

Recreation

Individual / Organization	Commenter Type, Record ID, & Comment Number			Comment Text	Response to Comment	Doc Mod
Theodore Roosevelt Conservation Partnership	O	1	9	Given the long-term nature of energy development, the BLM should include a plan in the FEIS for compensating hunters for the loss of big game that might occur as a result of energy development. The Vernal FO must identify the hunting values of the areas being considered for energy development and then determine how subsequent development will impact the uses sportsmen make of our federal public lands during oil and/or gas exploration and development of these lands. It needs to be determined what the Vernal FO will do to provide our members and UT sportsmen with alternative locations where they can continue hunting during the appropriate lease-area determination process.	The BLM mitigates the potential impacts to wildlife habitat from energy development projects by incorporating mitigation measures and the use of surface stipulations.	
Theodore Roosevelt Conservation Partnership	O	1	10	The RMP is not adhering to Executive Order 13443, issued on Aug. 16, 2007 and Instructinal Memorandum No. 2008-006 issued Nov. 12, 2007. (Available at http://www.blm.gov/nhp/efoia/wo/fy08/IM2008-006.html).	The BLM is clearly adhering to EO 13443 and WO IM #2008-006. However, this Instructional Memorandum is not a planning level IM. During the planning process, the BLM works extensively with state, local and tribal governments, scientists, landowners, individual sportsmen, non-profit organizations and other interested parties (Non-Federal Partners) in the development of protection measures for big game and other wildlife species.	
United States Environmental Protection Agency	G	6	29	Section 2.4.11.2 Recreation- Actions Common to All page 2-23: A map should be referenced which indicates all of the sites listed in this section.	OHV sites are addressed in figures 25-28 in the Draft RMP and on figure 28e within the supplement. Special Designations are addressed in figures 22-24 in the Draft RMP. Alternative E would match Alternative E for special designations. SRMAs are found within the above mentioned Special Designation maps. Additional recreation areas would be located within Extensive recreation areas and included dispersed campsites which is evolving and currently not mapped. As new recreation sites are proposed and added to the Vernal	

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					Planning area through the ROD allowances, they will be periodically updated within mapping programs (i.e. GIS), the BLM website, and also on paper maps (within feasibility to be determined by management).	
United States Environmental Protection Agency	G	6	31	Section 2.4.11.2.1, Recreation, BLM Recreation Guidelines, page 2-24: BLM could consider the development of recreation guidelines to help achieve and maintain healthy public lands as defined by the Rangeland Health Standards.	Comment noted.	
Duchesne County Commission	G	10	17	Page 4-51, Section 4.10.2.3.5 and elsewhere throughout the supplement: It is the position of Duchesne County that the majority of citizens in our county and across the country do not participate in primitive, non-motorized forms of recreation due to age, mobility, health conditions and economic considerations. The majority needs motorized access to enjoy recreation opportunities such as hunting, fishing, and wildlife viewing. The Duchesne County public lands plan states that 12% of the county's land area is already wilderness and this area is highly inaccessible, which makes it off-limits for the majority of citizens. The plan states: "Wilderness designation is inconsistent with the philosophy of multiple use and sustained yield and adversely affects the County's economy in terms of grazing, tourism, timber industries, and water resources." Throughout the supplement, the benefits of protecting wilderness characteristics are mentioned without mentioning the detrimental impacts listed in the county plan.	<p>The BLM is aware that there are specific County and State plan decisions relevant to aspects of public land management that are discrete from, and independent of, Federal law. However, the BLM is bound by Federal law. The FLPMA requires that the development of an RMP for public lands must be coordinated and consistent with County plans, to the maximum extent possible by law, and inconsistencies between Federal and non-Federal government plans be resolved to the extent practical (FLPMA, Title II Sec. 202 (c)(9)). As a consequence, where State and local plans conflict with Federal law there will be an inconsistency that cannot be resolved or reconciled.</p> <p>Thus, while County and Federal planning processes, under FLPMA, are required to be as integrated and consistent as practical, the Federal agency planning process is not bound by or subject to County plans, planning processes, or planning stipulations. The BLM will identify these conflicts in the FEIS/DRMP, so that the State and local governments have a complete understanding of the impacts of the DRMP on State and local management options. A consistency review of the DRMP with the State and County Master Plans is included in Chapter 5.</p>	
Duchesne	G	10	50	Page 4-183, Sections 4.21.2.6.5 and 4.21.2.6.6: Are any	In Section 1.4.1.2 of the Vernal DRMP/DEIS under	

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County Commission				of the areas proposed for SRMA's located within areas subject to existing energy leases? If so, the conclusions reached by these sections would not be true.	<p>Planning Criteria, it is noted that "The revised RMP would recognizes valid existing rights.</p> <p>Thus, all SRMAs are subject to Valid existing rights, and would be subject to existing rights for all resources.</p> <p>The Conclusions reached by the sections would remain consistent with SRMA identifications. The goals and objectives for Each SRMA would be maintained and Valid existing rights not be removed as a result of SRMA identification.</p>	
Duchesne County Commission	G	10	61	Page 4-219, Section 4.22, last paragraph on this page: Duchesne County questions the listing of "primitive forms of recreation:" to include hunting, fishing, and wildlife viewing, when the majority of the population uses motorized vehicles to participate in such activities. Creation of wilderness makes such activities difficult to participate in for the majority of citizens.	<p>The activities can be and are accomplished by both motorized enthusiasts, and non-motorized enthusiasts, and are therefore correctly categorized within primitive forms of recreation, but not excluded from motorized forms of recreation.</p> <p>The commenter offers an opinion of wilderness as follows:</p> <p>"Creation of wilderness makes such activities difficult to participate in for the majority of citizens."</p> <p>This is a general opinion dealing with the philosophy of wilderness and is beyond the scope of the Draft RMP and Supplement.</p>	
Duchesne County Commission	G	10	62	Page 4-221, Section 4.22.19, last paragraph on this page: Focusing on primitive forms of recreation and limiting motorized recreation may increase opportunities for solitude and primitive recreation, but this occurs at the expense of the majority, who don't seek solitude or primitive recreation and need motorized access to enjoy these lands.	<p>Comment noted.</p> <p>The BLM considered a wide range of alternatives for motorized use, including constructing/designating up to 800 miles of additional motorized trails and 400 miles of non-motorized trails (Alt A.)</p> <p>Acres and miles for motorized use (as it relates to OHV's) are clearly stated within the DRMP on table S.1 within the</p>	

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					<p>executive summary of the Draft RMP, and additional OHV numbers are stated within table S.4 as part of the Supplement. The BLM has Clearly offered opportunities for Motorized use within the VPA.</p>	
Robert B. Hall	I	23	2	<p>Furthermore, the BLM should detail how public lands proposed for leasing and development will be managed for a balance of uses including hunting and fishing, as required their multiple-use mandate in the Federal Land Policy and Management Act. Given the long-term nature of energy development, the BLM should include its plan for compensating hunters for the loss of big game that might occur as a result of development. Specific areas of concern include the Book Cliffs and Nine Mile limited mule deer hunting units and the Nine Mile, Book Cliffs, Three Corners, and Diamond Mountain limited elk hunting units, plus the Green River blue-ribbon fishery.</p>	<p>The BLM mitigates the potential impacts to wildlife habitat from energy development projects by incorporating mitigation measures and the use of surface stipulations.</p> <p>As a multiple-use agency, the BLM is required to implement laws, regulations and policies for many different and often competing, land uses and to resolve conflicts and prescribe land uses through its land use plans. For example, 43 CFR Group 2500 provides guidance and requirements for Disposition; Occupancy and Use of public lands; Group 2800 for Rights-of-way; Group 3400 for Coal Management; Group 6000 for Designated Wilderness, and Group 8200 for Natural History, part 8351 for Wild and Scenic Rivers. Multiple-use management requires a balancing of the mandates for these separate programs.</p> <p>BLM prepares overlays for land disposition, rights-of-way, coal, wilderness, and other special designation areas, etc., and overlays the information to identify conflicts and opportunities on the public lands. Each overlay is designed to meet the requirements law, regulation and policy for the particular program.</p> <p>BLM's Land Use Planning Handbook requires that specific decisions be made for each resource and use (Appendix C, H-1601-1). The required decisions must be included in each of the alternatives analyzed during development of the land use plan. As each alternative is formulated, each</p>	

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					<p>program decision is overlain with the other program decisions and inconsistent decisions are identified and modified to be compatible with the objectives of the alternative. The potential conflicts between programs identified in the comment have been analyzed for each of the alternatives in the Final EIS.</p> <p>The Final EIS includes the decisions required for each program and BLM will attempt to ensure that the allowable uses and allocations are compatible and meet the objectives of the selected plan.</p>	
Capital Trail Vehicle Association (CTVA)	O	142	18	The document and decision must clearly disclose on maps and tables and summaries all existing areas, and existing roads and trails that would be closed to motorized access and motorized recreationists. Summaries should include overall closures percentages. Otherwise public disclosure has not been adequately provided and the public will not be informed and the public including motorized recreationist will not be able to adequately participate and comment.	<p>The commenter requests specific information that will be provided within a comprehensive travel plan The commenter requests specific information that will be provided within a comprehensive travel plan as which will be completed within 1-5 years of the Record of decision. As per Land use planning handbook H-1601-1, the BLM is not required to provide a comprehensive Travel Management plan within the RMP process as part of the Record of decision.</p> <p>Individual trail proposals and routes will need to go through site specific NEPA, and are beyond the scope of this document.</p> <p>A framework for motorized travel can be found within figures 25-28 in the Draft RMP and on Figure 28e in the Supplement.</p>	
Comcast	O	148	10	The USU Institute for Outdoor Recreation and Tourism has conducted studies showing	Comment noted.	
The Wilderness Society	O	174	36	The Draft RMP and the Supplement fail to address or even acknowledge the well documented and significant costs associated with off-road motorized recreation.	<p>Socioeconomics are covered under section 4.12.3.3 in the Vernal Draft RMP and Motorized impacts are addressed.</p> <p>This section provides an overview of both positive and</p>	

