for public involvement and by regulation shall establish procedures, including public hearings where appropriate, to give federal, State and local governments and the public adequate notice and opportunity to comment upon and participate in the formulation of plans and programs relating to the management of the public lands.” 43 U.S.C. §1712(f).

FLPMA also requires coordination with local government, in addition to public involvement by regulation, for development of land use plans, guidance, and revision or amendment of plans. 43 CFR §1610.3.

Finally, FLPMA specifies that, “In exercising his authorities under this Act, the Secretary by regulation shall establish procedures, including public hearings where appropriate, to give the federal, State, and local governments and the public adequate notice and an opportunity to comment upon the formulation of standards and criteria for, and to participate in, the preparation and execution of plans and programs for, and the management of, the public lands.” 43 U.S.C. §1739(e).

1.6.4 Air Quality

The Clean Air Act of 1990, as amended (42 U.S.C. 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.

The State of Colorado Ambient Air Quality Standards (March 2005) specify the requirements for air permitting and monitoring to implement Clean Air Act and State ambient air quality standards.

1.6.5 Water Quality

The Clean Water Act of 1987, as amended (33 U.S.C. 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.

Colorado 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 (Executive Order 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 (Executive Order 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.

1.6.6 Cultural and Heritage Resources

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, 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 archaeological sites and the gathering of objects of antiquity on lands owned or controlled by the United States.

The Historic Sites Act (16 U.S.C. 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).

The National Historic Preservation Act of 1966 (NHPA), as amended (16 U.S.C. 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 SHPO, tribal government, local government, and sometimes with the Advisory Council on Historic Preservation concerning those effects. The SHPO is also consulted concerning applicable methods for determining whether or not there are NRHP-eligible properties in the area of potential effect of an agency undertaking, whether properties are eligible, and if mitigation measures are appropriate. The NHPA (in Section 110) also requires federal agencies to identify properties that could qualify for listing on the NRHP, to nominate such places to the register and to develop plans for their management. Furthermore, both Section 110 and the Archeological Resources Protection Act of 1979 (ARPA) require federal agencies to develop proactive programs to interpret archeological resources for the benefit of the public.

ARPA, as amended (16 U.S.C. 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 American Indian Religious Freedom Act (AIRFA) 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. AIRFA, passed in 1978, acknowledges prior infringement on the right of freedom of religion for Native Americans from other federal laws. Furthermore, it states in federal policy that laws passed for other purposes were not meant to restrict the rights of Native Americans. 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.

The Native American Graves Protection and Repatriation Act of 1990 (NAGPRA), updated in 2003 provides a process for museums and federal agencies to return certain Native American cultural items—human remains, funerary objects, sacred objects, or objects of cultural patrimony to lineal descendants, and culturally affiliated Indian tribes and Native Hawaiian organizations. NAGPRA includes provisions for unclaimed and culturally unidentifiable Native American cultural items on federal and tribal lands, and penalties for noncompliance and illegal trafficking. NAGPRA also authorizes federal grants to Indian tribes, Native Hawaiian organizations, and museums to assist in the documentation and repatriation of Native American cultural items and establishes a review committee to monitor the NAGPRA process and facilitate the resolution of disputes that may arise.

Indian Sacred Sites (Executive Order 13007 of May 24, 1996) mandates that each executive branch agency with statutory or administrative responsibility for the management of federal lands shall, to the extent practicable, permitted by law, and not clearly inconsistent with essential agency functions (1) accommodate access to and ceremonial use of Indian sacred sites by Indian religious practitioners and (2) avoid adversely affecting the physical integrity of such sacred sites. Where appropriate, agencies shall maintain the confidentiality of sacred sites. The procedures established to implement these provisions must be communicated to the Assistant to the President for Domestic Policy. Agencies must also ensure reasonable notice is provided of proposed actions or land management policies that may restrict future access to or ceremonial use of, or adversely affect the physical integrity of, sacred sites.

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 NRHP and to ensure that their plans and programs contribute to preservation and enhancement of non-federally-owned resources.

The National Trails System Act of 1968, as amended (16 U.S.C. 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 Act includes the establishment of National Historic Trails. 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.

