

Public Comments and Responses

– Price Draft RMP/EIS ACEC Supplement –

June 2006

STATE OF UTAH

Comment: 1. Concerned about layering. Multiple designations for the same area, especially associated with WSAs.

Response: See general response to draft comments related to “proper BLM management can be accomplished without layering levels of restrictions”.

Comment: 2. Belief the R&I values for Desolation Canyon are river based and do not apply to the entire ACEC and that the ACEC boundary includes lands that do not have R&I values.

Response: Many of the cultural features extend many miles up the side canyons to Desolation for example Nine Mile Canyon and Range Creek are both tributary canyons and have extensive cultural features many miles from the canyon and river corridor. The ID team reviewed the information presented and determined the appropriate size of the ACEC based on all of the relevance and importance criteria that are met..

Comment: 3. For areas that are “NSO” there should be exception, waiver, modification language that will allow for development

Response: Exception language has been added for ACECs that are NSO solely because of cultural values. There is no exception language where it was not appropriate, such as for scenic values.

FULBRIGHT & JAWORSKI FOR BILL BARRETT CORPORATION

Comment: 1. Comment: Disagree that designation of the Desolation Canyon ACEC “would not significantly impact” mineral development. Designation of the ACEC would have a substantial negative impact upon energy resources as it overlaps an existing natural gas exploration and production unit. BLM has not accurately detailed the negative impact that the ACEC would have on oil and gas resource values.

Response: Much of the area involves a WSA, where oil and gas leasing is not allowed. However, the impact section has been revised to more accurately address the impact, considering that there is overlap with an existing natural gas exploration and production unit and there is a portion of the potential ACEC which is not within the WSA.

Comment: 2. BLM does not demonstrate that the resources within the Desolation Canyon Potential ACEC meet R&I criteria. The area is not even locally significant let alone nationally significant. Also the West Tavaputs area does not contain significant, important or relevant resource values worthy of protection through ACEC designation.

Response: Appendix L has been revised to more thoroughly discuss rationale for relevance and importance findings.

Comment: 3. Appendix 26 does not explain why any of the relevant values involving Desolation Canyon are important except the canyon itself. These values are of the kind found throughout public lands in Utah.

Response: See BBC comment #2.

Comment: 4. Appendix 26 describes the Desolation Canyon ACEC in general terms without providing any specific descriptions. The appendix needs to provide adequate specific details

Response: Appendix L has been revised to more thoroughly discuss rationale for relevance and importance findings. It summarizes the ACEC evaluation and provides the same level of detail for all nominated ACECs.

Comment: 5. The potential Desolation Canyon ACEC does not contain visual resource values of more than local significance and they do not deserve special protection.

Response: The majority of the Desolation Canyon has been inventoried as Class I or II for visual resources. These lands are not the same as found on other public lands and do meet the criteria for relevance. The viewshed is of a natural, unaltered landscape with dramatic topography, varied vegetative composition and water features.

Comment: 6. Desolation Canyon does not provide habitat for migratory waterfowl, raptors and neotropical birds beyond local significance.

Response: Appendix L identifies the area as wintering grounds for the bald eagle and that there are at least four nesting pairs of peregrine falcon in the canyon. Also additional information about migratory birds including neotropical and raptors can be found in chapter 3. The river corridor is important because it is one of the few north-south running rivers and this provides an extensive water source for migratory birds.

Comment: 7. The wintering area for elk, deer, and big horn sheep within the Desolation Canyon area is insufficient to meet the relevance criteria. Many areas are wintering areas for big game, so what is special about this area.

Response: Appendix L has been revised to delete elk, deer, and big horn sheep as relevant wildlife species.

Comment: 8. Comment: BLM has not documented that the Desolation Canyon potential ACEC contains T&E species nor that this area had as been formally designated as “critical habitat” by USFWS. “Potential habitat” is entirely speculative.

Response: Chapter 3 of the Proposed RMP/Final EIS contains a detailed discussion of T&E species and that “critical habitat” has been designated for Mexican Spotted Owls in Desolation Canyon (map 3-6). Also the biological assessment contains additional information about these species. Appendix L only provides a general summary.

Comment: 9. Cultural and historic features are found throughout the canyon. At most, the proposed ACEC should only extend along the borders of the Green River and from the canyon bottom to canyon rims and not up to 10 miles from the river.

Response: Many of the cultural features extend many miles up the side canyons to Desolation for example Nine Mile Canyon and Range Creek are both tributary canyons and have extensive

cultural features many miles from the canyon. The ID team reviewed the information presented and determined the appropriate size of the ACEC based on all of the relevant and important values.

