

Laws and Policies which guide BLM's Travel Management Planning Process

Laws

General Authorizing Legislation - *The following authorize the general activities of the Bureau of Land Management or govern the manner in which BLM's activities are conducted.*

Federal Land Policy and Management Act of 1976, as amended (43 U.S.C.1701 et seq.)

- Outlines functions of the BLM Directorate, provides for administration of public lands through the BLM, provides for management of the public lands on a multiple-use basis, and requires land-use planning including public involvement and a continuing inventory of resources.

National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)

- Section 102(2)(C) of the National Environmental Policy Act of 1969 requires federal agencies to prepare a "detailed statement" for proposed major actions which significantly affect the quality of the human environment. The statement must include the environmental impacts of the proposed action, alternatives to the proposed action, and any adverse environmental impacts which cannot be avoided should the proposal be implemented. In 1978 the CEQ issued binding regulations which implement the procedural provisions of NEPA.

The Endangered Species Act of 1973, 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 these species.

Specific Authorizing Legislation - *In addition to the above laws that provide general authorization and parameters, a number of laws authorize specific program activities, or activities in specific or designated areas.*

Soil and Water Resources Conservation Act of 1977(16 U.S.C. 2001)

- Provides for conservation, protection and enhancement of soil, water, and related resources.

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 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.

Taylor Grazing Act of 1934 (43 U.S.C. 315), as amended by the Act of August 28, 1937 (43 U.S.C. 1181d)

- Authorizes the establishment of grazing districts, regulation and administration of grazing on the public lands, and improvement of the public rangelands. It also authorizes the Secretary to accept contributions for the administration, protection, and improvement of grazing lands, and establishment of a trust fund to be used for these purposes.

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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.

Noxious Weed Control Act of 2004 (P.L. 108-412)

- Establishes a program to provide assistance through States to eligible weed management entities to control or eradicate harmful, nonnative weeds on public and private lands.

The National Historic Preservation Act of 1966, as amended (16 U.S.C. 470)

- Expands protection of historic and archaeological properties to include those of national, State and local significance. It also directs Federal agencies to consider the effects of proposed actions on properties eligible for or included in the National Register of Historic Places.

The Archaeological Resources Protection Act of 1979, as amended (16 U.S.C. 470a, 470cc and 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 Migratory Bird Conservation Act of 1929, as amended (16 U.S.C. 715) and treaties pertaining thereto

- Provides for habitat protection and enhancement of protected migratory birds.

The Sikes Act of 1974, as amended (16 U.S.C. 670 et seq.)

- Provides for the conservation, restoration, and management of species and their habitats in cooperation with State wildlife agencies.

Migratory Bird Treaty Act of 1918(16 U.S.C. 703-712; Ch. 128; July 13, 1918; 40 Stat. 755) as amended by: Chapter 634; June 20, 1936; 49 Stat. 1556; P.L. 86-732; September 8, 1960; 74 Stat. 866; P.L. 90-578; October 17, 1968; 82 Stat. 1118; P.L. 91-135; December 5, 1969; 83 Stat. 282; P.L. 93-300; June 1, 1974; 88 Stat. 190; P.L. 95-616; November 8, 1978; 92 Stat. 3111; P.L. 99-645; November 10, 1986; 100 Stat. 3590 and P.L. 105-312; October 30, 1998; 112 Stat. 2956)

- Establishment of a Federal prohibition, unless permitted by regulations, to "pursue, hunt, take, capture, kill, attempt to take, capture or kill, possess, offer for sale, sell, offer to purchase, purchase, deliver for shipment, ship, cause to be shipped, deliver for transportation, transport, cause to be transported, carry, or cause to be carried by any means whatever, receive for shipment, transportation or carriage, or export, at any time, or in any manner, any migratory bird, included in the terms of this Convention . . . for the protection of migratory birds . . . or any part, nest, or egg of any such bird." (16 U.S.C. 703)

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Executive Order 13186 on Protecting Migratory Birds -- Responsibilities of Federal Agencies To Protect Migratory Birds

- These migratory bird conventions impose substantive obligations on the United States for the conservation of migratory birds and their habitats, and through the Migratory Bird Treaty Act (Act), the United States has implemented these migratory bird conventions with respect to the United States. This Executive Order directs executive departments and agencies to take certain actions to further implement the Act.

The Bald and Golden Eagle Protection Act of 1940 as amended (16 U.S.C. 668-668c)

- Prohibits anyone, without a permit issued by the Secretary of the Interior, from "taking" bald eagles, including their parts, nests, or eggs. The Act provides criminal penalties for persons who "take, possess, sell, purchase, barter, offer to sell, purchase or barter, transport, export or import, at any time or any manner, any bald eagle ... [or any golden eagle], alive or dead, or any part, nest, or egg thereof." The Act defines "take" as "pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb."

Policies

Colorado Policy on Cultural Clearances for Travel Planning

Instruction Memorandum No. CO-2007-020 Comprehensive Travel Management Planning and OHV Designations

BLM Colorado - IB-2003-020 Travel Management Guidelines

Instruction Memorandum No. 2008-014 - Clarification of Guidance and Integration of Comprehensive Travel and Transportation Management Planning into the Land Use Planning

Presidential Executive Order 11644

Colorado Public Land Health Standards

Wilderness Study Area Interim Management Policy