Cultural and heritage resources would be managed according to existing legislation, regulations, executive orders, and BLM policy. Two sets of documents provide the majority of guidance on how to apply the laws and regulations, as well as contain specific direction for cultural resources management activities on BLM lands in the LSFO. The first, the April 1998 *State Protocol Agreement Between the Colorado State Director of the BLM and the Colorado SHPO Regarding the Manner in Which the BLM Will Meet its Responsibilities Under the NHPA and the National Programmatic Agreement (NPA) Among the BLM, the Advisory Council on Historic Preservation, and the National Conference of State Historic Preservation Officers* (Colorado Protocol) supplements the NPA and describes how the Colorado SHPO and BLM will interact, thereby improving the management of cultural resources on BLM lands in Colorado and those that might be affected by BLM's actions. An addendum to the Colorado Protocol was added in October 2006, identifying Section 106 requirements for comprehensive travel and transportation management planning, including the identification of areas of potential effect and inventory requirements for such actions.

The second set of documents is BLM's 8100 series manual sections (8100, 8110, 8120, 8130, 8140, 8150, 8160 and 8170). This manual series provides information, guidance and directions for managing cultural resources, including the following:

- ❑ Identifying and evaluating cultural resources, and allocating cultural resources to uses (8110)
- ❑ Consultation responsibilities regarding cultural, historical, and religious concerns of American Indians (8120)
- ❑ The level of information and kinds of management decisions needed in land use plans that pertain to cultural resources (8130)
- ❑ Protecting cultural resources from deterioration and inadvertent adverse effects, for controlling unauthorized uses of cultural resources, and recovering significant cultural resource data (8140)
- ❑ Specific procedural direction on authorizing the use of cultural resources and administering permits and products of permitted work (8150)
- ❑ Preserving museum collections (8160)
- ❑ General direction for public outreach and interpretation related to cultural resources (8170).

1.6.7 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 U.S.C. 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.

The Resource Conservation and Recovery Act (RCRA), as amended by the Federal Facility Compliance Act of 1992 (42 U.S.C. 6901–6992), authorizes the 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 U.S.C. 11001–11050) requires the private sector to inventory chemicals and chemical products, report those in excess of threshold planning quantities, inventory emergency response equipment, provide annual reports and support to local and State emergency response organizations, and maintain a liaison with the local and State emergency response organizations and the public.

1.7 SUMMARY OF CHANGES BETWEEN THE DRAFT RMP/EIS AND THE PROPOSED RMP/FINAL EIS

Text added between the Draft RMP/EIS and the Proposed RMP/Final EIS is shaded in light gray.

Due to review of public comments, coordination with cooperating agencies, and internal reviews of the Draft RMP/EIS, BLM has made several revisions to this Proposed RMP/Final EIS. This section summarizes the major revisions and updates from the Draft RMP/EIS, organized by chapter/section. This list is not exhaustive, and does not include minor, editorial word changes. For those the reader is encouraged to review each chapter for text shaded with light gray.

Colorado Division of Wildlife (CDOW), a department within Colorado Department of Natural Resources (DNR), submitted a comment letter during the public comment period. In this letter, CDOW cited new studies and analyses which had surfaced between the time the alternatives in the Draft RMP/EIS were developed and the Draft RMP/EIS was released. These items included Dave Naugle's research on greater sage-grouse in the Powder River Basin in Wyoming (Doherty et al. 2008 and Walker et al. 2007) and development of the Colorado Greater Sage-Grouse Conservation Plan and the Northwest Colorado Greater Sage-Grouse Conservation Plan.

In order to determine whether this new information was "significant," which would require BLM to prepare a Supplemental EIS before incorporating this new information into the Proposed RMP/Final EIS, BLM convened a panel of agency wildlife biologists with extensive knowledge of greater sage-grouse. The panel focused on 3 questions:

- ❑ Do the new studies and analyses show that the actions in the alternatives will affect the human environment in a significant manner or to a significant extent not already considered in the Little Snake Draft RMP/EIS?
- ❑ Do the studies invalidate any conclusions or proposed management actions in the Little Snake Draft RMP/EIS?
- ❑ Does BLM sufficiently illustrate in the Draft RMP/EIS that they understand the potential impacts to sage grouse from oil and gas development? Do the new studies change this understanding significantly?