Comment: 10. Current lease stipulations, BMPs and mitigation measures can adequately protect these resources so “no special management attention” is needed. Also, much of the area is a WSA, and adequate protection exists from the WSA.

Response: All areas with relevant and important values are identified as potential ACECs and considered in the range of alternatives. One of the alternatives considered is No Action, where the effect of current lease stipulations on the relevant and important values is addressed. The effect of WSA management on protecting potential ACECs is taken into consideration in all alternatives.

Comment: 12. The size of the potential ACEC is overbroad and the area is afforded adequate protection with the existing WSA.

Response: See general response #8. The BLM interdisciplinary team considered the acreage needed to protect and prevent irreparable damage to relevant and important values. Nominated ACECs or portions of nominated ACECs that failed to meet both relevance and importance criteria were not considered in the Draft RMP/EIS alternatives. As noted in the DEIS Appendix 26, "in some cases the interdisciplinary team review resulted in...modified boundary configurations to be considered in the range of alternatives for some potential and existing ACECs."

Comment: 13. In recent NEPA documents BLM rebuts purported R&I values such as visual and wilderness characteristics. Wilderness characteristic and other resource values were not even raised as significant issues in these NEPA documents. BLM stated “the non-WSA lands with wilderness characteristics do not possess outstanding opportunities on their own but rather in association with the Jack Canyon WSA.”

Response: The relevance and importance criteria identified in 43 CFR 1610.7-2 are very specific. The fact that an area possesses overall wilderness character – the mandatory criteria for which is the appearance of naturalness and outstanding opportunities for primitive recreation or solitude – is not an ACEC relevant and important value.

Comment: 14. ACEC designation would be unlawful and contrary to the 2003 settlement agreement between DOI and the State of Utah because it would create de facto wilderness. Northern part of the ACEC is also a former WIA. According to the BLM manual ACECs shall not be used as a substitute for a wilderness suitability recommendation.

Response: The quote taken from the 1613 Manual is specific to the fact that BLM was undergoing the suitability portion of the FLPMA Section 603 - mandated wilderness review at the time the 1613 Manual was developed. Whether or not it is relevant today, considering that BLM no longer establishes WSAs as/per Washington Office Instruction Memorandum 2003-275 Change 1, is debatable. Also, it is clear that the relevant and important criteria for ACECs, as provided in the definition of an ACEC in FLPMA, and in subsequent regulations, guidelines and the 1613 Manual, are very specific and do not involve the wilderness characteristics of solitude and primitive recreation that are necessary for an area to have wilderness character. We thus strongly disagree that identification of Desolation Canyon as a potential ACEC and our

considering it in the range of alternatives in this planning effort has anything to do with an attempt to extend the boundaries of the Jack Canyon and Desolation Canyon WSAs.

Also, no assumption was made that the only way in which this area can be adequately protected is through a “no lease” designation. BLM has considered a range of alternatives through this process, some of which neither an ACEC designation nor a “no lease” designation. The purpose of the EIS process is to disclose impacts from the various alternatives to aid in decision-making.

Comment: 15. The Desolation Canyon potential ACEC overlays the majority of the reserves of the West Tavaputs natural gas field. The area contains extensive infrastructure and does not contain significant, important or relevant resource values worthy of protection through an ACEC designation. Because of all of the existing oil and gas activity in the area it is not possible to have R/I values and an ACEC.

Response: The oil and gas activities currently do not dominate the area. Only a small part of the ACEC is experiencing infrastructure development. The ID team was aware of the oil and gas activity in the area and still concluded that the area qualified with having R&I values.

Comment: 16. Comment: Within the Desolation Canyon ACEC is the existing Peter’s Point unit and there are 31 drilled wells, 33 acres cleared for drilling and 15.8 miles of roads and surface pipelines within the unit. Also there are at least 9 wells outside the unit that have been drilled since 1980

Response: None of the Desolation Canyon ACEC’s special management would affect valid existing rights that are associated with the Peter’s point unit nor would it affect any valid existing rights associated with any other leases.

Comment: 17. Comment: BLM should not designate Desolation Canyon as an ACEC and should ensure that the preferred alternative continues to omit it.

Response: The purpose of the Proposed RMP/Final EIS is to analysis a range of alternatives and the impacts that will occur. BLM does not designate any ACEC until the ROD is signed. Until that process is completed BLM can adjust it’s proposed decision.

UTAH RIVERS COUNCIL

Comment: 1. Strongly support the finding of Desolation Canyon as a potential ACEC.

