

Potential Tools for Management of Outstandingly Remarkable Values

BLM, December, 2010

| Potential Tool | ORVs that may be protected | Implementing Entity | Advantages and Disadvantages |
|--|---|---|--|
| Endangered Species Act | Fish, Wildlife | F&WS in cooperation with BLM | Very high level of protection, but very intensive negotiations. Fish protection usually incorporates flow protection requirements. Note: Specific/different provisions available to landowners. |
| National Historic Preservation Act | Historical, Cultural, Archaeological | BLM in cooperation with State Historic Preservation Office | Prevents on-site destruction of resources, but cannot be used to protect entire stream corridor. |
| Paleontologic Resources Preservation Act | Paleontological | BLM | Prevents on-site destruction of resources, but cannot be used to protect entire stream corridor. |
| Native American Graves Protection and Repatriation Act | Historical, Cultural | BLM | Prevents on-site destruction of resources, but cannot be used to protect entire stream corridor. |
| Wilderness Study Areas | All | BLM, pursuant to procedures in Federal Land Policy and Management Act | Protected until Congress acts, but Congress can release the area. Strict guidelines for considering and evaluating surface-disturbing activities, projects generally limited to those that benefit wilderness characteristics. |
| Areas of Critical Environmental Concern | All | BLM during land use planning process | Allows BLM to emphasize management of relevant and important values; multiple use still occurs; area can be un-designated with a BLM land use plan amendment. |
| Special Recreation Management Areas | Recreation, and values that support recreation, such as fish and scenic | BLM during land use planning process | Emphasizes recreation as key value but multiple use still occurs in river corridor. Doesn't automatically control recreation to prevent damage to ORVs. |
| Stipulations on fluid and mineral development | All | BLM during land use planning process | BLM can't uniformly stop leasing and claims in stream corridors – stipulations must be minimum necessary to protect resource |
| Closure to specific uses, such as right-of-ways, forestry harvest, grazing, etc. | All | BLM during land use planning process | Closures can be changed via amendment to land use plan. |

| Potential Tool | ORVs that may be protected | Implementing Entity | Advantages and Disadvantages |
|--|---|--|--|
| Establishment of Visual Resource Management Classification (VRM) | Scenic | BLM during land use planning process | Can be changed via amendment to land use planning process. Multiple use still occurs to the extent it is compatible with classification. |
| BLM Sensitive Species List | Fish, Wildlife, Plants | BLM, in consultation with F&WS and CDOW | List can be changed administratively at any time. |
| Wilderness Designation | All | Congress, pursuant to Wilderness Act of 1964. BLM manages by following legislative language. | Permanent form of protection. Strict guidelines for considering and evaluating surface-disturbing activities, projects generally limited to those that benefit wilderness characteristics. Designation may not include water rights. |
| National Conservation Areas | All | Congress, pursuant to Federal Land Policy and Management Act. BLM manages by following legislative language. | Level and type of protection depends on legislative language and measures developed through Resource Management Plan. |
| Instream Flow Water Rights | Flow-dependent values such as fish and riparian | Colorado Water Conservation Board. BLM makes flow protection recommendations to the board. | CWCB water rights already exist on many streams. CWCB rights cannot be claimed to support flows needed for recreation. |
| Land Use Zoning and Ordinances | All | County and Municipal Governments | Local governments retain control over land use, but generally zoning and ordinances can be changed with a simple vote of county commissioners. |
| Conservation Easements | All | Land Trusts | Could assist in protection if easement protects the outstanding remarkable values. |