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# CHAPTER 1 – PURPOSE AND NEED

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## 1.1 Introduction and Background

This Final Environmental Impact Statement (FEIS) discloses alternatives and environmental consequences for three related, but separate, decisions:

- Adopting a revised Land and Resource Management Plan (LRMP) for Bureau of Land Management (BLM) lands managed by the Tres Rios Field Office (TRFO), excluding those contained in the Canyons of the Ancients National Monument. The Responsible Official for this decision is the BLM Colorado State Director.
- Adopting a revised LRMP for the U.S. Forest Service (USFS) San Juan National Forest (SJNF). The Responsible Official for this decision is the Region 2 Regional Forester.
- Determining the SJNF lands that would be administratively available for oil and gas leasing, as well as the associated stipulations. The Responsible Official for this decision is the SJNF Forest Supervisor. (A similar decision for BLM-administered lands is made as part of the LRMP decision. The USFS considers leasing availability decisions to be separate from but closely linked to planning decisions, with both planning- and project-level components. Oil and gas leasing is analyzed together for both agencies in this FEIS.)

These decisions apply to federally administered lands only. When a proposed federal action could significantly affect the environment, the National Environmental Policy Act (NEPA) requires the preparation of an environmental impact statement (EIS). This FEIS addresses the environmental impacts of the proposed actions described in Chapter 2.

**Location and Setting** - The planning area, located in southwest Colorado, includes portions of the Colorado Plateau and the San Juan Mountains. This area is characterized by alpine lakes, lush meadows, craggy peaks, deep canyons, cascading waterfalls, unusual geologic formations, lower-elevation sandstone canyons and mesas, historic mines, and broad variations in elevation and climate. Located throughout this vast and richly diverse area are towns and communities that originally developed around mining and agriculture and that have transitioned in varying degrees to include recreation and tourism. The region has an abundant diversity of resources and amenities, including archeological and historical resources, geological resources (ranging from mid-Proterozoic metamorphic rock complexes to geologically recent San Juan volcanism), hydrological resources (the San Juan Mountains are the headwaters for the Rio Grande, San Juan, Dolores, and Animas Rivers), and recreational amenities (including such recreational opportunities as skiing, snowmobiling, whitewater rafting, kayaking, hiking, mountain biking, off-roading, horseback riding, fishing, hunting, motorcycle riding, photography, wildlife viewing, picnicking, scenic driving, and others).

The area also exhibits a wide diversity of ecological characteristics due to its mid-latitude location, wide range of elevations (from 4,900 to above 14,000 feet), and widely varying surficial geologic conditions (soils, slopes, rock types). The planning area includes habitats and sensitive species ranked as critically imperiled statewide and globally. The region is currently the last known location in the lower 48 states of certain arctic mosses, relics of the last ice age, and rare alpine fens. The area contains subalpine parks, grasslands and wetlands, nine stratified ecosystems (including alpine, spruce-fir, mixed conifer, ponderosa pine, oak and Douglas fir, aspen forests, parks, and meadowlands), mountain shrub communities, pinyon-juniper woodlands, and shrub-steppe communities.

The lands analyzed in this FEIS encompass approximately 1,867,800 acres of the SJNF, administered by the USFS, and approximately 504,400 surface acres and 704,300 acres of subsurface mineral estate administered by the BLM and managed by the TRFO. The Canyons of the Ancients National Monument, located within TRFO lands, is not included in this analysis because a separate management plan was prepared for that area, approved in June 2010.

The planning area is located in Archuleta, Conejos, Dolores, Hinsdale, La Plata, Mineral, Montezuma, Montrose, Rio Grande, San Juan, and San Miguel Counties (Volume III, Appendix V, Map 1). The western border of the planning area is the Utah/Colorado State line. The southern border of the planning area is the northern boundary of the Ute Mountain Ute and Southern Ute Indian Tribe reservations. The eastern border is the Continental Divide. The northern border is the administrative boundaries of the Rio Grande, Gunnison, Grand Mesa, and Uncompahgre National Forests, and the BLM Uncompahgre and Gunnison Field Offices.

## 1.2 Overview of the Final Environmental Impact Statement

In accordance with NEPA (42 United States Code [USC] 4321 et seq.), the Forest and Rangeland Renewable Resources Planning Act of 1974 (RPA) as amended by the National Forest Management Act of 1976 (NFMA) (Section 6, 16 USC 1600), and the Federal Land Policy and Management Act of 1976 (FLPMA) (43 USC 1701 et seq.), the TRFO and SJNF have prepared this FEIS to analyze the potential impacts of the TRFO Proposed LRMP, the SJNF Final LRMP, and the SJNF oil and gas leasing availability decision. In fulfillment of these and all other legal, regulatory, and policy requirements, as well as with the principles of multiple use and sustained yield, this FEIS documents the comprehensive analysis of alternatives and environmental impacts for the future management of public lands and resources administered by the BLM and USFS in southwest Colorado.

In April 2004, the USFS and BLM began this joint long-term planning effort to revise the San Juan National Forest Land and Resource Management Plan (USFS 1983) and the BLM's San Juan/San Miguel Resource Management Plan (BLM 1985). This joint plan revision provides the opportunity for creating complimentary land management direction between the two agencies, as well as seamless public participation in the planning process.