Response: Thank you for your comment

Comment: 2. They want to reemphasize the relevant criteria including scenic, cultural, and ecological. They support R&I value of Scenic because Desolation is unequaled in grandeur in Utah and parallels the beauty of the Grand Canyon in places. Desolation qualifies under cultural because of the numerous Fremont and Ute Indian sites including rock art, habitation, and food storage sites and because of the explorations of John Wesley Powell. Desolation qualifies under ecological relevant and important criteria because of the endangered fish in the Green River.

Response: Appendix L has been updated where needed to clarify the values presented.

Comment: 3. Want the entire Desolation ACEC “closed to oil/gas leasing” because of the above values.

Response: BLM has reexamined the oil and gas leasing and only a very small amount of Desolation Canyon is not “closed”. This area is in a very high potential oil/gas area. BLM is using the range of alternatives to develop the recommendations for this area.

INDEPENDENT PETROLEUM ASSOCIATION OF MOUNTAIN STATES (IPAMS)

Comment: 1. Abundant natural gas resources exist in North American and the Intermountain Region. New development will only occur if companies have reasonable access to these reserves.

Response: Thank you for this information.

Comment: 2. BLM failed to provide an analysis of the least restrictive stipulation to oil and gas leasing to protect the resources as required by BLM Manual 1624, Planning for Fluid Minerals. This omission demonstrates that BLM has not carefully considered the effects of restrictive lease stipulations or permit conditions of approval on current and projected future oil and gas activities in the area.

Response: BLM did provide a range of alternatives for oil and gas leasing. Maps 2-30 through 2-34 provide this range and the analysis in chapter 4 shows the impacts that would result from the various choices before BLM.

Comment: 3. The Supplement repeatedly specifies the most restrictive means of allowing mineral development, no surface occupancy, but there is no discussion justifying the more restrictive management prescription. There are adequate laws in place to ensure resources are protected. Managing as considered in the supplement is contrary to BLM’s multiple use mandate.

Response: The special management that the four ACECs would invoke applies in only one alternative. The alternatives considered provides a range from “open to standards terms and conditions” to the more restrictive management under an ACEC.

Comment: 4. For CLDQ the CSU stipulation has been deleted and the NSO remains without justification.

Response: BLM is restricting all surface disturbing activities within the CLDQ ACEC not just mineral-related activities. It would be inconsistent with the intended uses of CLDQ to allow mineral development within the ACEC. Also NSO is necessary to protect the R&I values present.

Comment: 5. There is no discussion of why an ACEC designation is necessary to preserve the resource identified in Appendix 26. There is no justification for why existing laws are not adequate to protect the resources.

Response: By BLM policy any area that is nominated for an ACEC that meet the relevant and importance criteria must be considered for designation as an ACEC with special management attention in at least one alternative.

Comment: 6. The fact that the four potential ACECs addressed in the supplement were “inadvertently omitted” from consideration in the Draft RMP/EIS and again in the subsequent Supplement published December 13, 2005, indicates that ACEC designation is inappropriate.

Response: The fact that the four potential ACECs were overlooked in the documents referred to is inconsequential. Two wrongs do not make a right. The purpose of the subsequent Supplement published June 9, 2006 was to correct the oversight.

Comment: 7. BLM must ensure that the preferred alternative omits the new ACECs in the Final RMP/EIS.

Response: The purpose of the Proposed RMP/Final EIS is to analysis a range of alternatives and the impacts that will occur. BLM does not designate any ACEC until the ROD is signed. Until that process is completed BLM can adjust it’s proposed decision.

Comment: 8. IPAMS oppose adoption of the preferred alternative because it is the most restrictive.

Response: Beyond scope of Supplemental NOA

Comment: 9. The Desolation Canyon potential ACEC overlay the majority of the reserves of the West Tavaputs natural gas field. The area contains extensive existing infrastructure and does not contain resource values worthy of protection through an ACEC designation.

Response: See response to BBC comment # 15 and 16.

Comment: 10. Recommend that BLM revise the potential ACEC to eliminate the lands outside the WSAs boundaries thereby eliminating the no lease requirement and NSO of non-WSA lands.

Response: The entire area with relevant and important values must be brought forward into the action alternatives. However, the BLM has broad decision authority within the range of alternatives considered, and may choose to designate a smaller area or no area as an ACEC rather than the entire area considered. Therefore, it is possible to designate just the WSA portions of potential ACECs as ACECs. However, doing so would generally be nonsensical as the more vulnerable lands are outside of WSAs. In fact, we have received comments, including from you, that no WSA lands should be designated as ACECs because they are already protected, and that designating them would be inappropriate layering.

Comment: 11. Designation of Desolation Canyon as an ACEC outside of WSA boundaries is contrary to the direction to eliminate impediments to natural gas and oil development. The assumption that the only way in which this area can be adequately protected is through “no lease” or “no surface occupancy” is groundless.