In answering the first question, the panel concluded that the studies do not show that the actions in Draft RMP/EIS would affect the human environment to a significant extent not already considered in the NEPA document. They determined that the concepts presented in this new information are reflected in Environmental Consequences chapter of the Draft RMP/EIS.

Regarding the second question, the panel concluded that the studies did not invalidate any conclusions in the Draft RMP/EIS to a significant extent. Although the panel thought that the new information does not call into question the analysis in the Draft RMP/EIS to a significant extent, they still believed portions of the Draft RMP/EIS pertaining to greater sage-grouse could be improved. They thought that the new studies could inform the analysis in the Proposed RMP/Final EIS and that BLM could better flesh out conclusions of the impact analysis based on this new body of knowledge.

The panel addressed the third question and concluded that the concepts presented in this new information are reflected in the goals, management actions, and mitigation measures in the Draft RMP/EIS. The panel felt that the current analysis in the Draft RMP/EIS sufficiently disclosed impacts to greater sage-grouse and their habitats and that the basic premise of the Naugle papers were understood by BLM.

Based on the panel's answers to the three questions and their conclusion that the new information does not affect the environment to a significant extent not already considered, BLM is able to include this new information in the Proposed RMP/EIS without issuing a Supplemental EIS. The new information led BLM to change several aspects pertaining to management of sage-grouse habitat in the Proposed RMP/Final EIS. These changes are discussed below.

1.7.1 General Changes:

- ❑ The Abstract and Executive Summary were updated to reflect the Proposed RMP.
- ❑ Text was updated to reflect the published Draft RMP/EIS.
- ❑ All acres and maps were reviewed and revised as necessary to capture any revisions to management, as described and contained in Chapter 2.
- ❑ All acres and maps were reviewed and revised as necessary to reflect the effects of the Emerald Mountain land exchange that was completed between the Draft RMP/EIS and this Proposed RMP/Final EIS.
- ❑ All acres and maps associated with management of minerals (i.e., oil and gas, locatables, common variety/mineral materials, coal, and nonenergy leasable minerals) were revised to reflect application of stipulations on a combination of BLM surface estate and BLM mineral estate (maps only included mineral estate in the Draft RMP/EIS). In areas where BLM manages the surface estate but not the mineral estate, BLM would work with the mineral estate owners to include BLM surface stipulations on mineral exploration and/or develop activities, if possible.

1.7.2 Changes to Chapter 1:

- ❑ Added a summary of this planning process to the Background section
- ❑ Updated the Little Snake Planning Process graphic
- ❑ Added text to describe the Colorado Protocol and the BLM 8100 manual series and their cultural resources management direction
- ❑ Added a summary of the changes between the Draft RMP/EIS and the Proposed RMP/Final EIS.

1.7.3 Changes to Chapter 2:

- ❑ Light gray shading in Chapter 2 has only been applied to text and decisions that are conceptually new to the Proposed RMP/Final EIS, building on the concepts that were analyzed in the Draft RMP/EIS and public comments on that document. Revisions made to clarify decisions that were already in the Draft RMP/EIS or revisions to correct management inconsistencies that were identified in the Draft RMP/EIS were not shaded gray, as the decision(s) in question were contained in the Draft RMP/EIS and any revision in the Proposed RMP/Final EIS are for clarification purposes only.
- ❑ Text was added to explain the process of adjusting the Preferred Alternative (Alternative C in the Draft RMP/EIS) to become the Proposed RMP (Alternative C in the Proposed RMP/Final EIS).
- ❑ Some management decisions from the existing RMP were not included in Alternative A (No Action Alternative) or were incorrectly ascribed to the existing RMP where no such management existed. The omissions were added and the errors were corrected.
- ❑ The Proposed RMP management for Improving and Maintaining Sagebrush Habitat Functionality by Limiting Fragmentation was revised. The revised management action applies to sagebrush habitat categorized as medium and high priority. Management for the categories includes ceilings of 5 percent and 1 percent for medium and high priority habitats, respectively, for surface disturbance associated with oil and gas exploration and development. Additionally, developments in each of these priority areas would be required to prepare a Plan of Development that illustrates a strategy to leave large blocks of undisturbed habitat. While this exact compilation of actions was not analyzed in the Draft RMP/EIS, it is not a significant change for the following reasons:

- The Draft RMP/EIS did consider a 1 percent surface disturbance threshold and its impacts to oil and gas leasing and development as well as to wildlife and other values. The public had an opportunity to review and comment on such a management technique and its impacts. Therefore, the use of the 1 percent surface disturbance threshold is not a new management technique to the Proposed RMP/Final EIS and not a significant change.
 - Similarly, the Draft RMP/EIS Alternative C (Preferred Alternative) considered a 5 percent surface disturbance threshold for sagebrush habitat within the RMPPA. Through working with CDOW, the prioritization of sagebrush habitat has been revised, and the exact same stipulation was applied to the medium priority sagebrush habitat. However, the concept of and impacts from the 5 percent surface disturbance threshold on sagebrush habitat were specifically considered in Alternative C (Preferred Alternative) of the Draft RMP/EIS. Therefore, public has had an opportunity to review and comment on this management technique and its impacts to oil and gas development and wildlife resources. Therefore, use of a 5 percent surface disturbance threshold to protect sagebrush habitat is not new to the Proposed RMP/Final EIS and not a significant change.
 - The impacts of the 1 percent surface disturbance threshold decision would be less substantial than those which were described in Alternative D of the Draft RMP/EIS. Limitations on oil and gas leasing and development in Alternative D of the Draft RMP/EIS included 275,630 acres of closures to leasing and 459,940 acres of No Surface Occupancy (NSO). The majority of the acres with NSO stipulations in Alternative D of the Draft RMP/EIS and the majority of the area in the medium and high priority sagebrush habitats both have a high potential for oil and gas occurrence.
 - Less than 3 percent of the federal mineral estate with a high occurrence potential for oil and gas would be subject to the mandatory 1 percent disturbance threshold; therefore, this stipulation will not be a major effect on oil and gas development in the RMPPA. As noted in Chapter 2 of the Proposed RMP/Final EIS, the revised Alternative C (Proposed RMP) management for Improving and Maintaining Sagebrush Habitat Functionality by Limiting Fragmentation would only be mandatory for new leases. There are existing oil and gas leases on approximately 88 percent of the high priority sagebrush habitat that is also in areas of high oil and gas occurrence. Areas with existing leases could opt into the program, or could continue under the conditions associated with their valid existing leases. Even if all the remaining unleased acres of high priority sagebrush habitat with a high occurrence potential for oil and gas were leased immediately following the completion of the RMP, which is extremely unlikely (approximately 4,040 of these type of acres were nominated in the May 2008 oil and gas lease sale and zero acres were nominated in the February 2008 sale), only 53,125 acres with a high occurrence potential, out of 1.9 million acres of federal mineral estate in the RMPPA (less than 3%), would be subject to the 1 percent disturbance threshold stipulation.
 - The mandatory 1 percent and 5 percent surface disturbance threshold decisions would appear on leases as a Controlled Surface Use (CSU) stipulation. As a result, the total extent of CSU stipulations is greater under the Proposed RMP/Final EIS (see Map 2-15: Oil and Gas Leasing and Development Restrictions - Alternative C) than under the Preferred Alternative. However, even though the acres of CSU increased in the Proposed RMP/Final EIS Alternative C (Proposed RMP), the 1 percent and 5 percent restrictions and the impacts of these stipulations were already considered in the Draft RMP/EIS, as described above.
- Language was added to the Proposed RMP for greater sage-grouse management that addresses monitoring and BLM's response to Management Zones or populations in a downward trend.
- The NSO area for greater sage-grouse under Alternative C (Proposed RMP) was increased from 0.25 miles to 0.6 miles. This is the same size area as was considered in Alternative D of the Draft RMP/EIS, so this revision is within the existing range of alternatives. A literature review of the NSO associated with sage-grouse leks, referred to as a cruising radius, turned up many studies related to male dispersal during breeding season. For example, Wallestad and Schladweiler (1974) found daily movements ranged between 0.2 and 0.8 miles from leks, with a maximum cruising radius of 0.9 to 1.2