Section 102 of FLPMA sets forth the policy for periodically projecting the present and future use of public lands, as well as their resources, using the land use planning process. Sections 201 and 202 of FLPMA establish the BLM's land use planning requirements. The NFMA establishes the USFS's land use planning requirements. The purpose, or goal, of the LRMP is to ensure that the SJNF and TRFO are managed in accordance with the requirements of the NFMA, FLPMA, and NEPA, as well as the principles of multiple use and sustained yield. In addition, the purpose and goal of this planning process is to provide an integrated plan that would guide future land use decisions and project-specific analyses for public lands under the management of both agencies.

The purpose of a BLM management plan is to:

- provide an overview of goals, objectives, and needs associated with public land management, and address multiple-use issues that drive the preparation of the plan; and
- guide and control future management actions and the development of subsequent, more detailed and limited scope plans for resources and uses (43 Code of Federal Regulations [CFR] 1601.0–2)

The purpose of a USFS management plan is to:

- describe the strategic guidance for forest management, including desired conditions, objectives, strategies, and guidance; and
- determine resource management practices, levels of resource production and management, and the availability and suitability of lands for resource management (36 CFR 219.1(b) - 1982).

This FEIS has been organized consistent with applicable NEPA and Council on Environmental Quality guidelines, and is formatted to provide the reader with a clear understanding of the alternatives, the resources that may be affected, the potential environmental consequences, and the environmental review and evaluation process. This document is consistent with all applicable federal requirements guiding the preparation of a land management plan and an EIS.

**Volume I** (this volume) is the FEIS, which describes the BLM's Proposed Action and the USFS's Selected Alternative (Alternative B), and the other alternatives, and analyzes and discloses the environmental impacts of the Proposed Action/Selected Alternative and other alternatives. Volume I includes the following:

- **Letter to the Reader:** This letter describes how to file a protest or appeal.
- **Executive Summary:** This section provides a brief overview of discussions that are detailed in the full document. It serves as a synopsis of the planning process, as well as the purpose and need, the issues, and the alternatives resulting from the planning process.
- **Chapter 1 – Purpose and Need:** This chapter offers a brief background of the planning area. It describes the purpose and need for the action, the planning process, and related plans and relevant policy.
- **Chapter 2 – Alternatives:** This chapter describes potential management approaches or “alternatives” and discusses the process that has been used to develop alternatives. It describes four alternative land use plans, including the No Action Alternative (Alternative A) and the Proposed Action/Selected Alternative (Alternative B, also referred to as the “preferred alternative”).
- **Chapter 3 – Affected Environment and Environmental Consequences:** This chapter describes the current physical, biological, human, and land use environments of the planning area (the affected environment). This description provides a baseline against which to compare the impacts of the alternatives. The baseline described in this chapter represents environmental and social conditions and trends in the planning area at the time this document was prepared. In addition, this chapter evaluates how, and to what extent, baseline conditions would be altered by the alternatives. These changes are disclosed as the environmental consequences.
- **Chapter 4 – Public Involvement and Coordination:** This chapter summarizes the public outreach and collaborative efforts that have been conducted throughout the NEPA process for this LRMP and FEIS, and the consultation processes that are required by law. This chapter also presents the names and qualifications of the people responsible for preparing the LRMP and FEIS.
- **Chapter 5 – References:** This chapter provides full citation information for all references, published and unpublished, cited in this document and used in developing the FEIS. A glossary of definitions of frequently used terms follows the references cited.

**Volume II** provides a more detailed description of Alternative B, the Preferred Alternative, and includes LRMP components (desired future conditions, objectives, standards, guidelines, etc.) that would apply across all alternatives with the exception of Alternative A.

**Volume III** provides the appendices containing additional supporting information for the LRMP and FEIS.

Proposed decisions in this document sometimes refer directly to maps and figures, and many decisions themselves are “map-based.” Therefore, the reader must rely on the text, maps, and figures, taken together as a whole, to fully understand the proposed decisions described for each alternative. All maps referenced in the FEIS may be found in Volume III, Appendix V.

## **1.3 The Existing Bureau of Land Management/U.S. Forest Service Land Management Plans**

The SJNF and TRFO are currently managed under the following land management plans:

- The San Juan/San Miguel Resource Management Plan (BLM 1985), approved in 1985 and amended seven times.
- The San Juan National Forest Land and Resource Management Plan (USFS 1983), approved in 1983 and amended 22 times.

The existing land management plans are described in detail below.

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### *1.3.1 The San Juan/San Miguel Resource Management Plan*

The San Juan/San Miguel Resource Management Plan (BLM 1985) provides management direction for lands managed by the TRFO, with the exception of those lands within the Canyons of the Ancients National Monument, which are managed under the Canyons of the Ancients Resource Management Plan (BLM 2010a). Since being approved, the San Miguel/San Juan Resource Management Plan has been amended seven times:

- 1991 amendment related to oil and gas leasing and development;
- 1993 amendment related to the San Miguel River Area of Critical Environmental Concern (ACEC), recreation, riparian areas, and visual resources (Uncompahgre Field Office);
- 1997 amendment related to Colorado Public Land Health Standards;
- 1997 amendment related to prescribed fire direction;
- 2000 amendment related to the Grandview Ridge (urban interface) Coordinated Resource Management Plan;
- 2008 amendment related to the Geothermal Resource Leasing Programmatic Environmental Impact Statement; and
- 2012 amendment related to the Solar Energy Development Programmatic Environmental Impact Statement.

The 1991 Colorado Wilderness Study report (BLM 1991a) made wilderness recommendations for the following wilderness study areas (WSAs) in the San Juan Resource Area: Menefee, Weber, McKenna Peak, and Dolores River. In total, these WSAs consist of approximately 56,576 acres within the area

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covered by this FEIS. These lands would continue to be managed under interim guidance provided by BLM Manual 6330, Management of BLM Wilderness Study Areas, until such time that Congress makes a final decision as to their wilderness status.