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				Swanson and Loomis (1996) used a benefit-cost analytical method that translates recreation use into economic benefits. Authors measures the effects of four alternative management scenarios to estimate their ability to meet demand. Economic benefits were maximized under a redistribution that shifted acres from “semi-private motorized” to “semi-private non-motorized.” This scenario resulted in additional \$916 million in public benefits. Authors found that existing public land allocations in the region provided excess supply for roaded recreation.	negative effects from Recreation and OHV use on Socioeconomics in broad terms. This section does not specify between motorized and non-motorized use within the opening bullets, but appropriately uses the terms “recreation opportunities”. Section 4.12.3 seems to support both the commenter and the BLM by stating: “There would be no unavoidable adverse impacts to socioeconomics.” It is the BLM’s perspective that through providing a wide range of recreation opportunities, and by Improving the recreation experience, positive social and economic benefits could be realized.	
Utah Rock Art Research Association	O	186	22	The road leading to these sites from the highway should be closed and shooting prohibited.	The commenter does not provide any data or information as to which roads are the subject of the comment, or which areas should be closed and where shooting should be prohibited. The BLM cannot provide an analytical response to this comment.	
State of Utah	G	189	13	Red Mountain/Sand Pockets: This area is shown as being closed to OHV use, yet the document acknowledges the designated Red Mountain Trail. Also, there are several trails in the Sand Pockets area that are heavily used and may someday soon be connected to Steinke State Park. We recommend this area be reclassified as "limited" rather than "closed".	Within the Range of Alternatives the Sand Pockets area would be Open, Limited, or closed, and therefore evaluates the area as “limited”. (See Alternative B, Figure 26.)	
State of Utah	G	189	14	Nine Mile: There is an existing road that constitutes the north boundary of the southern portion of the Desolation Non WSA lands with wilderness characteristics area. This road continues east and south across Nine Mile Creek and the proceeds west into Carbon County to Horse Bench. This is a portion of an existing loop trail that is highly prized by OHV users. The Price Field	The Vernal Field office will work closely with the Price field office where possible to resolve concerns dealing with a comprehensive travel management plan. Site specific NEPA will be required for proposed trails/routes.	

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				Office's Draft RMP has their portion of this trail open to motorized use. We think the Vernal part of this trail should remain open to preserve continuity between the plans. Also, it is noted on this map that the route up Frank Canyon has been left open for motorized travel as part of this trail.	The Comprehensive travel management plan for the VPA will be completed within 1-5 years of the Record of Decision, and is therefore beyond the scope of this document.	
Utah Archeological Research Institute, Inc.	O	191	7	One issue apparently not discussed in the Supplement is target shooting. Many people are shooting guns at targets on BLM lands. The problem is that shooting at target soon escalades into shooting at everything else. This has resulted in terrible damage to rock art sites. Target shooting has also let to the littering of public lands, sometimes with hazardous materials, since people have taken everything that could be shot onto public lands. Then after filling it full of holes, they leave it there. Some materials, like lead-acid automobile batteries, create hazardous wastes for the BLM to clean up. Then there is the issue of contaminating the environment with lead, which is not discussed in the DRMP/EIS. We ask that the BLM please include a section with alternatives on target shooting.	<p>Comment noted. Section 2.4.11.2 addresses shooting within all developed recreation sites as "closed".</p> <p>The BLM strongly encourages responsible Firearm use on public lands.</p> <p>When target shooting elements are left on public lands, they are treated as litter and are subject to all applicable laws and are therefore not discussed as a specific management strategy within the Draft RMP or the Supplement.</p> <p>The BLM encourages public stewardship for public lands resource degradation or abuse. Please report all incidents on public land to 911 in the case of an emergency, or to the appropriate law enforcement agency.</p> <p>The BLM addresses Human Health and Safety under section 2.3.2.1. within the Draft RMP and states the following:</p> <p>"...BLM would strive to ensure that human health and safety concerns on public lands remain a major priority. Dangerous sites, structures, roads, or other facilities e.g., abandoned mines would be stabilized or closed if it is determined that they are a public hazard. Cabins would be assessed relative to public hazard. If determined to be</p>	

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					<p>hazardous, appropriated action would be taken to correct the deficiencies.</p> <p>The BLM respectfully declines to add the requested section on Target shooting.</p>	

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United States Environmental Protection Agency	G	6	30	2.4.11.2.1 -Rangeland Health Standard 2 -page 2-24 -Any discharges of fill to streams and wetlands must be in conformance with Section 404 of the Clean Water Act.	See 2.3 MANAGEMENT COMMON TO ALL ALTERNATIVES, 2.3.1 Goals and Objectives Common to All Alternatives, 4." BLM would apply and comply with water quality standards established by the State of Utah (R.317-2) and the Federal Clean Water and Safe Drinking Water Acts"	
United States Environmental Protection Agency	G	6	32	Section 2.4.12.2 -Riparian -Actions Common to All. page 2-26: This section should reference the need to obtain approval from the U.S. Army Corps of Engineers for stream crossings of pipelines and roads under Section 404 of the Clean Water Act.	See 2.3 MANAGEMENT COMMON TO ALL ALTERNATIVES, 2.3.1 Goals and Objectives Common to All Alternatives, 4." BLM would apply and comply with water quality standards established by the State of Utah (R.317-2) and the Federal Clean Water and Safe Drinking Water Acts"	
United States Environmental Protection Agency	G	6	51	Section 4.11. Riparian and Wetland Resources. page 4-161 : This section does not reference the baseline water quality and therefore does not adequately assess the impacts.	<p>The section does properly assess the impacts to riparian and wetland resources</p> <p>Section 4.13 discusses Soil and Water Resources, as well as, careful planning of development to ensure impacts to soil and water are limited is important in protecting water quality and soil productivity. BLM will work towards compliance with water quality standards currently not in compliance at Pariette Draw Creek [TDS, selenium, and boron for 54.1 stream miles], Willow Creek, excluding Hill Creek, [TDS for 57.2 stream miles] and Nine Mile Creek [stream temperature on the VFO portion of 119.1 miles] where the BLM-administered lands make up a large percentage of the total acreage at these sub-basins. Efforts towards compliance can include limiting the concentrations of sediments. In general, TDS levels can often be proportional to sediment levels.</p> <p>BLM will apply and comply with water quality standards established by the state of Utah (R317.2) and the federal clean water and safe drinking water acts. Activities on BLM lands will fully support the designated beneficial uses</p>	

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					described in the Utah Water Quality Standards (R317.2) for surface and groundwater.	
Comcast	O	148	5	The riparian goal of PFC is totally inadequate because PFC is only a minimal hydraulic evaluation, is highly subject and biased. PFC does not address habitat or water quality. Regarding stubble height standards, they are ineffective because they are typically not enforced, do not represent use in riparian areas and little strips of sedges do not filter sediment. For filtering sediment, intact riparian areas with vegetated stream banks and fully vegetated riparian areas are needed to reduce erosion and filter sediment. These deficiencies should be addressed by closing all riparian areas to livestock.	See Table 2.1 pages 2-19 and 2-31. The text on 2-19 has been revised in Grazing in River Corridors, 4th sentence – the word “temporarily” has been removed to reflect that after all options have been exhausted those riparian areas would be closed to grazing. Comment noted	X
The Wilderness Society	O	174	31	<p>The Draft RMP and the Supplement fail to address or even acknowledge the well documented and significant costs associated with off-road motorized recreation.</p> <p>Riparian areas are also impacted by off-road motorized recreation. Chin et al. (2004) assessed the effects of all-terrain vehicles (ATV) trails on stream characteristics in the Ouchita National Forest in Arkansas. They found that the watersheds with ATV trails had pools with higher percentages of sands and fines (siltation), lower depths, and lower volumes.</p>	<p>The commentator refers to , “well documented and significant costs associated with off-road motorized recreation”, but only provides one scenario (Law enforcement costs) which to review.</p> <p>The Effects of Recreation and OHV on Socioeconomics are discussed in section 4.12.3.3 on page 4-68 of the Supplement, and in section 4.12 in the Draft RMP. The text uses the terms increasing recreation opportunities, and Improving the recreation experience and discusses impacts on local economies as a result of adjusting these opportunities/experiences. Within section 4.1.1 under Analytical Assumptions on page 4-2 of the Draft RMP states,</p> <ul style="list-style-type: none"> • State highways and county roads through the VPA will remain open for access. <p>Many of the county roads within the VPA allow OHV use within the wide range of alternatives. This could help to alleviate some concerns with regards to off Highway travel.</p> <p>The commentator states,</p>	