miles. Ellis et al. (1987) reported that dispersal flights of male Greater Sage-grouse (to day-use areas) ranged from 0.3 – 0.5 miles, with the longest flights ranging from 1.2 – 1.3 miles. Rothenmaier (1979) found that 60-80 percent of male Greater Sage-grouse locations were within 0.6-0.7 miles of a lek. In addition, Schoenberg (1982) found that male daily movements averaged 0.6 miles, but ranged from 0.02-1.5 miles. Given the fact that the 0.25 mile NSO was never based on science, a literature review of this issue resulted in a strong case to increase the NSO to 0.6 miles. Additionally, the local sage grouse plan contains language regarding limiting surface disturbing activities within 0.6 miles, and the CDOW statewide plan advocates a 0.6 mile NSO.

- ❑ Language was added to clarify management of cultural resources in the Sand Wash Basin open OHV area.
- ❑ Management for some areas (e.g., ACECs, SRMAs, WSRs, lands with wilderness characteristics outside existing WSAs) was revised in the Proposed RMP to remove inconsistent management approaches to similar resources. The new restrictions were already considered in Alternative D, and are therefore within the range of alternatives.
- ❑ Language addressing monitoring was added to the existing Vermillion Basin management (lands with wilderness characteristics outside existing WSAs).
- ❑ Decisions for Vermillion Basin under Alternative C (Proposed RMP) were revised to manage the area for wilderness characteristics, including closing it to oil and gas leasing, making it an ROW exclusion area, designating it VRM Class II, and proposing it for withdrawal from mineral location. These components were all considered in Alternative D of the Draft RMP/EIS, so these revisions are within the existing range of alternatives. The 1 percent surface disturbance threshold for oil and gas within Vermillion Basin was moved to Alternative B for continued consideration in the Proposed RMP/Final EIS.
- ❑ NSO stipulations were added to CDOW State Wildlife Areas under Alternative D. These are very small in scope compared to the NSOs already analyzed in Alternative D, would not shift or prohibit uses and would not significantly affect the impact analysis.
- ❑ CSU stipulations were added to the viewshed of Thornburgh/Battle of Milk Creek under the Proposed RMP (Alternative C) and Alternative D. This area is small in scope when compared to the other CSU areas already analyzed in Alternatives C and D. It would not shift or prohibit uses, and would not significantly affect the impact analysis.
- ❑ Language was added to clarify management of oil shale leasing.
- ❑ The table identifying areas closed to coal leasing was removed. It was removed to reduce the confusion of showing many areas as closed to coal that were not within the coal RMPPA, where the closed acres were calculated. The removal of the table did not effect the actual prescriptions identifying areas as closed to coal.
- ❑ There was a land exchange between the Draft RMP/EIS and the Proposed RMP/Final EIS in which BLM obtained the Emerald Mountain area and identified it as a SRMA. The alternatives were revised to include the results of this action.
- ❑ Management actions for disposal or abandonment of game carcasses was added to Alternative C (Proposed RMP).
- ❑ Factors for consideration when permitting commercial forest harvest were added to Alternative C (Proposed RMP), as were areas where personal use firewood gathering and Christmas tree harvest would not be permitted.
- ❑ Language as added to the Transportation and Access section clarifying the future decision-making process for roads and trails.
- ❑ Management addressing driving off of designated roads for camping, firewood collecting, and picnicking was added to Alternative C (Proposed RMP).
- ❑ The table identifying OHV seasonal closures was removed, as the entire table consisted of one row. It was easier to show that item in the text than to have an entire table to reiterate the seasonal closure.
- ❑ Management for over-the-snow vehicles was revised. This was made its own header, and management for Alternative C (Proposed RMP) was revised to reduce the number of areas closed to

over-the-snow vehicles. The reduction is within the range of alternatives already considered in the Draft RMP/EIS. Additionally, the table showing areas closed to over-the-snow vehicles was removed as the revisions to Alternative C resulted in most of the closed areas existing in only one alternative. It was determined this was easier to display without the table.