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### *1.3.2 The San Juan National Forest Land and Resource Management Plan*

The San Juan National Forest Land and Resource Management Plan (USFS 1983) provides management direction for the SJNF and its three Ranger Districts: Dolores, Columbine, and Pagosa. Since being approved, the 1983 San Juan National Forest Land and Resource Management Plan has been amended 22 times:

- July 30, 1986, Amendment No. 1 (added a recreation appendix);
- July 30, 1986, Amendment No. 2 (allowed minor changes to timing of projects);
- January 1, 1987, Amendment No. 3 (revised the timber sale schedule);
- August 14, 1987, Amendment No. 4 and No. 5 (changed management area [MA] prescriptions related to the East Fork ski area proposal);
- January 6, 1989, Amendment No. 6 (adjusted MA boundaries in La Plata Canyon);
- January 6, 1989, Amendment No. 7 (incorporated direction from the BLM San Juan/San Miguel Resource Management Plan into the San Juan National Forest Land and Resource Management Plan for an area of land transferred from the BLM to the USFS on October 31, 1983);
- January 6, 1989, Amendment No. 8 (amended wildlife standards and guidelines [rescinded on April 28, 1989]);
- September 7, 1990, Amendment No. 9 (adjusted MA boundaries on the Pine [now Columbine] Ranger District);
- September 7, 1990, Amendment No. 10 (adjusted MA boundaries on the Mancos [now Dolores] Ranger District);
- September 7, 1990, Amendment No. 11 (adjusted MA boundaries on the Dolores Ranger District);
- September 15, 1991, Amendment No. 12 (removed the 7-year regeneration requirement for lodgepole pine [*Pinus contorta*] from the Forest Direction);
- July 31, 1991, Amendment No. 13 (changed program budget projections);
- May 14, 1992, Amendment No. 14 (consisted of a major amendment adjusting MAs, lands suited for timber production, and allowable sale quantity (ASQ) and program harvest levels for timber; and incorporated all 13 earlier amendments);
- February 21, 1992, Amendment No. 15 (changed direction for animal damage management activities on SJNF lands);
- October 10, 1992, Amendment No. 16, (made adjustments to the budget requirement in order to incorporate changes to the timber program goals, objectives, and standards and guidelines issued through Amendment No. 14);
- December 1992, Amendment No. 17, (approved the route for the Trans-Colorado Natural Gas Transmission Line on SJNF lands);

- December 1992, Amendment No. 18 (adjusted the MA prescriptions and designation of the Falls Creek Archeological Area);
- February 24, 1994, Amendment No. 19 (established management direction for the newly acquired Piedra Valley Ranch lands);
- April 9, 1997, Amendment No. 20 (changed the prescribed fire plan);
- August 3, 1998, Amendment No. 21, (changed wilderness management direction); and
- December 3, 2012, Amendment No. 22 (changed the route density standard in one specific area within MA 3A on the Dolores District).

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### 1.3.3 *Current U.S. Forest Service Oil and Gas Leasing*

SJNF lands are currently managed for leasing under the analysis and decision for the 1983 San Juan National Forest Land and Resource Management Plan. Under that plan, 1,367,769 acres were open for leasing, mostly under standard lease terms. Approximately 95,500 acres are currently leased.

Additional SJNF lands in the planning area are not currently being leased because new information and changed circumstances have made prior analyses insufficient. An up-to-date NEPA analysis is needed to identify areas available for leasing and analyze potential subsequent development in a manner compatible with other resource needs. This FEIS provides the needed analysis and leasing would continue upon finalization of the LRMP.

## 1.4 The Planning Process

In general, the USFS and the BLM follow the planning process outlined below. Steps 1 through 7 have been completed for the current process, and the release of this FEIS constitutes the final phase of Step 8.

- **Step 1 – Planning Issues Identified:** Issues and concerns are identified through a scoping process that solicits input from the public, special interest groups, Native American tribes, other agencies, and state and local governments.
- **Step 2 – Planning Criteria Development:** Planning criteria are created to ensure that decisions are made to address the issues pertinent to the planning effort.
- **Step 3 – Data and Information Collection:** Based on planning criteria, data and information for the resources in the planning area are collected.
- **Step 4 – Analysis of the Management Situation:** Inventory data and other information are analyzed to determine the ability of the planning area to supply goods and services and to respond to identified issues and opportunities.
- **Step 5 – Alternatives Formulation:** A range of reasonable management alternatives that address issues identified during scoping are developed.
- **Step 6 – Alternatives Assessment:** The environmental impacts of each alternative are estimated and analyzed.
- **Step 7 – Preferred Alternative Selection:** The alternative that best resolves planning issues is identified as the Preferred Alternative.
- **Step 8 – Land and Resource Management Plan Selection:** A draft LRMP and EIS are issued and made available to the public for review and comment. During the public review period, public

meetings are held to further explain the documents, address questions, and accept comments. After comments to the draft documents have been received and analyzed, the draft LRMP and EIS are revised and modified, as necessary, and a revised LRMP and FEIS are published. The portion of the LRMP addressing BLM lands is subject to a 30-day protest period, after which a Record of Decision (ROD) is issued once protests, if any, are resolved. The portion of the LRMP addressing management of National Forest Service (NFS) lands is finalized in a ROD, which is then made available for a 90-day appeal period. (The BLM's 30-day protest period occurs prior to release of the ROD, and the USFS's 90-day appeal period occurs following release of the ROD.)