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					<p>“This implies that off-road motorized recreation participants are generally lawless.” The BLM has made no such assumption.</p> <p>The comment states: “In Fact law enforcement needs for this particular user group are a large source of costs associated with off-road motorized recreation. ”Indeed, if additional law enforcement is required to manage any specific resource within the VPA it is correct that it could create an additional cost to the tax payer, however, the additional needs could create a new position(s) , which could assist the local economy as well.</p> <p>Therefore, the costs that the commentor addresses could be seen as benefits and are subjective in nature.If by costs, the commentor is referring to Impacts, impacts from OHV use are identified by specific resource in chapter 4 of the Draft RMP and have adequately been analyzed adequately through the NEPA process.</p>	

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Karen Budd-Falen	I	20	8	<p>The BLM's alternatives analysis fails to comply with NEPA because it fails to explore and objectively evaluate all reasonable alternatives. The DRMP/DEIS and Supplement discuss four alternatives beyond the required no-action alternative (Alternative A, B, C, and E). However, the range of the alternatives that were discussed merely differed on minor matters and provided no real alternatives with discernable differences. The provided alternatives have relatively minute differences between them. See Northern Plains Resource Council v. Lujan, 874 F.2d 661 (9th Cir. 1989) (alternatives with impacts that are essentially without discernible differences need not be evaluated in an EIS). The failure to include and analyze a proper range of alternatives has been deemed to be a fatal flaw in complying with NEPA and can lead to the EIS being remanded to the agency. See Natural Resources Defense Council, Inc. v. Morton, 458 F.2d 827 (D.C. Cir. 1972); City of Tenakee Springs v. Clough, 915 F.2d 1308 (9th Cir. 1990); Dubouis v. United States Department of Agriculture, 102 F.3d 1273 (9th Cir. 1996) cert. denied, 521 U.S. 1119 (1997). The DRMP/DEIS analyzed only three alternatives beyond the no action alternative and the Supplement adds the addition of an alternative E which is very similar to alternative C. The failure to analyze a greater range of alternatives is a fatal flaw of the DRMP/DEIS. See Muckleshoot Indian Tribe v. U.S. Forest Serv, 177 F.3d 800, 813-14 (9th Cir. 1999) (failure to consider forest swap involving modifications to the acreage involved; range of alternatives- a no-action alternative and two nearly identical action alternatives - was</p>	<p>The CEQ regulations (40 CFR 1502.1) require BLM to consider reasonable alternatives, which would avoid or minimize adverse impacts or enhance the quality of the human environment, based on the nature of the proposal and facts in the case (CEQ 40 Most Asked Questions 1b.). While there are many possible management prescriptions or actions, the BLM used the scoping process to determine a reasonable range alternatives that best addressed the issues, concerns, and alternatives identified by the public. Public participation was essential in this process and full consideration was given to all potential alternatives identified.</p> <p>The BLM determined that a single alternative analyzing the protection of all Non-WSA lands with wilderness characteristics would best provide a reasoned choice among the alternatives. Although the other alternatives do not provide specific management prescriptions to protect Non-WSA, these alternatives analyze and disclose the impacts of the proposed resource management prescriptions, uses and actions on the Non-WSA lands with wilderness characteristics. This gives the public the ability to fully compare the consequences of protecting or not protecting the wilderness characteristics on these Non-WSA lands. If all alternatives contained comparable protections of the Non-WSA lands with wilderness characteristics, the alternatives would have substantially similar consequences and would not be significantly distinguishable.</p> <p>The BLM, in developing the PRMP/FEIS, can chose management actions from within the range of the alternatives presented in the DRMP/DEIS and create a</p>	

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				<p>inadequate, especially given that agency failed to consider alternatives more consistent with its basic policy objectives)</p> <p>Alternative E is simply "the same as Alternative C, except that it adds a protective management prescription to 277,596 acres of land in 25 areas that comprise non-WSA lands with wilderness characteristics." See Supplement Executive Summary *t. For example, Alternative E, like Alternative C, proposes 156,425 acres of prescribed fire treatments per decade to restore vegetation communities and naturalness to lands with wilderness characteristics. Id. at 2-36. This proposed action is identical to the actions proposed under Alternatives A and B and varies from alternative D only in the amount of acreage proposed for fire treatments. Id. All alternatives advocate fire treatment with only minute differences between them.</p> <p>Therefore, the DRMP/DEIS and Supplement fail to comply with the requirements of NEPA in that they fail to pose a real alternatives with discernable differences between them.</p>	<p>management plan that is effective in addressing the current conditions in the planning area based on FLPMA's multiple-use mandate.</p>	
Questar	B	140	3	<p>Areas of Critical Environmental Concern</p> <p>Alternative E includes 12 Areas of Critical Environmental Concern (ACEC) on 679,935 acres of federal mineral estate. Seven of these ACECs are located in non-WSA lands with wilderness characteristics and are proposed to be managed as VRM Class 1, closed to oil and gas leasing, ROW exclusion areas and closed to road construction. An ACEC designation is only appropriate when the designation is needed to "protect a resource or value." See BLM Manual 1613 - Areas of Critical</p>	<p>Under the provisions of FLPMA, the BLM has authority to designate ACECs where special management attention is required to protect and prevent irreparable damage to important cultural, historic, scenic values, fish and wildlife resources, other natural systems or processes, or to protect life and safety from natural hazards. To be considered as a potential ACEC, an area must meet the criteria or relevance and importance, which does not include wilderness characteristics. Where ACEC values and wilderness characteristics coincide, the special</p>	

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		<p>Environmental Concern, pg. 51. In order to be a potential ACEC, both of the following criteria shall be met: 43 CER 1610.7-2.</p> <ul style="list-style-type: none"> -Relevance, e.g., a significant historic, cultural, or scenic value; and -Importance, i.e., shall have substantial significance and values. <p>It is unclear what information the BLM used to determine that the proposed ACECs met the "importance and relevance" criteria. NEPA and BLM policy require that the BLM make available for public comment the information upon which the decision to designate an ACEC was reached, including the underlying analysis for the proposed and existing ACECs. Isle Royale, 154 E, Supp 2d at 1127; Trout Unlimited., 509 F 2d at 1284; BLM ACEC Manual 1613.096-4. Further, the BLM has not demonstrated that existing management practices and designation do not adequately protect the resource values of concern and that an ACEC is necessary. BLM provides no justification that the fragile, sensitive, rare, irreplaceable, exemplary, unique, endangered, or threatened criteria have been met. The information and data used by the BLM to make these determinations should be fully disclosed to the public as required by NEPA and BLM policy. ACEC designations cannot be used to create defacto wilderness areas. The BLM Manual on ACECs expressly instructs that "An ACEC designation shall not be used as a substitute for a wilderness suitability recommendation." BLM Manual 1613.</p> <p>The DRMP/EIS should note that many of the resource</p>	<p>management actions associated with an ACEC, if designated, may also protect "wilderness characteristics" (Washington Office Instruction Memorandum 2003-275). However, BLM policy directs that "an ACEC designation will not be used as a substitute for wilderness suitability recommendations" (BLM Manual 1613).</p> <p>Appendix G describes each ACEC within the Vernal Planning Area and whether or not they meet the relevance and importance criteria. This information has been available for public comment during the Scoping Process as described in Section 1.6 of the PRMP/FEIS.</p>	

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				<p>values that are meant to be protected by the proposed ACECs are already protected through management prescriptions that are applied to leases and/or APDs. ACEC designation is unnecessary when other designations are adequate to protect a resource or value. FLPMA states that the least restrictive management technique to protect a resource should be applied. Thus, if the resource proposed for protection in an ACEC is already protected by current management practices or existing designations, FLPMA requires that no additional restrictions be imposed.</p> <p>Recommendation: Disclose the information upon which the proposed ACECs were determined to meet the "importance and relevance" criteria. Eliminate the proposed ACECs from further consideration if they fail to demonstrate that additional protections are necessary and/or that they meet the importance and relevance criteria.</p>		
Comcast	O	148	4	<p>The RMP/EIS should analyze and present the baseline and environmental data on climate, soils, microbiology, birds animals, aquatic ecosystems, surface and ground water and air quality that was generated in the Prototype Oil Shale Program on Tracts U and UB in the 1970's and 1980's and make this data available to the public. Many monitoring locations were established during that program. What is the current condition of those monitoring sites now, their birds, wildlife, fish, aquatic invertebrates, water quality compared to the baseline? How do the baseline and current conditions relate to potential.</p>	<p>The BLM used the best available information to present the affect environment. The current condition of all resources are clearly identified and described in Chapter 3.</p>	
Matthew T. Miller	I	156	1	<p>I have been concerned about the wording of the last few EIS/RMP reports, with the heavy usage of the phrase "Non-WSA Lands with Wilderness Characteristics." I am</p>	<p>The Dear Reader letter to the SEIS clarifies the use of the term non-WSA lands with wilderness characteristics as follows:</p>	