- No ground disturbance (NGD), site specific removal (SSR), and blanket timing stipulations that applied to all land uses were removed from Alternative C (Proposed RMP). The reason BLM included surface disturbance restrictions in the Draft RMP/EIS was to be consistent between oil and gas and other uses. This still remains the intent of BLM and removing this decision in the land use plan does not affect BLM's ability to apply restrictions consistently for different uses. BLM can still be consistent at the implementation-level, where it is easier to address actions on a case-by-case basis. BLM has all the authority it needs to protect surface resources with project-level NEPA and planning. Therefore, there is no need for an RMP-level decision. The blanket surface disturbance restrictions in the Draft RMP/EIS created several unforeseen conflicts. Some reasons for the change include inconsistency between use restrictions, surface disturbance restrictions are confusing and undefined, they reduce flexibility needed to address resource concerns, they are unneeded, and not all uses are the same. NGD restrictions conflict with other restrictions. NGD designations were in conflict with ROW restrictions and surface coal mining restrictions. It was unclear what actions qualify as a "permitted surface disturbing activity." Would this include actions such as re-seeding after a wildfire? What about a sage grouse guzzler? BLM determined this ambiguity could lead to confusion and litigation. Depending on how permitted surface disturbing activities were defined, these restrictions could severely limit BLM's flexibility in addressing resource needs. Umbrella surface disturbance restrictions are unneeded because BLM already has restrictions for oil and gas, coal, nonenergy leasables, realty actions, OHVs, and visual resources. Finally, although permitted surface disturbing activities may all disturb the surface in some way, the effects are not the same. Impacts have different scope, intensity, and duration. Alternative A in the Draft RMP/EIS did not contain umbrella surface disturbance restrictions. Therefore, this decision lies with the range of alternatives.

1.7.4 Changes to Chapter 3:

- Since completion of the Draft RMP/EIS several landscape assessments have been completed. This updated information was incorporated where appropriate into Chapter 3.
- Information on global climate change was added.
- Changes were made to the socioeconomic section to update the information presented.
- Several minor revisions in language and acres/numbers were made (see light gray shaded text).

1.7.5 Changes to Chapter 4:

- The impact analysis was revised to analyze the changes that were made in Chapter 2.
- Acreages were updated as described above.
- Analysis on global climate change has been added.
- Impact analysis for the greater sage-grouse was separated as a subsection in the Special Status Species section to easier tracking of impacts between alternatives. The detail of the analysis for greater sage-grouse was also increased based on requests from public comments.
- Expanded upon the discussion of impacts to water rights and future water projects from possible WSR designation.
- The detail of the analysis for the Vermillion Basin was increased in the "Impacts to Lands with Wilderness Characteristics" based on public comments and internal review.
- The detail of the analysis for ACECs was increased based on public comments and internal review to better show the impacts of designation and/or from the lack of designation.
- Impacts analysis for Alternative C (Proposed RMP) were made to reflect the revisions to Chapter 2 described above.

- ❑ Changes were made to the socioeconomic analysis to account for the changes to the alternatives from the Draft RMP/EIS.
- ❑ In the oil and gas and EPCA analyses in the Draft RMP/EIS, the incorrect Geographic Information System (GIS) layer was used to represent the NSO stipulations for “federally leased coal lands for surface coal mines where oil and gas development would likely be incompatible with coal extraction” for Alternatives C and D. The GIS layer used in the oil and gas and EPCA maps/acreages and analyses in the Draft RMP/EIS included exploration leases and expired leases. This NSO stipulation should only apply to active coal leases. This correction is reflected in the Proposed RMP/Final EIS, which has resulted in decreases in NSO and nonrecoverable NSO acreages in the oil and gas and EPCA tables for Alternatives C and D.
- ❑ Several minor revisions in language and acres/numbers were made (see light gray shaded text).

1.7.6 Changes to Chapter 5:

- ❑ Some of the basic information on public involvement from the Draft RMP/EIS is still included in Chapter 5, however it has been expanded to include a description of the ongoing agency coordination and consultation efforts associated with this planning effort.
- ❑ Text was added to describe the 90-day public review and comment process on the Draft RMP/EIS, as well as the public review and comments on the additional air quality analysis information from the air quality modeling document. This includes a description of the public process, explains how comments on the Draft RMP/EIS were received, reviewed, and had comments extracted, and a reference to new appendices with responses to those comments that required responses.