- **Step 9 – Implementation:** Upon approval of the ROD, land use decisions outlined in the approved LRMP are effective immediately and would require no additional planning or NEPA analysis (except as required for individual projects).
- **Step 10 – Monitoring:** This process is intended to provide information on progress toward achieving outcomes, desired conditions and objectives, and how well management requirements such as standards and guidelines are being applied.

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### *1.4.1 Key Decisions in the Land and Resource Management Plan*

The key decisions to be made in this integrated planning process include:

- The establishment of desired outcomes, including multiple-use goals and objectives (36 CFR 219.11(b) - 1982 and 43 CFR 1601.0-5(k)(3)). These are primarily expressed as desired conditions and objectives in the LRMP.
- The establishment of management actions and requirements, including measures or criteria that would be applied in order to guide day-to-day activities (36 CFR 219.13 to 219.27 - 1982 and 43 CFR 1601.0-5(k) (2) and (4)). These are primarily expressed as standards and guidelines in the LRMP.
- The establishment of MA direction, allowable uses, allocations, restrictions, prohibitions, and availability of lands for specific uses (36 CFR 219.11(c) - 1982 and 43 CFR 1601.0-5(k)(1), (2), and (3)).
- The designation of research natural areas (RNAs), ACECs, and other special designations and areas (36 CFR 219.25 - 1982, 43 CFR 1601.0-5(k)(1) and 43 CFR 1601.7-2).
- The recommendations of NFS lands for inclusion in the National Wilderness Preservation System (36 CFR 219.17 - 1982).
- The identification of river segments that are suitable for inclusion in the National Wild and Scenic Rivers System (Public Law [PL] 90-542 and 36 CFR 219.2(a) -1982).
- The designation of suitable timber land (16 USC 1604(k) and 36 CFR 219.14 - 1982) and the establishment of ASQ (36 CFR 219.16 - 1982).
- The establishment of monitoring and evaluation requirements (36 CFR 219.11(d) - 1982, 43 CFR 1601.0-5(k)(8), and 43 CFR 1610.4-9).
- Allocation of livestock forage (animal unit months [AUMs]) and areas available for livestock grazing on BLM-administered public lands (43 CFR 4100.0-8, BLM Handbook 1601-1, Land Use Planning, Appendix C II. B).

### *1.4.2 Key Decisions in the U.S. Forest Service Oil and Gas Leasing Availability*

A planning-related action analyzed in this FEIS is the identification of SJNF lands that would be available for oil and gas leasing, along with designation of lease stipulations to be applied to future leases (36 CFR 228.102(c) and (d)). The BLM makes decisions regarding leasing availability within its plan decisions. The oil and gas leasing availability decision consists of identifying those areas that would be:

- open to leasing, subject to the terms and conditions of the standard oil and gas lease form (including an explanation of the typical standards and objectives to be enforced under the standard lease terms);
- open to leasing, subject to lease stipulations, such as prohibiting surface use on areas larger than 40 acres, or other such standards that may be developed for stipulation use (with discussion as to why the constraints are necessary and justifiable); or
- closed to leasing, with distinction made between those areas that are closed through exercise of management direction, and those closed by law or regulation.

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### *1.4.3 Bureau of Land Management Plan Decisions and Implementation Decisions*

For the BLM, plan decisions and implementation decisions reflect two distinct steps in the planning process. Appendix C in BLM Land Use Planning Handbook H-1601-1 provides program-specific guidance to separate land use plan decisions from implementation decisions.

The LRMP analyzed in this FEIS provides broad plan decisions as described above. Implementation decisions deal with the subsequent implementation of site-specific activity plans or projects within the planning area. Implementation decisions must be consistent with the LRMP and other applicable federal statutes and regulations. In most cases, these subsequent implementation plans and decisions include additional analysis under NEPA and associated public review. Implementation decisions are also different from plan decisions in that they are not protestable under BLM regulations governing the protest process (43 CFR 1610.5-2), whereas plan decisions are protestable. The only implementation decision being made in this plan is the approval of the designated route system that was proposed through the Mancos-Cortez Travel Management Plan (2009). A plan amendment for off-highway vehicle (OHV) area designations was never compelled to allow those route designations to take effect. This LRMP establishes those OHV area designations and therefore confirms the route designation implementation decisions made in that plan. Analysis of these implementation decisions occurred in the Mancos-Cortez Travel Management Plan and is not repeated in this document. There would be no other implementation decisions made as a result of this LRMP and FEIS. Therefore, implementation decisions dealing with activity- and project-level plans are not considered further in this document.

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### *1.4.4 Multiple-level Decision-making*

Land use plans are only part of a multiple-level decision-making framework for the BLM and USFS. Land use plans are designed to be consistent with national-level agency policies and regulations, as well as strategic plans that establish goals, objectives, performance measures, and strategies for each agency. They provide the broad guidance and information needed for subsequent project and activity decision-making. This LRMP would guide relevant resource management programs, practices, uses, and protection measures. Land use plans do not grant, withhold, or modify any contract, permit, or other legal instrument; subject anyone to civil or criminal liability; or create any legal rights. Land use plans also, typically, do not approve or execute projects and/or activities.