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				concerned that there is a tendency to view and manage non-Wilderness lands as WSAs even though they have not gone through the proper process of being added as a WSA.	<p>“Wilderness Characteristics and Non-WSA Lands Likely to Have Wilderness Characteristics. Further, you may have seen or heard other terms like wilderness inventory areas, reasonable probability determination areas, or simply, areas with wilderness characteristics. All of these terms refer to the same lands: those public lands outside of existing WSAs that BLM has determined have wilderness characteristics and that will be considered for management of those characteristics in this planning effort. For consistency and to minimize confusion, those lands will be referred to as non-WSA lands with wilderness characteristics throughout this Supplement.”</p> <p>The definitions for the terms ‘wilderness’, wilderness characteristics’, and ‘wilderness study area’ can be found in the glossary.</p>	
Brenda Durant	I	165	1	Your preferred alternative would allow many miles of roads into these precious and rare oases and it would protect a mere 3% of BLM land in this District from oil and gas development. How can this be balanced and thoughtful management of public lands?	See comment response 20-O-8..	
Brenda Durant	I	165	1	The BLM has overall failed to provide an alternative which fulfills the BLM's duty to protect cultural resources in the Vernal Management Area as outlined by the National Historic Preservation Act.	<p>See comment response 20-O-8.</p> <p>In the Vernal DRMP/DEIS, Alternative E emphasizes the protection and preservation of natural resources and minimizes human activities, over commodity production and extraction and motorized recreation access. Alternative B best protects and preserves historic, cultural and natural resources fulfilling both the requirements of FPLMA and NEPA. The BLM did give full consideration to the Great Dinosaur/Book Cliffs Heritage Plan, in particular the concept that a desirable BLM Travel Plan contains an equitable allocation between non-motorized and motorized</p>	

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					recreation. Although for the reasons outlined in the DRMP/DEIS the Great Dinosaur/Book Cliffs Heritage Plan was eliminated from detailed analysis, components of the proposal were carried forward for consideration and analysis in all the action alternatives.	
Diane G. Orr	I	166	1	The BLM has overall failed to provide an alternative which fulfills the BLM's duty to protect cultural resources in the Vernal Management Area as outline by the National Historic Preservation Act.	See comment response 20-O-8. The Great Dinosaur/Book Cliffs Heritage Plan was considered and elements of this plan have been incorporated into the alternatives.	
Utah State Office of Education, School Land Trust	G	169	1	<p>The beneficiaries of the school trust lands are very concerned over access to our lands. Because public land cannot be effectively administered without both legal and physical access; the BLM should refrain from locking up our school trust lands. If and when certain lands of ours must be denied access, the BLM should certainly not isolate us and devalue our land without a stated plan to make us whole.</p> <p>In other words, the settlor of the trust cannot frustrate the purpose of the trust "to support the common schools." If management actions cut off access to school trust land sections, without just compensation, or provisions for exchanges within the RMP, the BLM would be in a position of taking. The takings clause of the United States Constitution prohibits this.</p> <p>It should be noted for all alternatives that, pursuant to the decision of the United States District Court of the District of Utah in Utah v. Andrus, BLM is obligated to grant reasonable access to the State of Utah and its lessees to school trust lands notwithstanding any special designation or avoidance/exclusion area for rights-of-way on intervening BLM lands. 486 F. Supp. 995 (D. Utah 1979).</p>	<p>The BLM recognizes that under Utah v. Andrus the State is entitled to reasonable access across public lands to school trust lands, including those located within WSAs and other areas where management prescriptions would restrict general public access. Any restrictions such as route closures within these management areas pertain to general public access. Public access to OHV routes on public lands is accomplished through travel management planning. We make a distinction between closures to the public, and State access entitlements and access needs of others that can be addressed as specific needs arise. Land tenure adjustment efforts including pending and anticipated land exchanges between the BLM and the State should properly focus on SITLA lands located within WSAs and other special management areas identified in RMPs. Therefore, the BLM does not believe it is necessary or prudent to globally grant rights-of-way or designated routes to school trust lands for public use. The BLM is happy to work with the State to process any FLPMA Title V ROW application the State feels is necessary to protect ingress and egress to State property.</p> <p>The concern about DRMP/DEIS access restrictions other than those for general public access, such as the</p>	

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		<p>In furtherance of this obligation, no existing roads providing access to trust lands should be closed without the consent of SITLA.</p> <p>In STATE OF UTAH V. ANDRUS, the court held that "Given the rule of liberal construction of legislation dealing with school trust land and given the congressional intent of enabling the state to use school lands as a means of generating revenue, Congress must have intended that the state of Utah, or its lessees, have access to school lands encircled by federal land. Act of July 16, 1894, 28 Stat. 107.</p> <p>"Because it was the intent of Congress to provide school trust lands to the state of Utah so that the state could use them to raise revenue, the access rights of the state to said lands, which were encircled by federally owned land, could not be so restricted as to destroy the economic value of the school trust lands, that is, the state had to be allowed access which was not so narrowly restrictive as to render the lands incapable of their full economic development. Act July 16, 1894, 28 Stat. 107.</p> <p>"In respect to state school trust lands encircled by federal land, state lessee's right to gain access was not an existing use on October 21, 1976, the date of enactment of the Federal Land Policy and Management Act and therefore the lessee's activity could be regulated so as to prevent wilderness impairment, but such regulation could not be so restrictive as to constitute a taking. Act July 16, 1894. 28 Stat. 107; Const. Utah art. 10. 3, 7; Federal Land Policy and Management Act of 1976, 603 (1), 43 U.S.C.A. 1711(a); Wilderness Act, 2 et seq., 16 U.S.C.A. 1131 et seq. (pg -- 998). All quotes are from STATE OF</p>	<p>designation of right-of-way avoidance or exclusion areas, can be clarified with specific mention in the PRMP/FEIS that these designations are subject to State access entitlements under Utah v. Andrus, as described above.</p>	

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				<p>UTAH V. ANDRUS United States District, d. Utah, C.D., No. C 79-0037, C 79-0307, 486 F. Supp. 995 (1979), pg's. 995, 997, 998, 1001, 1002, 1009, 1010.</p>		
Utah State Office of Education, School Land Trust	G	169	3	<p>We are concerned about the cutting off of access and how it devalues in-held school land. For the BLM not to develop oil & gas in its sections also makes it impractical for development to occur on ours, which amounts to an unconstitutional taking. This is true where there are known resources, and may become true for areas in which no drilling has occurred. Alternative E would directly harm us in this area because "about 187,000 acres of State of Utah lands could be rendered uneconomic to lease because they would be surrounded by unleaseable federal lands." (4-31) This includes about 19,200 acres with coal resources that are currently unleased, which would be eliminated from further consideration for coal leasing.</p> <p>If the BLM decides that large areas of its land are off limits for drilling, that can effectively prevent feasible drilling on our in-held sections, amounting to a taking of the mineral value of our subsurface resources.</p> <p>The BLM should consider whether it will allow directional drilling from leases on school sections to access oil and gas lands on BLM property, with no surface occupancy of the BLM property. The BLM has stated "Oil and gas development in these areas would require directional drilling to extract hydrocarbon resources." (4-48). Analysis should be made on how feasible this would be, and what proportion of the resources could be reached in this way.</p>	See comment response 169-G-1.	
Public Lands Advocacy	O	170	2	The DSEIS fails to adequately analyze the impacts Alternative E would have on future oil and gas	Section 4.12 in the PRMP/EIS provides a revised analysis of socioeconomic impacts for the Vernal Planning area.	

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				<p>development because it does not accurately identify the significant loss of energy, particularly natural gas resources associated with the withdrawal, and the contribution these resources would make to the nation's need for domestic energy supplies. Of additional concern is that the reasonably foreseeable development scenario prepared for the Vernal RMP revision in 2003 was found inaccurate by industry because it relied on outdated information and didn't consider the improved economic climate for the exploration for and development of a broader spectrum of current geologic data available, including geophysical data, from the energy industry to upgrade the RFD scenario. Since the RFD was not revised in conjunction with the SDEIS, the potential impacts of implementation of Alternative E and the other alternatives would be radically greater than projected by BLM. We recommend BLM reanalyze the effects of the Alternative R as well as the alternatives contained in the previously released Vernal Draft EIS/RMP by utilizing updated geologic data and recognizing increased exploration and development activities in the area.</p>		
The Wilderness Society	O	174	2	<p>The BLM is not considering a true range of alternatives. The Supplement presents a new alternative, which would manage all of the lands with wilderness characteristics outside WSAs that have been identified by the BLM. However, none of the other management alternatives include specific management of these areas to protect their wilderness characteristics. The Supplement could have, but does not, present a range of alternatives, such that each alternative would include an option for managing non-WSA lands with wilderness characteristics. Instead, the approach taken in the Supplement implies that the agency has no intention of adopting Alternative E and it taking an "all or nothing" approach to managing</p>	<p>The Dear Reader letter to the SEIS explains the purpose of the Supplement to the DRMP/DEIS as follows:</p> <p>"The DRMP/DEIS presented four alternatives for managing the public lands and resources and analyzed the effects of each management approach. None of these alternatives addressed management to protect all non-WSA lands with wilderness characteristics. This Supplement analyzes a fifth alternative, Alternative E, which emphasizes protection of all non-WSA lands with wilderness characteristics and analyzes the effects of that management. Alternative E is the same as Alternative C except it adds a protective management prescription to 277,596 acres of land in 25</p>	