Response: The purpose of the Proposed RMP/Final EIS is to analysis a range of alternatives and the impacts that will occur. BLM does not designate any ACEC until the ROD is signed. The impacts section evaluates the range of alternative for area outside the WSA and any conflicts with other resources and at the ROD will select the desired management for the area.

Comment: 12. BLM Manual 1613 instructs that “An ACEC shall not be used as a substitute for a wilderness suitability recommendation.” If an ACEC is proposed within or adjacent to a WSA, the RMP or plan amendment shall provide a clear description of the relationship of the ACEC to recommendations being made for the WSA. The relationship shall be described to the level of

detail required to avoid misunderstanding or misrepresentation by the public.” BLM has failed to abide by this direction with respect to the proposed Desolation Canyon ACEC. Also, there is no justification provided as to why the WSA designation is not sufficient to protect the resources in Desolation Canyon.

Response: At the time this Manual was written, BLM was engaged in the FLPMA Section 603 mandated wilderness review, for which suitability recommendations were being made. This quoted section is referring to that review. However, BLM is taking into the consideration the protective nature of WSA management in addressing the impacts related to all the alternatives.

Comment: 13. In recent NEPA documents BLM rebuts purported R&I values such as visual and wilderness characteristics. Wilderness characteristic and other resource values were not even raised as significant issues in these NEPA documents. BLM stated “the non-WSA lands with wilderness characteristics do not possess outstanding opportunities on their own but rather in association with the Jack Canyon WSA.”

Response: See BBC comment # 13.

Comment: 14. No discussion in the Supplement of the socio-economic impact of the new ACEC designations related to loss of current and future mineral development.

Response: The socio-economic section of the Proposed RMP/Final EIS has been revised.

Comment: 15. Map 2-45 is confusing.

Response: Map 2-45 has been revised.

Center for Native Ecosystems, The Wilderness Society, and Utah Native Plants Society

Comment: 1. BLM failed to ensure that Graham’s penstemon habitat receives adequate management. Species is Proposed for ESA protection not a Candidate. Must conference with FWS.

Response: Appendix L and Table 3-13 have been changed to show the species as “proposed”. BLM will include Graham’s in its Section 7 consultation with FWS. The Nine Mile Canyon ACEC is NSO in the preferred alternative and most of Desolation Canyon is in a WSA. These two actions provide very specific protections from oil and gas development. Also Graham is receiving the same level of protection as all other ESA species, hence does not need a specific ACEC for its protection.

Comment: 2. Concerned that White-Tailed Prairie Dog ACEC is not in the Preferred Alternative. There is risk to this species from plague, fragmentation from roads and oil/gas development, off-road use, shooting, weeds, overgrazing, drought and insufficient protective management. However, BLM inexplicably concludes that there are no threats identified. Must be closed to mineral development and OHVs restricted. Want BLM to consider ferret reintroduction. BLM must provide detailed explanation of why BLM is not designating it as an ACEC.

Response: Possible threats have been added to chapter 2 and Appendix L. The purpose of the Proposed RMP/Final EIS is to analysis a range of alternatives and the impacts that will occur. BLM does not designate any ACEC until the ROD is signed. Until that process is completed BLM can adjust its proposed decision. BLM is proposing to restrict OHV use to designated

routes, also BLM is restricting mineral development to plans of operations and controlled surface use which allows for actions to be sited in order to protect the prairie dogs.

Comment: 3. It is impossible to protect the prairie dog and its habitat without ACEC designation.

Response: In Utah, this species of prairie dog is considered to be a sensitive species. BLM policy as outlined in BLM Manual 6840 states that sensitive species are to be managed to the level of protection required by State law or under BLM policy for Candidate species whichever would provide better protection. BLM policy for candidate species is to conserve candidate species and their habitats and ensure that actions authorized, funded, or carried out by BLM do not contribute to the need for the species becoming listed.

Comment: 4. Comment: Map 2-45 is difficult to interpret.

Response: Map 2-45 has been revised.

Comment: 5. BLM must justify its conclusion that protective management of Nine Mile Canyon and Desolation Canyon potential ACECs, such as proposed in Alternative C, is sufficient to protect penstemon and prairie dog values, especially where that management does not seek to mitigate the threats.

Response: The impacts in chapter 4 have been revised from the draft RMP/EIS.

SOUTHERN UTAH WILDERNESS ALLIANCE (SUWA), THE WILDERNESS SOCIETY

Comment: 1. For all of the ACEC's identified by PFO as meeting the relevance and importance criteria, and where the BLM has or should have found that the special values of these ACECs are likely to be impacted without protective management, the BLM should designate ACECs and apply necessary management prescriptions.