This FEIS examines potential environmental impacts that could occur as a result of land use allocations and/or the implementation of actions associated with the final planning decisions. Potential subsequent projects and/or activities are discussed in this document in order to analyze the differences between the alternatives. These projects and activities are actions that could occur, but are not necessarily authorized or approved by the LRMP, and would primarily be required to be analyzed by subsequent environmental analysis (40 CFR 1508.23). It is expected that future environmental analysis of projects and activities allowed under this LRMP would be tiered to this FEIS (40 CFR 1508.28). NEPA defines “tiering” as the coverage of general matters in broader EISs with subsequent narrower statements or environmental analyses that incorporate by reference the general discussions, allowing discussions to then concentrate solely on the issues specific to the statement subsequently prepared.

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#### *1.4.5 Consistency of Projects with the Land and Resource Management Plan*

All projects and activities authorized by the BLM and USFS must be consistent with the LRMP (16 USC 1604(i) and 43 CFR 1601.5-3). A project or activity would be considered consistent with the LRMP if it is consistent with the desired conditions, objectives, standards, guidelines, allowable uses, and other management actions and decisions approved in the plan. If a project or activity as proposed would not be consistent with the LRMP, the Responsible Official has the following options: he or she must either modify the proposal so that the project or activity would be consistent, reject the proposal, or amend the plan contemporaneously with the approval of the project or activity so that the project or activity is consistent with the LRMP, as amended. The amendment may be limited to apply only to the project or activity or may apply more broadly.

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#### *1.4.6 Consistency of Projects with the Oil and Gas Leasing Availability Decision*

After the oil and gas leasing availability decision is made for SJNF lands, the USFS would authorize the BLM to lease specific lands. Subsequent lease nominations submitted to the BLM by industry would be subject to verification that leasing has been adequately addressed in a NEPA document and is consistent with the LRMP, and assurance that conditions of surface occupancy identified in the leasing availability decision are properly included as stipulations in resulting leases. The BLM would also determine whether operations and development could be allowed somewhere on each proposed lease, except where stipulations prohibit all surface occupancy. Ground-disturbing activities, such as drilling exploratory wells, would require further NEPA analysis when an application for permit to drill is received. Proposals to develop a well field would also require site-specific NEPA analysis before being approved.

## **1.5 Purpose and Need**

The Council on Environmental Quality regulations (40 CFR 1502.13) require that an EIS “briefly specify the underlying purpose and need to which the agency is responding in proposing the alternatives including the proposed action.” The purpose and need section of this FEIS provides a context and a framework for establishing and evaluating the reasonable range of alternatives described in Chapter 2.

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#### *1.5.1 Purpose and Need for Plan Revision*

In April 2004, the BLM and USFS initiated a joint revision of the land use plans that guide management of the SJNF and TRFO. The two previous land use plans would be replaced by one coordinated plan that covers all lands administered by the two agencies, excluding the Canyons of

the Ancients National Monument. The LRMP is structured differently than a typical BLM Resource Management Plan (RMP) or a USFS Forest Plan, due to the dual-agency nature of the combined planning process. The LRMP is found in Volume II and corresponds to Alternative B, the Preferred Alternative. The ways in which other alternatives vary from the LRMP are discussed in Chapter 2 of the FEIS.

The BLM and USFS identified the need to revise the existing plans through a formal evaluation of the plans, consideration of the Analysis of the Management Situation, evaluation of monitoring findings, examination of issues identified during the public scoping process, and collaboration with local, state, and federal agencies, as well as tribes and tribal entities. Based on analysis of this information, a new plan is needed because of the social, environmental, and administrative conditions that have changed since the 1985 San Juan/San Miguel Resource Management Plan and the 1983 San Juan National Forest Land and Resource Management Plan were developed. There are higher levels of controversy around existing issues, and new, unforeseen public land issues and concerns that have arisen over the years that were not addressed in the previous plans. In addition, new resource assessments and scientific information is available to help the agencies make more informed decisions.

Management direction in the existing plans needs to be updated to:

- achieve a balance between continued traditional uses of the planning area, such as with timber harvest, grazing, and the diverse mix of recreation activities (many of which require, or are enhanced by, the maintenance of large, contiguous areas of relatively undeveloped land);
- incorporate current knowledge of the ecosystems that make up the planning area, based on new information available due to updated vegetation inventories and studies conducted since the existing plans were developed;
- reflect the increased focus that the USFS and BLM have had on ecological restoration since the existing plans were developed;
- incorporate current knowledge about the role of natural fire, insects, disease, and other disturbance processes in the ecosystems that make up the planning area;
- reflect changes in the wood products industry that have occurred since the 1992 significant amendment to the San Juan National Forest Land and Resource Management Plan;
- represent the increased focus on working with communities in order to reduce the risk of wildfire in the wildland-urban interface (WUI) in residential areas;
- achieve a balance between energy production needs and the protection of other resources;
- acknowledge the population growth in local communities and the increased emphasis on public lands amenities used by people living near the planning area;
- incorporate the increased knowledge of the types of benefits, settings, and opportunities people are seeking when they recreate in the planning area;
- help resolve travel management conflicts and provide a better basis for subsequent site-specific decisions on designating routes for motorized travel;
- update land allocations related to potential and existing downhill ski areas (East Fork, Wolf Creek Valley, and Wolf Creek) in order to reflect changed conditions;
- encourage working collaboratively with stakeholders in order to balance water development opportunities and protect other resources;

- reflect the emphasis on key areas of the planning area that have unique and outstanding features and legal definition; and
- incorporate an updated inventory of river segments that meet the eligibility requirements of the Wild and Scenic Rivers Act (WSRA) and determine the best mechanisms to protect their outstandingly remarkable values while, at the same time, balancing competing opportunities for water development and other uses.