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				<p>non-WSA lands to protect their wilderness characteristics. The Supplement appears to offer Alternative E as a “straw man” to be dismissed in favor of the preferred alternative.</p>	<p>areas that comprise non-WSA lands with wilderness characteristics. Alternative E, however, prescribes how all public lands managed by the Vernal Field Office will be managed, not just the non-WSA lands with wilderness characteristics. Under Alternative E, the proposed decisions that apply to the lands outside of non-WSA lands with wilderness characteristics remain the same as those in Alternative C.”</p> <p>The Supplement, in combination with the DRMP, presents a reasonable range alternatives that best address the issues and concerns presented by the public during the scoping process.</p>	
The Wilderness Society	O	174	41	<p>The Supplement claims that “In the development of this RMP, wilderness characteristics are considered in a manner commensurate with other resource values and uses.” Supplement, p. 1-2. However, the BLM’s approach to this Supplement indicates that wilderness values are not actually being given equal treatment with other resource values.</p>	<p>In the Supplement to the DRMP/DEIS (Alternative E), all lands identified by BLM as having wilderness characteristics would be managed to protect the naturalness of the areas and the opportunities for solitude and primitive recreation. Protecting the wilderness characteristics would include, among other restrictive management prescriptions, making them unavailable for oil and gas leasing and closing the area to OHV use. The management and level of protection of the wilderness characteristics on Non-WSA lands is discretionary and not bound by requirements of the Wilderness Act of 1964 or the WSA Interim Management Policy (IMP, H-8550-1; BLM 1995). However, the BLM may manage the lands to protect and/or preserve some or all of those characteristics through the land use planning process. In addition, under the land use planning process, the BLM must consider a range of alternatives for the lands identified with wilderness characteristics. This gives the public the ability to fully compare the consequences of protecting or not protecting the wilderness characteristics on these Non-WSA lands.</p>	

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The Wilderness Society	O	174	42	We remain concerned that neither BLM's preferred alternative nor any of the other management alternatives provide sufficient protection for the ecosystem from the impacts of intrusive activities, especially ORVs and oil and gas development.	See comment response 174-O-41. Protections from oil and gas development applicable to all alternatives are described in Appendix K. A range of ORV restrictions (open, closed, limited) are described throughout several resources in chapter 2.	
The Wilderness Society	O	174	43	The Supplement does not indicate that the agency is seriously considering protection of lands with wilderness characteristics or adoption of other special designations, and does not give sufficient weight to the benefits to wildlife and cultural resources from protecting lands with wilderness characteristics and other natural lands.	The BLM is objectively evaluating all alternatives, including both positive and negative impacts. See Chapter 4 for a comparison of impacts analysis for all resources.	
The Wilderness Society	O	174	87	The Supplement provides changes to each affected section of the Draft RMP/EIS for Alternative E. However, there are no thorough discussions or comparisons of the effects of Alternative E with the preferred alternative, Alternative A. For instance, a side-by-side comparison of the mileage of ORV routes, projected oil and gas wells, and functional habitat in Alternative E and the other management alternative is critical information for informed public scrutiny of this document.	A discussion of Alternative E in comparison with the three other action alternative as well as the No Action alternative are described in Chapter 4 of the SEIS.	
	O	180	1	There is one problem with the Supplement to the Resource Management Plan that we feel is greater than any other. It is that five management options do not offer sufficient alternatives to allow an adequate listing of all management alternatives for public lands and their resources. Is there some reason that there has to be five alternatives? What if there are six viable alternatives? What if there are fifteen viable alternatives? Do you combine them or just leave some out? Confining management strategies to five different alternatives restricts management objectives, and thus the RMP is not an adequate approach to effectively manage our public lands. Public lands and resources will not be managed as effectively as they might have been because of the	See comment response 20-I-8.	

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				limitation of alternatives.		
Howard County Bird Club	O	182	1	However, nothing in the supplement indicates that BLM favors any part of Alternative E. We see nothing that gives BLM's endorsement to any protective measures for the 25 WCAs. That omission should be corrected in the final plan.	The BLM, in developing the PRMP/FEIS, can chose management actions from within the range of the alternatives presented in the DRMP/DEIS and create a management plan that is effective in addressing the current conditions in the planning area based on FLPMA's multiple-use mandate.	
Utah Archeological Research Institute, Inc.	O	191	1	There is one problem with the Supplement to the RMP that we feel is greater than any other. It is that five management options do not offer sufficient alternatives to allow an adequate listing of all management alternatives for public lands and their resources. Is there some reason that there has to be five alternatives? What if there are six viable alternatives? Confining management strategies to give different alternatives restricts management objectives and thus the RMP is not an adequate approach to effectively manage our public lands. Public lands and resources will not be managed as effectively as they might have been because of the limitation of alternatives.	See comment response 20-I-8.	
Utah Archeological Research Institute, Inc.	O	191	6	We do not believe that the DRMP develops a satisfactory procedure that adequately protects cultural resources and meets our access needs. Since there are no alternatives in this plan that adequately protect cultural resources and yet provides access for scientific studies, we ask that you consider either another alternative be included or a present alternative be modified.	See comment response 20-I-8. Administrative access may be granted for certain uses by a BLM permit on a case-by case basis. These restrictions only apply to motorized access; there is a variety of other forms of non-motorized access that can be used to reach these sites. The BLM integrates the protection of resource values such as cultural resources with its responsibilities for land use planning and resource management under FLPMA to ensure that the affects of any activity or undertaking is taken into account. In addition, National Programmatic Agreement, which regulates BLM's compliance with National Historic Preservation Act, serves as the	

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					<p>procedural basis for BLM managers to meet their responsibilities under Section 106, and 110.</p> <p>Until 1980, Section 106 of the NHPA required agencies to consider the effects of their undertakings only on properties listed on the National Register of Historic Places. However in 1980, Section 106 was amended to require agencies to consider an undertaking's effects on properties included in or eligible for inclusion in the National Register. Since that time the BLM, through its land use planning process, outlines specific management prescriptions and mitigation measures to protect sites both listed and eligible for the National Register. Any potential surface disturbing activities based on future proposals will require compliance with Section 106 and site-specific NEPA documentation. 0</p>	

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United States Environmental Protection Agency	G	6	5	<p>We also believe these management prescriptions can complement protection of 216 miles of suitable river segments for possible wild, scenic, and recreational designation. These segments include the Whit, Green, Bitter Creek, Argyle Creek, and Nine Mile Creek. These Prescriptions are particularly important for restoring and protecting valuable riparian systems and wetlands along these segments that are: 1) not in proper functioning condition for range management; or are 2) particularly vulnerable to adverse impacts due to steeper slopes that are subject to excessive erosion or contain saline soils. The additional protections that would be afforded by implementing Alternative E would not substantially reduce mineral development opportunities since just one percent less acreage would be available for mineral leasing compared to Alternative D - the No Action Alternative. (SDEIS at page 4-10.)</p>	<p>Comment noted.</p> <p>The BLM considered a wide range of alternatives within the Vernal Draft RMP/Supplement. The BLM is not mandated to substantially reduce any major resource use as part of the land use planning process. However, when comparing alternative B which allows for the most mineral development to alternative E which is the most restrictive to mineral development, there is a substantial difference. Specifically please see Table 2.1 on page S-3 of the Vernal Draft RMP. Alternative B would close 52,550 acres, restrict with no surface occupancy 42,053 acres, and use controlled surface use on 706,281 acres, whereas Alternative E on table S-1, page S-2 within the supplement would Close 367,037 acres, restrict with NSO 47,629 acres, and use controlled surface use on 608,570 acres. Thus, alternative D is not the alternative that is least restrictive to mineral use for comparison. Alternative B should be referenced as the least restrictive alternative.</p>	
The Wilderness Society	O	174	35	<p>The Draft RMP and the Supplement fail to address or even acknowledge the well documented and significant costs associated with off-road motorized recreation.</p> <p>Forgone passive use benefits – Jerrel (1995) estimated the benefits of protecting 6.9 million acres of desert land in California. The value to California residents of designating seventy-six new wilderness areas and creating three new national parks was found to be between \$177 and \$448 million per year. The 1993 version of the California Desert Protection Bill restricted vehicle access in the parks and prohibited motorized and mechanized recreation in the wilderness areas.</p>	<p>Socioeconomics are covered under section 4.12.3.3 in the Vernal Draft RMP and Motorized impacts are addressed.</p> <p>This section provides an overview of both positive and negative effects from Recreation and OHV use on Socioeconomics in broad terms.</p> <p>This section does not specify between motorized and non-motorized use within the opening bullets, but appropriately uses the terms “recreation opportunities”.</p> <p>If off road motorized recreation areas are developed and other areas are protected, both will have the potential to generate social and economic benefits. The FLPMA requires that the BLM manage for Multiple use, and</p>	

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					<p>through the land use planning process, the BLM has effectively evaluated a wide range of recreational opportunities associated with both off-road motorized recreation, and primitive recreation opportunities.</p> <p>Additionally, the BLM does recognize positive benefits from the existence of wilderness characteristics within an area on page 4-68 of the Supplement. Specifically, the text states:</p> <p>“Recent research has shown that the very existence of wilderness characteristics within an area can provide economic benefits to the local economy...Local businesses that benefit from the preservation of non-WSA lands, such as wilderness therapy groups or river running outfitters, would benefit the most from Alternative E. “</p> <p>The section also cites The Net Economic Value of Wilderness (Bowker 2005), which summarizes the relevant research on the topic.</p>	