Response: On August 27, 1980, BLM promulgated final ACEC guidelines (45FED REG 57318). These guidelines clarify that ACEC designation is a two-step process. The first step is to identify areas with relevance and importance as potential ACECs to be considered in the planning process. The second step is to determine whether or not to designate potential ACECs in the land use plan. All relevant factors are brought into consideration during the planning process, including various uses of the lands in question. There is no requirement that a potential ACEC must be designated an ACEC, even if relevant and important values are determined to be at risk.

Comment: 2. FLMPA does not direct BLM to disregard potential ACECs simply because there are other potential uses and FLPMA does not provide the BLM with discretion to abandon these designations simply because of state, county or internal agency objections.

Response: On August 27, 1980, BLM promulgated final ACEC guidelines (45FED REG 57318). These guidelines clarify that ACEC designation is a two-step process. The first step is to identify areas with relevance and importance as potential ACECs to be considered in the planning process. The second step is to determine whether or not to designate potential ACECs as ACECs in the land use plan. All relevant factors are brought into consideration during the planning process, including various uses of the lands in question. There is no requirement that a

potential ACEC must be designated an ACEC, even if relevant and important values are determined to be at risk.

Comment: 3. If the Desolation Canyon WSA was released, the values identified within the Desolation Canyon ACEC would not be protected and would be at risk from development.

Response: The “if released” language for WSA has been revised. The new language allows for actions to be approved if consistent with the goals and objectives of the approved RMP. If not, then a plan amendment is required. “ACEC values would largely continue to be protected unless a plan amendment changes the management scheme for the area, such as changing the oil and gas leasing from “closed” to something less restrictive.”

Comment: 4. The Desolation Canyon ACEC has different values and is larger than the WSA. The area outside the WSA is the most threatened by oil/gas development in the West Tavaputs area and therefore, must be designated.

Response: On August 27, 1980, BLM promulgated final ACEC guidelines (45FED REG 57318). These guidelines clarify that ACEC designation is a two-step process. The first step is to identify areas with relevance and importance as potential ACECs to be considered in the planning process. The second step is to determine whether or not to designate potential ACECs as ACECs in the land use plan. All relevant factors are brought into consideration during the planning process, including various uses of the lands in question. There is no requirement that a potential ACEC must be designated an ACEC, even if relevant and important values are determined to be at risk.

Comment: 5. BLM must designate the Mussentuchit Badlands as an ACEC to protect the area from advancing oil/gas development. The special management must include restriction of OHV use and closure to energy and mineral development

Response: On August 27, 1980, BLM promulgated final ACEC guidelines (45FED REG 57318). These guidelines clarify that ACEC designation is a two-step process. The first step is to identify areas with relevance and importance as potential ACECs to be considered in the planning process. The second step is to determine whether or not to designate potential ACECs in the land use plan. All relevant factors are brought into consideration during the planning process, including various uses of the lands in question. There is no requirement that a potential ACEC must be designated an ACEC, even if relevant and important values are determined to be at risk. The proposed management would restrict OHV use to “designated” routes and oil/gas development would be “open with minor constraints (controlled surface use)”.

Comment: 6. BLM must designate the Lower Muddy Creek as an ACEC to protect the area from advancing oil/gas development. The special management must include restriction of OHV use and closure to energy and mineral development.

Response: On August 27, 1980, BLM promulgated final ACEC guidelines (45 FED REG 57318). These guidelines clarify that ACEC designation is a two-step process. The first step is to identify areas with relevance and importance as potential ACECs to be considered in the planning process. The second step is to determine whether or not to designate potential ACECs as ACECs in the land use plan. All relevant factors are brought into consideration during the planning process, including various uses of the lands in question. There is no requirement that a potential ACEC must be designated an ACEC, even if relevant and important values are

determined to be at risk. The proposed management would restrict OHV use to “designated” routes and oil/gas development would be “open with major constraints (NSO)”.

Comment: 7. Nominated Antelope Valley-Sweetwater Reef was determined to not meet R&I because it was nominated for wilderness and recreation values. SUWA believes that BLM’s guidance explicitly identifies BLM’s authority to value wilderness character and protect it through ACEC designation. IM-2003-275 Change 1 formalize BLM policies and contemplates that BLM can continue to inventory for and protect land “with wilderness characteristics,” and specifically reference ACEC designation. Provided letters from Assistant Secretaries of DOI Rebecca Watson and Lynn Scarlett to support this position that ACEC can be for protection for wilderness characteristics. Therefore, BLM should designate these ACECs and consider designating others to protect lands with wilderness characteristics.