1.7.7 Changes to Chapters 6 and 7, the Appendices and Maps:

- ❑ The list of preparers was updated to reflect those who participated in the preparation of the Proposed RMP/Final EIS. Individuals who assisted with the preparation of the Draft RMP/EIS but not the Proposed RMP/Final EIS were removed.
- ❑ New references were added to further support the decisions and analysis.
- ❑ Appendix D was revised to include a section documenting the suitability analysis for all eligible wild and scenic river segments. BLM conducted a preliminary suitability analysis prior to release of the Draft Plan. This analysis led to BLM's inclusion of Yampa River segments 1-3 as suitable in the preferred alternative. BLM modified its preliminary suitability analysis in response to comments received on the Draft Plan on the four Wild & Scenic River management alternatives. However, the additional information received during the comment period did not lead BLM to change its preliminary determination that Yampa River Segments 1-3 are suitable for designation. The revised suitability analysis, which includes an analysis of all the suitability factors outlined in BLM's Wild & Scenic Rivers Manual 8351, can be found in Appendix D.
- ❑ Text under the Appendix E “Procedures and Criteria for Granting Exception, Modification, or Waiver” header was revised to more detailed criteria.
- ❑ Text under the Appendix F dealing with existing routes, route designations, and the comprehensive planning process was revised to reflect the requirement that within 5 years of completion of the ROD all areas where OHV use is limited would undergo comprehensive transportation planning.
- ❑ The information in Appendix L was updated to reflect the Emerald Mountain land exchange. In addition, several acreage miscalculations were corrected.
- ❑ The text in Appendix O was revised to reflect recommended revisions based on public comments and internal reviews.
- ❑ Appendix Q was added to the Proposed RMP/Final EIS which includes the substantive public comments on the Draft RMP/EIS, commenter names/organization, and BLM's response.
- ❑ Appendix R was added to the Proposed RMP/Final EIS to summarize and present responses to the public comments and input on the Additional Air Quality Impact Assessment.

- ❑ A new map was added (Map 2-3) to show high and medium priority sagebrush habitat.
- ❑ A new map was added (Map 3-42) to display the initial designated roads and trails systems for the LSFO. This system of roads and trails is based on previous implementation-level decisions and provides the primary framework of key road, primitive road, and trails needed for future access throughout the LSFO. This map does not display routes being designated in the RMP, but those that have been designated and that will form the foundation of future comprehensive transportation planning efforts.
- ❑ The maps were updated to correct consistency and GIS errors that were perpetuated in the Draft RMP/EIS. Updated information was added, revisions in the management as described above and as contained in Chapter 2 are reflected, and revisions were made to improve readability of the maps.

As described above, BLM has made several revisions between the Draft RMP/EIS and Proposed RMP/Final EIS. BLM has analyzed these revisions to determine if they have resulted in a significant change in circumstances, conditions, decisions, or impacts from that which was presented to the public in the Draft RMP/EIS. The regulation controlling whether or not a supplement is required is found at 40 CFR 1502.9(c). Most of the revisions were editorial in nature and were made to add clarity to the document. In some cases, alternatives presented in the Draft RMP/EIS were modified in the Proposed RMP/Final EIS to reflect technical corrections and data updates. While a few revised decisions in the Proposed RMP/Final EIS were not considered in their exact form/application in the Draft RMP/EIS (i.e., sage-grouse monitoring, additional cultural resource priority areas, OHV open area monitoring), all are conceptually similar to ones which were considered from the Draft RMP/EIS.

None of the revisions described above meet the regulatory definition for significance in 40 CFR 1508.27(a) and (b). These regulations require an agency preparing a NEPA document to review the changes for significant new circumstances or information relevant to environmental concerns and bearing on the Proposed RMP or its impacts, using context and intensity as the trigger for significance. BLM has reviewed each substantive revision using this regulatory standard and has determined that none of the changes, individually or collectively, require a supplement to the Draft RMP/EIS.

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