Existing decisions were reviewed for their relevance, as well as for their potential effectiveness, in the continued management of resources. Relevant decisions from the existing agency land use plans and any activity plans would be carried forward. Examples include decisions from the Wild Horse Appropriate Management Level in the Spring Creek Basin HMA (EA #CO-800-2005-027) (BLM 2005a), the San Juan-Rio Grande National Forests Wilderness Management Direction (USFS 1998), and the Colorado Wilderness Study Report (BLM 1991a).

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### *1.5.2 Purpose and Need for the U.S. Forest Service Oil and Gas Leasing Availability Decision*

In order to respond to formal requests for oil and gas leases, the USFS needs to identify SJNF lands that would be available for oil and gas leasing. The need for identifying lands available for leasing arises from the public's demand for energy, specifically oil and natural gas, and the federal government's policy to "foster and encourage private enterprise in... the orderly and economic development of domestic mineral resources" (Mining and Minerals Policy Act of 1970).

The purpose of making NFS lands available for oil and gas leasing is to facilitate the production of energy resources in support of local and regional economies and a secure and stable domestic energy supply. Making lands on the SJNF available for oil and gas leasing would contribute to meeting the need for energy resources developed and produced in an environmentally sound manner.

Oil and gas leasing on the SJNF would be consistent with the revised LRMP, comply with the requirements for leasing analysis and decisions at 36 CFR 228.102, allow processing of pending lease nominations (approximately 360,000 acres, mostly on the western portion of the SJNF) and future nominations, and be consistent with the Colorado Roadless Rule.

## **1.6 Planning Issues**

NEPA requires that federal agencies hold an open and early process for determining the scope of issues that could be associated with the Proposed Action. The term "scope" is defined as the range of actions, alternatives, and impacts to be considered during NEPA analysis. The objectives of the scoping process for this planning effort were to identify potentially interested parties, identify public and agency concerns, define the range of issues to be addressed in the LRMP, ensure that relevant issues were identified early and guided the process, and establish a public record. To achieve these objectives, the SJNF and TRFO conducted a broad community-based scoping process described in Chapter 4.

Planning issues identify demands, concerns, and/or conflicts regarding the use and management of public lands and typically express potential impacts on land and resource values. The main topic areas addressed in the LRMP and FEIS were identified based on input from interagency consultation, other federal agencies, state and local governments, cooperating agencies, the public, industry representatives, and special interest groups. The issues represent the challenges that exist with

current management. The SJNF and TRFO documented each of the issues in a scoping report and placed each in one of three categories:

1. Issues to be resolved in the LRMP, oil and gas leasing availability decision, and EIS;
2. Issues to be resolved through policy or administrative action; and
3. Issues beyond the scope of the LRMP, oil and gas leasing availability decision, and EIS.

The scoping report provided rationale for each issue placed in category 2 or 3. The identified issues in category 1 are addressed in Alternative B, the Preferred Alternative. The other alternatives vary in terms of program emphasis, land allocations, and suitable uses. Not all aspects of the existing land management plans need to be changed; consequently, some things are held constant between alternatives.

Four main issues were derived from the scoping process and guided the development of alternatives in this FEIS. The alternatives reflect where people had notably different ideas about how to manage or use different areas administered by the SJNF and TRFO. These different ideas came from the community study groups, scoping meetings, written comments, and other scoping activities. These issues are described below.

### **Issue 1: Balancing Management between the Ideas of Maintaining “Working Forest and Rangelands” and Retaining “Core Undeveloped Areas”**

Two key features of the planning area include its large expanses of relatively pristine lands and the broad mix of traditional uses and activities that still occur throughout much of the area. Much of the discussion in community meetings focused on how much people value these features and how to best maintain a good balance between them.

When people discussed maintaining a “working forest,” the emphasis included respecting valid and existing rights to resources, retaining access and commodity production activities that are important to the economy of local communities, and continuing historical uses in areas where access and infrastructure investments have already been made.

The desires expressed by the people who discussed retaining “core undeveloped areas” included retaining areas that have not been developed in order to provide high-quality wildlife habitat and corridors, minimize ecosystem fragmentation, and support natural ecosystem functions. Maintaining the roadless character of much of the planning area was identified as important by wildlife managers, sportsmen, recreationists, and many interested citizens.

### **Issue 2: Providing Recreation and Travel Management within a Sustainable Ecological Framework**

The lands administered by the SJNF and TRFO are becoming increasingly important as a scenic backdrop, as well as a place to recreate, to residents of nearby communities and people visiting the area. Discussions at community meetings often included the need to find a balance between the way long-time residents, new arrivals, and visitors use the public lands. There was also much discussion on achieving a balance between areas where motorized recreation would be allowed and where non-motorized forms of travel and recreation would dominate. Opinions were divided on the appropriate mix of different types of recreation settings and opportunities that should be provided on public lands. Opinions also differed on where to emphasize motorized travel versus non-motorized travel.

### **Issue 3: Management of Special Area Designations and Unique Landscapes**

A number of unique and special areas were identified during the scoping process as meriting special attention. The importance of maintaining scenic views and recreation opportunities along important travel routes, such as along the San Juan Skyway, the Alpine Loop Backcountry Byway, the Continental Divide National Scenic Trail (CDNST), and the Colorado Trail, were common to all interests and areas represented across the alternatives. Some established designations, such as the Spring Creek Wild Horse Herd Management Area (HMA), were also carried forward in all alternatives. Suitability of roadless areas of the SJNF for inclusion in the National Wilderness Preservation System and the suitability of rivers and streams on both SJNF and TRFO lands for inclusion in the National Wild and Scenic Rivers System are examined and analyzed in alternatives. Alternative ways of managing some unique landscapes, including the Dolores River Canyon, Silverton, Rico, and the HD Mountains, are also examined.