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United States Environmental Protection Agency	G	6	36	Table 2.5, Summary of Impacts for Environmental Justice, Page 2-83: This section should also address impacts to individual tribal members. The adverse impacts to human health referenced in Alternative D need to be discussed in Alternatives A, B, and C.	<p>This table in the Proposed RMP/Final EIS, Table 2.2, has been modified to incorporate the potential environmental risks to this community.</p> <p>Wellfield development would not be in the immediate area of a Tribal community. A nearby community, however, is located approximately 10 miles to the north at the settlement of Ouray. Potential downsides to the residents of Ouray are the risks associated with nearby minerals development. These risks include increased truck traffic through the town, and wellfield effects such as flaring, dust, spills, well blowouts and impacts to water resources.</p>	X
United States Environmental Protection Agency	G	6	44	Section 3.21. Environmental Justice page3 -137: This section should evaluate the alternatives with regard to their impacts on the heath and environmental effects on the 50Ute Tribe and Individual Native American populations. Also see comments under Chapter 4 for Environmental Justice.	See Response to Comment 006-36-SOC.	
United States Environmental Protection Agency	G	6	53	Section 4.21.1.1. Environmental Justice: The baseline health of the environmental justice community is not addressed and therefore potential impacts are not assessed. Mitigation -page 4-344- Tribal consultation should ensure consultation with each band of the Ute Tribe. 4.21.1 and 4.21.2 -All alternatives -"The nearest community is located approximately 10 minutes to the north at the settlement of Ouray. Therefore, oil and gas development would not expose this community or the public-at-large to known health risks or environmental hazards. " This statement does not address any future development of present communities nor does it evaluate increased exposure to road traffic, including large rigs and trucks used in the oil field service industry, and the associated air pollution,	See Response to Comment 006-36-SOC.	

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				flaring of wells, dust, spills, well blowouts, and impact to water resources.		
Duchesne County Commission	G	10	21	Pages 4-68 and 4-69, Section 4.12.3.3.3: Duchesne County disputes the findings of studies concluding that wilderness areas add positive economic benefits to local communities. These studies fail to take into account the negative impacts to the grazing, motorized travel, tourism and timber industries and to water resources needed to support the economy, when multiple use is not allowed. Our experience is that "high dollar recreation, such as hunting," referred to on Page 4-69, does not necessarily mean high dollars to the local economy (most hunters will outfit and supply themselves using sources outside the area, exploit the hunting opportunities locally, spending as little money as possible while here, and then return home).	The cited studies concentrate on the purported economic benefits of wilderness; they do not necessarily conclude that there are no costs, nor even that the benefits always exceed the costs. The analysis in Chapter 4 explicitly states that the cited studies generally were done in the context of designated wilderness, and may or may not apply to WSA's or non-WSA lands with wilderness characteristics. The Proposed RMP/Final EIS discusses in Chapter 4 the positive and negative impacts of all plan decisions, including the impacts from the decision to preserve, protect and maintain 106,178 acres for wilderness characteristics.	
Duchesne County Commission	G	10	22	Page 4-69, Section 4.12.3.4.2: The findings under Alternative E are inconsistent with the socioeconomic statements in the Duchesne County land use plan which promote motorized access to and multiple use of public lands and conclude that additional wilderness designation shall be opposed.	<p>The BLM is aware that there are specific County and State plan decisions relevant to aspects of public land management that are discrete from, and independent of, Federal law. However, the BLM is bound by Federal law. The FLPMA requires that the development of an RMP for public lands must be coordinated and consistent with County plans, to the maximum extent possible by law, and inconsistencies between Federal and non-Federal government plans be resolve to the extent practical (FLPMA, Title II Sec. 202 (c)(9)). As a consequence, where State and local plans conflict with Federal law there will be an inconsistency that cannot be resolved or reconciled.</p> <p>Thus, while County and Federal planning processes, under FLPMA, are required to be as integrated and consistent as practical, the Federal agency planning process is not bound by or subject to County plans, planning processes,</p>	

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					or planning stipulations. The BLM will identify these conflicts in the Proposed RMP/Final EIS, so that the State and local governments have a complete understanding of the impacts of the Proposed RMP on State and local management options. A consistency review of the Proposed RMP with the State and County Master Plans is included in Chapter 5.	
Daggett County	G	11	4	<p>Economic studies/socio economics</p> <p>Utah State University & the University of Utah completed a number of economic and social-attitude studies regarding the use of and value attributed to public land resources by Utah residents. These studies assess: general attitude of the citizens toward the public lands, off-highway vehicle use on public lands, grazing on public lands, potential Wild and Scenic River designation, and economic impacts of oil and gas exploration.</p> <p>Recent information from that study shows that oil & gas exploration and production (E&P) accounts for 60 percent of all wages paid in the Uinta Basin. (See attachment A). The extractive industry is extremely important to the economic viability of the Uintah Basin both directly and indirectly. Studies show that this industry has and will sustain itself for many years to come. (See attachment B). The Basin is very rich in its natural resources.</p> <p>The importance of the extraction industry reaches far beyond the Uintah Basin. The Rocky Mountains west will play an increasing roll in meeting the nation's needs for gas. The annual energy outlook 2004 with projections to 2025, clearly shows the increasing roll of the rocky mountain area in gas production. The Uintah Basin makes up a considerable portion of the area and its</p>	<p>The results of the Utah State University public lands survey and the University of Utah study on the economic impacts of oil and gas development in the Uintah Basin have been incorporated into the Proposed RMP/Final EIS. Chapter 3 summarizes the public lands survey results, and an Appendix has been added showing the raw results for the three counties in the planning area. Data from the University of Utah study has been extensively incorporated into Chapter 4 analysis.</p> <p>The Proposed Plan/Final EIS recognizes the importance of the oil and gas industry to the economic health of the Uintah Basin. The Plan seeks to strike a reasonable compromise between demands on resources and resource protection, within the framework of the BLM's sustained yield, multiple use mandate.</p>	

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		<p>associated production.</p> <p>Page 4-68 and 4-69 of Alternative E. Daggett County disputes the findings of studies concluding that wilderness areas add positive economic benefits to local communities, especially for the limited retail capacity of our county. The positive economic benefit does not exist if oil and gas development is excluded from the same areas. Especially if oil and gas is precluded from these areas.</p> <p>Page 4-66 of Alternative E. The document states that minerals under Alternative E would increase the costs of developing the total predicted oil and gas wells by \$.6 billion, compared to Alternative D-no action, because there would be more wells drilled under Alternative E. Such development would potentially create a total cost of development of \$12.5 billion over 20 years, or approximately \$623 million over one year. The paragraph itself demonstrates the socio economic values on these properties. It would appear the extractive industry has a far greater economic value to the local economy than does the recreational industry.</p> <p>The document states that "Alternative E would provide the least amount of oil and gas related jobs compared to other action alternatives and slightly more compared to Alternative D-no action." Once must assume this is based on the estimated number of wells for each alternative. Although this may be correct, it does not accurately reflect the impact of management prescriptions proposed in Alternative E. The addition of wells to be drilled on Indian Trust surface and the addition of lands available for oil and gas leasing in the Diamond Mountain</p>		

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				area to the RFD prevents realistic comparison of other alternatives to Alternative D. It should be clear that the proposal to close wilderness characteristic areas to oil and gas leasing will drastically reduce future wells under Alternative E when you compare like acres.		
Karen Budd-Falen	I	20	1	The above described will dversel affect all local ranching activities within the VPA. Specifically, Alternative E will negatively affect the livelihoods of all ranchers within the area. It will also have a negative effect on the local economy as ranching is a large part of the stability of such economy.	The commenter does not state how Alternative E will negatively affect the ranching community. Grazing would still be allowed in those areas being managed to preserve, protect and maintain wilderness characteristics.	
Karen Budd-Falen	I	20	19	Under NEPA, the BLM when preparing an EIS must include an adequate economic analysis. See, 40 C.F.R. 1508.8 and 1508.14. This economic analysis must take into consideration the impacts on the communities that will be affected by the action. Federal courts have upheld the necessity of an economic analysis to require, where economic analysis forms the basis of choosing among alternatives that the analysis not be misleading, biased or incomplete. Seattle Audubon Society v. Lyons, 871 F. Supp. 1291, 1324 (W.D.W A 1994). One court has noted that "In some instances environmental costs may outweigh economic and technical benefits and in other instances they may not. But NEPA mandates a rather finely tuned systematic balancing analysis in each instance." Sierra Club v. Sigler, 695 F.2d 957,978 (5th Cir. 1983). Both the DRMP/DEIS and Supplement ail to properly include and assess the environmental impacts on the local economies that would be affected, in particular with regard to the effect that reduced livestock grazing, including the elimination of	The Proposed RMP/Final EIS has an identical number of AUM's as the No Action alternative, which is the current situation. The BLM acknowledges that all some of the No Action alternatives could have a negative economic impact on ranchers, but these decisions are not part of the Proposed RMP/Final EIS.	