Response: To be an ACEC, an area must meet relevance and importance criteria and require special management attention. The relevance and importance criteria identified in 43 CFR 1610.7-2 are very specific. The fact that an area possesses overall wilderness character – the mandatory criteria for which is the appearance of naturalness and outstanding opportunities for primitive recreation or solitude – is not an ACEC relevant and important value. However, important natural systems and supplemental values such as outstanding scenic quality, which could be considered wilderness characteristics - although not mandatory characteristics - may on a case-by-case basis meet relevance and importance criteria. Also, IM-2003-275 states where ACEC values and wilderness characteristics coincide, the special management associated with an ACEC, if designated, may also protect wilderness characteristics. This makes it clear that an ACEC designation may protect wilderness characteristics as a consequence of the designation and special management but it does not mean that simply because an area has wilderness characteristics it should be designated an ACEC. For example, although outstanding primitive recreational opportunities is not a relevant and important criteria, special management needed to protect relevant and important criteria may secondarily enhance primitive recreational opportunities

Comment: 8. BLM is required to provide detailed information on the basis for BLM’s determination that the proposed ACECs are not in need of special management to protect the resource values. There is no valid justification for the conclusion that there are no real threats to the values.

Response: The Proposed RMP/Final EIS provides the detailed information to base the decision to designate or not designate an ACEC. The range of alternatives allows BLM to explore the impacts that would result from various decisions and special management on an area. Justification for the decision is in the ROD.

Comment: 9. BLM must provide a detailed explanation of its determination that ACECs with relevant and important values are not in need of special management attention, including those encompassing lands with wilderness characteristics.

Response: The purpose of the Proposed RMP/Final EIS is to analysis a range of alternatives and the impacts that will occur. BLM does not designate any ACEC until the ROD is signed it is the ROD that the detailed explanation supporting BLM ACEC decision is documented. Until that process is completed BLM can adjust it’s proposed decision

Comment: 10. Have doubts as to whether BLM can accurately incorporate any information received at this date into the RMP, if the final RMP is indeed, to be released some time in late 2006.

Response: BLM designated a team to deal with the ACEC comments received on the Supplemental NOA and appropriate changes have been made to the Proposed RMP/Final EIS.

NATIONAL OUTDOOR LEADERSHIP SCHOOL

Comment: 1. Want Desolation Canyon ACEC in the preferred alternative D because it meets the significance criteria of irreparable damage

Response: On August 27, 1980, BLM promulgated final ACEC guidelines (45FED REG 57318). These guidelines clarify that ACEC designation is a two-step process. The first step is to identify areas with relevance and importance as potential ACECs to be considered in the planning process. The second step is to determine whether or not to designate potential ACECs as ACECs in the land use plan. All relevant factors are brought into consideration during the planning process, including various uses of the lands in question. There is no requirement that a potential ACEC must be designated an ACEC, even if relevant and important values are determined to be at risk.

Comment: 2. With the late consideration as an ACEC concerned public comments will not be fully considered.

Response: BLM has reviewed each public comment received on the Supplemental ACEC information. BLM has either prepared a response to each comment or has made appropriate changes in the Proposed RMP/Final EIS.

Comment: 3. Desolation Canyon WSA does not protect the ACEC area. There is considerable difference in the acreage.

Response: Because there is a difference in acreage is a reason why the Desolation Canyon ACEC is being considered. The WSA would not protect the area outside that has R&I values, thus the need to discuss an ACEC.

Comment: 4. Want Desolation Canyon designated as an ACEC.

Response: The purpose of the Proposed RMP/Final EIS is to analysis a range of alternatives and the impacts that will occur. BLM does not designate any ACEC until the ROD is signed. Until that process is completed BLM can adjust it's proposed decision.

CARBON COUNTY

Comment: 1. Carbon County states that Congress put restrictions on the use of ACEC designations, and that even if a threatened negative effect on a relevant value rises to the level of outright damage, designation is inappropriate when the threatened damage is temporary or reclaimable. The threatened negative effect must rise to the level of “irreparable damage”, that is damage that cannot be reclaimed.

Response: On August 27, 1980, BLM promulgated final ACEC guidelines (45FED REG 57318) that clarify that the term “protect” means: “To defend or guard against damage or loss to

the important environmental resources of a potential or designated ACEC. This includes both damage that can be restored over time and that which is irreparable. With regard to a natural hazard, protect means to prevent the loss of life or injury to people, or loss or damage to property.” Thus, BLM is to consider the potential for both reparable and irreparable damage when protecting important historic, cultural, or scenic values, fish and wildlife resources, or other natural systems through ACEC designation.

Comment: 2. The R&I values used as a rationale for the potential Desolation Canyon ACEC are consistent with the purposes for the designation of the WSA (all wilderness related) and not an ACEC.