### **Issue 4: Management of Oil and Gas Leasing and Development**

The lands administered by the SJNF and TRFO contain several areas with moderate to high potential for oil and gas resources. A key challenge for the future is providing for potential energy development while, at the same time, protecting other resource values. People expressed concerns regarding both where and how development might occur.

Community participants noted that plan decisions and oil and gas leasing availability decisions need to be coordinated so that the infrastructure needs (roads, well pads, and pipelines) for oil and gas development are compatible with desired conditions for specific areas of land. Comments mostly related to whether new road construction should occur in areas that are currently undeveloped. Areas available for leasing vary by alternative in order to reflect the different land allocations and management emphases in the alternatives.

Lease stipulations provide protection for other resource values and land uses, such as unique soil conditions, steep slopes, ecological integrity, wildlife habitat, cultural resources, high-use recreation areas, and scenic quality. Stipulations would be applied to new leases in order to respond to issues of how development might occur.

## **1.7 Applicable Laws**

A broad range of federal policies, decisions, and laws guide development of the LRMP, EIS, and the oil and gas leasing availability analysis. Key laws with bearing on the decisions are discussed below. Additional planning guidance for both agencies is included in several executive orders (EOs), agency manuals and handbooks, policy memorandums, and regulations and laws where applicable.

Most aspects of the BLM and USFS planning processes have been combined. Where laws, regulations, and/or policies that govern planning for each agency differ, the planning process and associated documents remain separated and are clearly identified as applying to only one agency.

### **Federal Land Policy Management Act of 1976**

FLPMA establishes the land management authority of the BLM and provides guidance for how public lands are to be managed by the BLM. The BLM manages public lands on the basis of multiple use and sustained yield. It requires that the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archaeological values be protected. Sections 201 and 202 of FLPMA establish the BLM's land use planning requirements.

### **National Forest Management Act of 1976**

The NFMA amended the Forest and Rangeland Renewable Resources Planning Act of 1974 to require preparation of land management plans for national forests and national grasslands. Land management plans provide guidance and direction to the agency for all resource management activities on the unit. Under the NFMA, the USFS must prepare land management plans using an interdisciplinary team and public participation. In addition, the USFS must comply with NEPA in the development, review, and revision of land management plans. Permits, contracts, plans, and other instruments used in managing NFS lands—such as timber sale contracts, grazing permits, and mine reclamation plans—must be consistent with the land management plan.

### **National Environmental Policy Act of 1969**

NEPA established a national policy to maintain conditions under which people and nature can exist in productive harmony while, at the same time, fulfilling the social, economic, and other requirements of present and future generations of Americans. It established the Council on Environmental Quality in order to coordinate environmental matters at the federal level and advise the President on such matters. Under the law, all federal actions that could result in a significant impact on the environment are subject to review by federal, state, local, and tribal authorities, as well as by affected parties and interested citizens.

### **Clean Air Act of 1963**

Congress passed the Clean Air Act in 1963, the Air Quality Act in 1967, the Clean Air Act Extension of 1970, and Clean Air Act Amendments in 1977 and 1990. The 1963 Clean Air Act relied on states to issue and enforce regulations regarding air pollution. Congress amended the Clean Air Act in 1970 and established the U.S. Environmental Protection Agency (EPA) to set and enforce national standards for air pollution. In 1990, the EPA was authorized to set National Ambient Air Quality Standards (NAAQS), which establish acceptable concentrations of six criteria pollutants: ozone (O<sub>3</sub>), carbon monoxide (CO), sulfur dioxide (SO<sub>2</sub>), lead (Pb), nitrogen dioxide (NO<sub>2</sub>), and particulate matter less than 2.5 microns in size (PM<sub>2.5</sub>).

### **Clean Water Act of 1972**

The Clean Water Act, or the Federal Water Pollution Control Act, is the principal law governing pollution of the nation's surface waters (33 USC 1251). Originally enacted in 1948, it was revised, by subsequent amendments, to spell out programs for water quality improvements; programs that are still being implemented by industries and municipalities. The Clean Water Act consists of two major parts. The first provision authorized federal financial assistance for municipal sewage treatment plant construction. The second provision, which is regulatory, established a national policy to maintain conditions under which people and nature can exist in productive harmony while, at the same time, fulfilling social, economic, and other requirements.

### **Endangered Species Act of 1973**

Management activities on private and public lands are subject to the Endangered Species Act (ESA), as amended. It directs project proponents or government agencies, as appropriate, to consult with the U.S. Fish and Wildlife Service (USFWS) and/or the National Oceanic and Atmospheric Administration Fisheries Service in order to address the impacts of management activities on threatened and endangered species and designated critical habitat. This consultation leads to the issuance of a Biological Opinion (BO) and may result in the issuance of a Section 10(a) (for non-federal actions) or Section 7 permit (for federal actions) by the USFWS and/or the National Oceanic and Atmospheric Administration Fisheries Service. The SJNF and TRFO are consulting with the USFWS regarding any

actions under the LRMP that may affect ESA listed species. To this end, a biological assessment (BA) has been prepared for the actions proposed through the LRMP.