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		<p>non-use AUMs, will have on the local economy. The alternatives considered, with the exception of the no action alternative, all consider reducing the number of AUMs for livestock (to be allocated to wild horses, wildlife, or even retired) or calls for the reduction of only livestock use of the range. The BLM must consider the economic and historic contributions of ranching and livestock grazing to the local economy and balance that against the harm that will be caused to the economy if that grazing is reduced. This point is punctuated by Executive Order 13272 (Proper Consideration of Small Entities in Agency Rulemaking (August 13, 2002)).</p> <p>The Supplement fails to detail and discuss the negative effects that reductions in grazing will have on the local economies. Much of the economic discussion centers around the positive effects that oil and gas development will have on the VPA. Under Chapter 2, the Supplement details Social and Economic Considerations by providing that mineral development will create 90,000 plus jobs over the course of 20 years and that the development will result in over \$453 million in revenue for the state. See Supplement at 2-28 and 2-29. It also provides that through the development of recreation, tourism will increase resulting in increased revenue for the local economies. Id. The Supplement briefly touches on the "possible" impacts to grazing lands from the enactment of Alternative E, but fails to go into detail regarding such effects. Chapter 4 does discuss the effects of Alternative E on ranching operations, but does not detail the negative effects. Rather, it</p>		

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				<p>states that the adverse impact of Alternative E on grazing would be "the limitation of permittees to expand the size of their operations above current levels." Id. at 4-32. Ranches could also be indirectly impacted by a slowed economy from the reduction in AUMs. Id. This reduction could also affect their ability to obtain financing as permits are a recognized value to lending institutions. Id. These few sentences which are specific to Alternative E , are the only ones which discuss the adverse impacts to ranchers f from a decrease in grazing lands. However, four sentences does not constitute a discussion or an analysis of the adverse impacts to the local economies and ranching operations.</p>		
Herm Hoops	I	22	1	<p>The lands managed by the BLM have a national constituency. BLM should not only represent local interests, but should solidly represent that national constituency. The fact that BLM managed lands have economical value in no way requires that BLM has any duty to develop those lands for support of any local economy. I do not feel the RMP makes those points clearly and definitively.</p>	<p>The BLM acknowledges that it has a national constituency. The BLM also has a sustained yield, multiple-use mandate. The CEQ regulations (40 CFR 1502.1) require BLM to consider reasonable alternatives, which would avoid or minimize adverse impacts or enhance the quality of the human environment, based on the nature of the proposal and facts in the case (CEQ 40 Most Asked Questions 1b.). While there are many possible management prescriptions or actions, the BLM used the scoping process to determine a reasonable range alternatives that best addressed the issues, concerns, and alternatives identified by the public. Public participation was essential in this process and full consideration was given to all potential alternatives identified. Issue identification was open to all who wished to participate, and the BLM received numerous comments from outside the planning area. The Proposed RMP/Final EIS attempts to strike a balance between resource use and resource protection, and is not simply a tool for local economic development. The BLM, in developing the Proposed RMP/Final EIS, can chose management actions from</p>	

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					<p>within the range of the alternatives presented in the DRMP/DEIS and create a management plan that is effective in addressing the current conditions in the planning area based on FLPMA's multiple-use mandate.</p> <p>Chapter 1 of the Proposed RMP/Final EIS has an extensive discussion of the scoping process, as well as the multiple national laws and policies that the BLM utilized throughout the current planning process.</p>	
Questar	B	140	5	<p>Socioeconomics</p> <p>The socioeconomic analysis does not give adequate weight to the importance of energy supplies in all levels of the economy. The full positive impact of mineral development in the planning area was not considered, nor was the negative impact that will result from imposing Alternative E's stringent restrictions on energy development. The actions proposed under Alternative E will result in significantly less benefit to the local communities in terms of employment, wages, and the economy, as well as to the state and the nation in terms of available energy. As stated on page 4-66 of the SDRMP/DEIS, the Utah Energy Office estimates that the drilling and completion of each well creates 14.8 jobs. Using estimated wells to be drilled under Alternative E compared to the No Action Alternative, this represents a loss of more than 3,160 jobs. Loss of these jobs will impact local, state, and national tax revenues.</p> <p>The closure of 22% of federal lands to mineral leasing and encumbering 43% of federal lands with NSO and CSU surface use restrictions will clearly have a negative impact on local employment and wages and tax revenues. Alternative E restrictions on natural resource development have the greatest potential to restrict</p>	<p>The Proposed RMP/Final EIS incorporates more recent data provided by the November, 2007, University of Utah study of the economic impacts of oil and gas development in the Uintah Basin. This data suggests that the job loss under Alternative E, although still present, will be substantially less than the Utah Energy Office study would suggest. That study examined the impact of drilling a single well, and did not incorporate the economies of scale available in large-scale minerals development. A detailed discussion of these two data sources, and their impact on the socioeconomic analysis of Chapter 4, has been added to Chapter 4 in the Proposed RMP/Final EIS. Additionally, a discussion of the expected fiscal impacts to state and local government from restricting oil and gas development in lands being managed to preserve, protect and maintain wilderness characteristics has been added to Chapter 4.</p> <p>The impact of BLM decisions on the national price of gas and its impact on low-income populations are beyond the scope of the Proposed RMP/Final EIS.</p>	

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				<p>economic opportunities for those whose livelihood depends completely, or in part, on the restricted activities. BLM fails to disclose how the restrictions may combine to increase the consumer cost of gas which will be disproportionately born by low-income populations. (Executive Order 12898, Federal Actions to Address Environmental Justice in Minority and Low-Income Populations, 59 Fed. Reg. 7629 (1994)).</p> <p>Questar believes it is important that the SDRMP/SEIS provide an accurate RFD analysis and fully consider the economic benefits of oil and gas activities under each Alternative.</p> <p>Recommendation: The BLM has failed to comply with the guidelines contained in the BLM's Land Use Planning Handbook (H-1601-H) and Instruction Memorandum No. 2002-167 concerning socioeconomic analysis. The analysis should more accurately depict the negative socio-economic impacts of the myriad of additional restrictions that Alternative E would apply to energy development, as well as the positive economic impacts associated with tax revenues, increased employment opportunities, and increased national energy supply from the potential energy development within the VFO.</p>		
Capital Trail Vehicle Association (CTVA)	O	142	19	<p>We request that the analysis include an adequate benefit-cost analysis of non-motorized versus motorized trail use. This analysis should include the annual cost of the non-motorized trails per the actual and documented number of non-motorized trail user The economic analysis should also compare the annual benefit-cost per non-motorized user versus the annual benefit-cost per motorized user if the trails and funding were used as multiple-use/motorized trails.</p>	<p>The BLM has no data to separate out motorized versus non-motorized recreation spending, even assuming that the two groups are completely distinguishable. The commenter provides no evidence to support the implicit assumption that recreationists are neatly divided into motorized and non-motorized users, with no participation by the one group in activities of the second group. The commenter provides no evidence that the existence of such data would change any of the BLM's conclusions in</p>	

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					Chapter 4. Also, see Responses to Comments 174-39-SOC and 174-40-SOC.	
EOG Resources, Inc.	B	144	5	<p>EOG urges BLM to maintain its current policy of not imposing the FLPMA Section 603 non-impairment standard upon non-WSA lands with wilderness characteristics. Similarly, EOG urges BLM not to impose restrictions that would create a de facto non-impairment policy and unduly hinder minerals exploration and development activities.</p> <p>The IBLA has consistently held that the non-impairment standard does not apply to non-WSA lands, such as WIAs and citizen proposed wilderness areas. CEC, 161 IBLA 386, 395 (2004); CEC, 162 IBLA 293, 300 fn9 (2004); SUWA, 163 IBLA 142, 148, (2004) (wilderness inventory units and WIAs "are not subject to the restrictions on surface disturbing activities afforded WSA's by the non-impairment mandate of section 603 of FLPMA and do not affect the management or use of the public lands involved.") The Board further states "during the planning process and concluding with the actions after the planning process, BLM will not manage [WIAs] under a congressional designated non-impairment standard, nor manage them as if they are or may become congressionally designated wilderness areas..." SUWA, 163 IBLA 14, 27 (2004) (quoting BLM IM 2003-274 (Sept. 29, 2003). Under FLPMA, BLM can manage lands with wilderness characteristics for other purposes, including oil and gas without regard to the non-impairment standard. SUWA, 163 IBLA at 26.</p> <p>Similarly, BLM should not impose the non-impairment</p>	<p>There is nothing in the decisions of the Proposed RMP/Final EIS suggesting that the BLM intends to manage these lands under the non-impairment standard, which explicitly applies only to Wilderness Study areas.</p> <p>Should any WSA in the Vernal Planning area be released from WSA status, the BLM would manage that area as described in Table 2.1 in Chapter 2 of the Proposed RMP/Final EIS, rather than under the non-impairment standard.</p>	