Response: In order to be considered for an ACEC an area must have relevant values that are considered important. These values are specific and do not include the mandatory wilderness characteristics of the appearance of naturalness or solitude or primitive recreation. They could include natural systems or other supplemental wilderness values, but only where they are consistent with the R and I criteria.

Comment: 3. The WSA and other restrictions affords adequate protection and there is no need to designate as an ACEC.

Response: If a nominated area is found to have R&I values, BLM by policy must include the area in at least one alternative.

Comment: 4. Layering ACECs with WSAs is not appropriate.

Response: See general response to draft comments related to “proper BLM management can be accomplished without layering levels of restrictions”.

Comment: 5. The ACEC is an attempt to create de-facto wilderness by protecting WIA areas and areas that are part of the “Red Rocks Wilderness” bills that have previously been introduced into Congress. It appears that in no RMP in any other western state has such vast acreages been used for ACEC designation as in Utah, indicating that BLM is attempting to skirt the April 2003 Wilderness Settlement Agreement. See that any designation does not violate the April 2003 Wilderness Settlement Agreement, which made no provision for the management of wilderness characteristics.

Response: In order to be considered for an ACEC an area must have relevant values that are considered important. These values do not include wilderness characteristics except for natural processes or other supplemental wilderness values. The settlement agreement does make provision for the management of wilderness characteristics, just not the establishment of new WSAs.

Comment: 6. The logic that Desolation Canyon is a migratory corridor for many migratory birds and a nesting area for waterfowl and shorebirds is not a viable reason for ACEC designation.

Response: See BBC comment # 6 and 8.

Comment: 7. The Supplement does not address “valid existing rights”.

Response: “Valid existing rights” is an overriding planning issue that is presented in Chapter 1. Any management decisions made as a result of this RMP revision effort are subject to valid

existing rights. Although at the time of lease development BLM may approach a leasee with conditions of approval, any terms that are above and beyond the original lease terms or that are not required by law can be refused.

Comment: 8. Carbon County is opposed to BLM’s desire to consolidate federal ownership within WSAs, ACECs, or other sensitive lands. Drawing polygons around large segments of open public lands containing private and state lands is not acceptable or needed. The traditional uses and material needs of citizens should not be negatively affected in the designation of ACECs.

Response: BLM’s position is that to effectively manage these special lands and acquiring federal ownership will improve that ability and lessen the impact on private land owners.

Comment: 9. Carbon County does not believe that any of these potential ACECs meet the criteria for designation as an ACEC.

Response: BLM has improved the documentation of the relevant and important values. The purpose of the Proposed RMP/Final EIS is to analyze a range of alternatives and the impacts that will occur. BLM does not designate any ACEC until the ROD is signed. Until that process is completed BLM can adjust its proposed decision.

Comment: 10. ACEC designations must be consistent with County Plans and State Laws.

Response: ACEC designations must be consistent with the intent of FLPMA and implementing regulations.

Comment: 11. We believe that criteria intended by Congress and the State Master Plan are not met by any of the potential ACECs being considered.

Response: Regarding the intent of Congress we disagree. Although there can be some subjectivity in the process, using an interdisciplinary team to review nominations and allowing for public input, assures that a hard look is given to each nomination.

SCHOOL AND INSTITUTIONAL TRUST LANDS ADMINISTRATION (SITLA)

Comment: 1. It is unnecessary to create an ACEC over the Desolation Canyon WSA (layering) and no additional acreage should be included as a restrictive ACEC. This would create a buffer zone to the WSA.

Response: See general response to draft comments related to “proper BLM management can be accomplished without layering levels of restrictions”.

Comment: 2. The Mussentuchit Badlands does not meet R&I because the igneous lava dikes are not unique, the invertebrate fossils are also not unique to this area, and there is insufficient information on cultural sites to set this area apart from other areas.

Response: Appendix L has been modified to explain the importance of the “chert” trade.

Comment: 3. Oil and gas activities within the White-Tailed Prairie Dog ACEC should not be restricted until it is demonstrated that these activities impact the animals.

Response: ACEC considerations, including decisions on what constitutes special management attention, are made during planning efforts, not at the time of plan implementation.

Comment: 4. Lower Muddy Creek does not need special management to protect the area from mineral extraction. The impact section should address the potential loss of mineral production. There is no evidence that it should be considered as a potential ACEC simply because it is in proximity to Goblin Valley State Park.

Response: The impact section has been expanded to address the potential impact from ACEC designations on potential mineral extraction.

Comment: 5. BLM must allow access to Trust Lands

Response: According to Court Decisions BLM must allow reasonable access to the state for development of State Trust Lands.

Comment: 6. BLM must not devalue Trust Lands by their actions or they must compensate the State.