### **The National Historic Preservation Act**

The National Historic Preservation Act (NHPA) is the primary federal law providing for the protection and preservation of cultural resources. The NHPA established the National Register of Historic Places (NRHP), the Advisory Council on Historic Preservation, and the State Offices of Historic Preservation.

### **The Migratory Bird Treaty Act of 1966**

The Migratory Bird Treaty Act (MBTA) is the domestic law that implements the United States' commitment to four international conventions (with Canada, Japan, Mexico, and Russia) for the protection of a shared migratory bird resource. Under this law, all migratory birds and their parts (including eggs, nests, and feathers) are fully protected. Each of the conventions protects select species of birds that are common to multiple countries (i.e., they occur in more than one country at some point during their annual life cycle). The law is implemented by the USFWS. The SJNF and TRFO would be required to manage the bird populations on the lands they administer consistent with the requirements of the MBTA.

### **Multiple-Use and Sustained-Yield Act of 1960**

The Multiple-Use and Sustained-Yield Act of 1960 (MUSY) states, "National Forests are established and administered for outdoor recreation, range, timber, watershed, and fish and wildlife purposes" (16 USC 528). Through the MUSY, the Secretary of Agriculture is authorized and directed to develop and administer the renewable surface resources of the national forests for multiple use and sustained yield of the several products and services obtained therein. In the administration of the national forests, due consideration shall be given to the relative values of the various resources in particular cases. The Secretary of Agriculture is also authorized to cooperate with state and local governmental agencies in management of national forests (16 USC 529).

### **Mineral Leasing Act of 1920, as amended**

The Mineral Leasing Act provides for the leasing of deposits of coal, phosphate, sodium, potassium, oil, oil shale, native asphalt, solid and semi-solid bitumen, and bituminous rock or gas, and lands containing such deposits owned by the United States, including those in national forest, but excluding those acquired under other acts subsequent to February 25, 1920.

### **Federal Onshore Oil and Gas Leasing Reform Act of 1987**

The Federal Onshore Oil and Gas Leasing Reform Act amended the Mineral Leasing Act of 1920 by establishing a new oil and gas leasing system, and changing certain operational procedures for onshore federal lands. The Federal Onshore Oil and Gas Leasing Reform Act states that the BLM cannot lease over the objection of the USFS and authorizes the USFS to regulate all surface-disturbing activities conducted pursuant to a lease on NFS lands. The act requires the USFS to evaluate lands within national forests for potential oil and gas leasing. The USFS decides whether lands would be available for leasing and decides under what conditions (stipulations) the leases would be issued.

### **Mining and Minerals Policy Act of 1970**

The Mining and Minerals Policy Act declares that it is the continuing policy of the federal government in the national interest to foster and encourage the orderly and economic development of domestic

mineral resources, reserves, and reclamation of metals and minerals to help assure satisfaction of industrial, security, and environmental needs.

### **Energy Policy Act of 2005**

The Energy Policy Act provides for the Secretaries of the Interior and Agriculture to designate, under their respective authorities, corridors for oil, gas, and hydrogen pipelines and electricity transmission and distribution facilities on federal land in the 11 contiguous western states (as defined in Section 103(o) of FLPMA (43 USC 1702(o))). Designated corridors are to be incorporated into USFS and BLM land use plans.

### **Energy Security Act of 1970**

The Energy Security Act established the intent of Congress that the Secretary of Agriculture shall process applications for leases of NFS lands and for permits to explore, drill, and develop resources on land leased from the USFS, notwithstanding the current status of land management plans.

### **The Brunot Agreement**

The Brunot Agreement, ratified by Congress in 1874, withdrew over 5,000 square miles in the mountains of southwest Colorado from the 1868 Ute Reservation. The agreement, entered into between the United States (as represented by Felix Brunot) and the Ute Indians in Colorado, was passed into law (18 Stat., 36) by the House of Representatives and the Senate of the U.S. Congress on April 29, 1874. Under the “reserved rights doctrine,” hunting rights on reservation lands relinquished by the Utes were retained; that is, the tribes retained such rights as part of their status as prior and continuing sovereigns. Article II of the Bruno Agreement specified “the United States shall permit the Ute Indians to hunt upon said lands so long as the game lasts and the Indians are at peace with the white people.” The Ute Mountain Ute Tribe’s hunting rights were acknowledged when the tribe sued the State of Colorado for their historical hunting rights in 1978. The rights were granted to the tribe under a consent decree that gave enrolled members of the Ute Mountain Ute Tribe the right to hunt deer and elk in the Brunot area for subsistence, religious, or ceremonial purposes. The consent decree specified that tribal members may hunt deer and elk without a state license year-round, providing that they obtain a tribal hunting permit. In 2013, the Ute Mountain Ute Tribe re-negotiated this agreement with the State of Colorado to include the Tribe’s fishing rights and the right to hunt a certain number of black bears, moose, mountain goats, big horn sheep and mountain lions, in addition to the existing take of elk and mule deer within the Brunot area. Other game animals may be hunted without a license and without bag limits, but only during hunting seasons established by Colorado Parks and Wildlife (CPW). In 2008, the Southern Ute Indian Tribe signed an agreement with the State of Colorado which reinstated their hunting and fishing rights within the Brunot area. The SJNF and TRFO will continue to ensure that the hunting and fishing rights of the 1873 Brunot Agreement are upheld on public lands under their management jurisdictions. In exercising their Brunot hunting rights, the Ute Mountain Ute and Southern Ute tribal members are required to adhere to federal policy and regulations designed to protect natural and cultural resources.