Response: Impacts to state lands that would result from the various alternatives are addressed in chapter 4. Whether or not state lands would be devalued from BLM management of public lands is questionable, as BLM must allow reasonable access to the state for development of State Trust Lands. BLM is under no obligation to manage public lands in such a manner that would assure optimum development potential of state lands

ROCKY MOUNTAIN POWER/ PACIFICORP

Comment: 1. In designating ACEC need to take into account that there is a need for new energy corridors between here and Colorado and not create ROW exclusion zones. PacifiCorp should be able to maintain existing facilities, upgrade and/or expand existing facilities, and locate new facilities as needed. Multiple new transmission lines will be required to deliver energy to growing load centers. The designation of Desolation Canyon as an ACEC would create an exclusion area along the east side of the field office boundary, limiting ability to add new infrastructure from the east.

Response: BLM has revised the corridors maps based on input received from the public and has coordinated activities with the Programmatic Energy Corridor EIS.

Environmental Protection Agency

Comment: 1. Lands managed by Price include unique pictographs and archeological treasures as demonstrated by these latest ACECs. A provision should be to lease lands that qualify as ACECs with NSO stipulations for maximum conservation.

Response: A review of the special management reveals that all but one or two of the ACECs in alternative C would be managed as either NSO or Closed to oil/gas leasing. In these cases the proposed management is sufficient to protect the R&I values.

Comment: 2. Suggest that the Final EIS consider various management techniques, including reducing vehicular access to protect natural resources during prolonged drought conditions especially within ACECs.

Response: A section on “Fire, drought, and natural disasters is included in the Management Common to All.

MARTIN MCGREGOR

Comment: 1. The four areas should be made ACEC because of wilderness characteristics and added protection beyond WSA

Response: Wilderness is not a reason for designation of an ACEC (see response to SUWA comment)

Comment: 2. For the Muddy ACEC if it refers to the “through the reef” area is needed to help maintain the vehicle closure through the canyon.

Response: The “through the reef” area is part of the San Rafael Reef ACEC and is not subject to this public comment period.

JIM CULVER

Comment: 1. Opinion select “no action” current management is adequate

Response: Thank you for your position

PAUL POKOMY

Comment: 1. This proposed plan would severely hamper oil and gas expansion

Response: See BBC comment # 15 and IPAMS # 7.

LINDA VAN DER VEER

Comment: 1. Please add to mailing list

Response: Name added to mailing list

SCOTT AMMONS

Comment: 1. Comment: Supports preservation of the Green River corridor because its wilderness character should be preserved and protected.

Response: See response to SUWA wilderness characteristics concern

JAMES THOMPSON

Comment: 1. Please reconsider the Price River as an ACEC to protect riparian and water quality degradation. No specific details or rationale provided

Response: The lower Price River is included in parts of both the Desolation Canyon and the Beckwith Plateau ACECs. The ID team found that the remainder of the Price River lacked sufficient Relevant and Important values to have a potential ACEC.

Comment: 2. Supports all ACEC designations.

Response: Thank you for your comment.

WASATCH MOUNTAIN CLUB

1. Desolation Canyon, Lower Muddy Creek, and Mussentuchit Badlands deserve the special protection provided by AEC designation.

Response: Alternative C details the special management and protection that would be provided these areas. In addition Desolation Canyon is also protected because most of it is within a WSA

ROLAND K. GRIFFITH

Comment: 1. Wants BLM to gain control over ORV/ATV use.

Response: Beyond scope of Supplemental NOA. However, BLM is eliminating all “open” OHV areas.

LEON JONES

Comment: 1. Control ORV’s and limit grazing to non critical wildlife areas.

Response: Beyond scope of Supplemental NOA

JOHN SWANSON

Comment: 1. Wants areas designated as “wilderness”

Response: Beyond scope of Supplemental NOA. BLM can not create additional WSAs and it is Congress that designates “wilderness” and not BLM

ROBERT TELEPAK

Comment: 1. Does not believe that the White-Tailed prairie dog, Mussentuchit Badlands, nor Lower Muddy Creek should be ACEC. Especially the prairie dogs because USFWS did not consider it worthy of protection.

Response: See IPAMS # 7.

Comment: 2. Position is that these ACECs are a replacement for wilderness and is making de-facto wilderness

Response: In order to be considered for an ACEC an area must have relevant values that are considered important. These values do not include wilderness characteristics. Therefore, these ACECs can not be replacement for wilderness designations. There may be similarities but they are not the same.

Comment: 3. Concerned about “dry washes” being considered for Wild and Scenic River status.

Response: Beyond scope of this NOA which is restricted to the four ACECs not included in the draft RMP/EIS.