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				<p>standard, or any other protections upon future management of WSA lands released by Congress from further wilderness consideration. In the event Congress chooses not to designate a WSA, or portions of a WSA, as wilderness, then BLM is not obligated to preserve those wilderness characteristics lands under non-impaired management proscriptions or other similar management provisions that restrict public land uses. Rather, when released from WSA status, these lands revert back to standard public lands and BLM should manage these lands under the principles of multiple use management without restrictions to major uses of public lands.</p>		
EOG Resources, Inc.	B	144	17	<p>The Supplement to the Vernal DEIS/RMP Lacks an Adequate Analysis of Socio-Economic Impacts.</p> <p>BLM has not accurately detailed the negative impact that the Desolation Canyon WCA, or other WCAs in the Vernal Resource Area, would have on development of oil and gas resources or the related negative impact upon Utah and local economies.</p> <p>BLM defined "wilderness characteristics" as lands that contain an outstanding opportunity for primitive and unconfined recreation. BLM, however, in establishing which lands possess wilderness characteristics, fails to analyze or include in its determinations how much, if any, actual recreation occurs on these lands. Thus, Alternative R contains insufficient analysis of actual recreation use of these lands for primitive and unconfined recreation and the socio-economic impacts of protecting these lands solely for their "wilderness" values. See Vernal DRMP/EIS Supp. At 3-1---3-5; 4-53----4-48. BLM fails to provide a thorough analysis of the negative</p>	<p>The BLM lacks visitation data specific to those areas identified in Alternative E as possessing outstanding opportunities for solitude and/or primitive and unconfined recreation. The Wilderness Act of 1964 assumes that "roadless" areas of 5,000 acres or more provide such opportunities, unless evidence is offered to the contrary. Furthermore, such opportunities need be present only somewhere in the area under discussion, and not necessarily everywhere within the wilderness characteristics unit.</p>	

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		<p>economic impacts from protecting all WCAs for their wilderness values. Id. BLM does not include quantifiable economic benefits that would result of selection of Alternative E.</p> <p>In the event BLM chooses Alternative E, or components of Alternatvie E, in the Final Decision Record for the Final RMP, then Sections 4.8 and 4.10 of the Vernal DRMP/DIES Supp. Should include this analysis. Recreational users must be present to be adversely affected by oil and gas development. EOG recognizes that river floating on the Green River is popular, but other types of primitive and unconfined recreation outside of these rivers in the WCAs is very low. Thus, BLM should quantify, in number of recreational days, the use of the WCAs to justify its economic analysis of protecting lands with wilderness characteristics.</p> <p>Mineral development plays a large role in the local economic growth and opportunity for Emery and Carbon Counties. Alternative E fails to account for the economic impacts from from the restruictions that would be placed on meneral development. These impacts include tax revenues, employment, energy price and royalty payments. BLM should consider the economic impact of restricting oil and gas development on lands that allegedly contain wilderness characteristics before making it's final decision on this RMP.</p> <p>Moreover, oil and gas development has significant impact at all economic scales. Given the extensive oil and gas resources available, development, or lack thereof, in the Vernal Resource Area will literally have a national impact. Natural gas is an extremely inelastic</p>		

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				<p>commodity and a small change in supply yields a large change in the price paid by families and industry. The decisions made by the BLM for this Resource Area will directly affect every family in the country. Research conducted by Energy and Environmental Analysis, an energy research firm that is respected by both energy suppliers and conservation organizations, indicated that a one percent change in nation supply causes a 20 percent change in the wholesale price of the commodity. The additional supply provided by timely development of oil and gas resources in the Vernal Resource Area would have an impact of hundreds of millions of dollars a year.</p> <p>In the event BLM adopts Alternative E, or components of Alternative E in the Final Decision Record and Final RMP, the BLM must quantify the reduction in economic gain and other impacts that are associated with restrictions imposed for WCAs. Positive impacts will be realized at the local level through employment and spending for goods and services necessary for development. Production taxes, royalties and leasing bonus and rentals are realized at the Federal, state, and county level. BLM must also consider the impact that planning decisions have on the commodity price at a national level.</p>		
Independent Petroleum Association of Mountain Stat	B	154	13	In Section 4.12.3.3.3 the BLM fails to quantify the economic stimulus from recreation under Alternative E. It is stated that expenditures for non-motorized recreation would go up and those for motorized recreation would decline, but files to provide any data.	The BLM lacks data on expenditures by the two recreation groups in question, and it cannot predict except in a qualitative fashion what the amount of increased (or decreased) recreation might be.	
Independent Petroleum Association of Mountain Stat	B	154	14	Yet the majority of the socio-economic analysis is concerned with this unquantifiable value. So the conclusion is the economy could benefit from primitive recreation, and then again, it may not. This ill-defined	The BLM lacks data on expenditures by the two recreation groups in question, and it cannot predict except in a qualitative fashion what the amount of increased (or decreased) recreation might be.	

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				economic impact from recreation does not justify the obvious negative impact from the decline in oil and gas economic activity that would result under Alternative E.		
Independent Petroleum Association of Mountain Stat	B	154	15	<p>On page 4-68, it is stated that "To the extent that managing additional lands to preserve wilderness characteristics attracts clients and employees to the planning area, there could be corresponding positive economic benefits to local communities. Local businesses that benefit from the preservation of non-WSA lands, such as wilderness therapy groups or river running outfitters, would benefit the most from Alternative E."</p> <p>In fact, the benefits from "wilderness therapy groups or river running outfitters" are quite small. The University of Utah study cited above looks at all industries in the Uinta Basin, and find that while 4,229 people are employed in mining in the Uintah Basin. The numbers of recreation employees are so low that they cannot disclose the number in Duchesne County, because it would reveal individual company data, but there are 59 employees in Uinta County. The BLM should use the data from this study, which shows that the contribution from recreation is tiny compared to oil and gas. Even if the recreation industry were to receive a boost from Alternative E, which is not clear because it cannot address the associated negative impact on motorized recreation, the impact would be quite small compared to the negative impact on the oil and gas industry.</p>	<p>The Proposed RMP/Final EIS does not state that gains from recreation under Alternative E would offset losses to minerals under this alternative. The BLM is required to consider a range of alternatives in its planning process, ranging from one that maximizes resource protection to one that maximizes commodity production. The BLM is not required to choose in its Final RMP/proposed EIS those actions which maximize income to the planning area. The Proposed RMP/Final EIS has an expanded discussion of the economic impacts of minerals decisions.</p>	
Independent Petroleum Association of Mountain Stat	B	154	16	<p>Closure of 22% of lands with high potential for oil and gas to leasing clearly has implications for the local economy, but also has impacts to national energy consumption, commodity prices, foregone employment opportunities, tax revenues, Utah schools, and Utah's economy. None of these impacts are discussed in section 4.12.3.</p>	<p>The Proposed RMP/Final EIS has an expanded discussion of the economic impacts of the plan's minerals decisions. The impacts to national energy consumption and commodity prices are beyond the scope of the current planning effort.</p>	
Independent	B	154	17	<p>A recent study by the University of Utah's Bureau of</p>	<p>The Proposed RMP/Final EIS relies extensively on the</p>	

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Petroleum Association of Mountain Stat				Economic and Business Research, which is contained in Appendix C to these comments, found that the oil and gas industry in Uintah and Duchesne counties accounts for 49.5% of employment and 60% of total wages. The average wage for exploration and production jobs is \$84,795, about 86% higher than the average wage for recreation jobs, which is \$7,411. These numbers include direct employment numbers of 19.9% of employment and 34.8% of total wages. This shows that the 19.9% of direct employment is multiplied throughout the economy and results in 49.5% of employment, with a similar multiplier effect for wages from 34.8% to 60%. The BLM should incorporate the results of the University of Utah study in the economic analysis of the Supplement to correct the deficiencies in section 4.12 Socioeconomics.	study in question in an expanded analysis of the economic impacts of the plan's minerals decisions.	
Independent Petroleum Association of Mountain Stat	B	154	18	The Supplement acknowledges in Table 2-5, page 2-28, a huge decrease in oil and gas jobs, 124,728 fewer, as a result of wilderness protections of WCAs, as compared to the No Action alternative of 215,260 jobs (Vernal DRMP/EIS page 2-95). The table goes on to state that "Protection of non-WSA lands with wilderness characteristics would limit development of mineral and energy resources, but provide tourism opportunities for businesses whose focus is on primitive recreation, and IPAMS suspects that the number would be quite low, certainly nowhere near the 124, 728 jobs that would be lost.	No response required.	
Public Lands Advocacy	O	170	5	The socio-economics analysis contained in the SDEIS underestimates the impacts of Alternative E regarding the loss of jobs related to the energy industry. The analysis must evaluate the negative impacts associated with lost revenue to the local, state and federal treasuries. Additionally, the SDEIS must analyze the increased costs associated with development of existing leases in	The Proposed RMP/Final EIS has an expanded discussion of the economic impacts of the plan's minerals decisions, including fiscal impacts. Existing leases are subject to those constraints in place at the time of the original lease, and are not directly affected by decisions in the current planning effort.	

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				<p>conjunction with the severe restrictions contained in Alternative E and their impact on responsible energy development. These flaws must be rectified and fully considered before the FEIS is released.</p>		
Utah State Office of Education, School Land Trust	G	169	4	<p>It is important to appreciate that mining is a source of jobs in Daggett, Duchesne, Uintah, and Grand Counties. Alternative E would decrease the total acreage available for mineral materials by 11% (4.8.2.1), and that would significantly impact these jobs. This would reduce future potential employment in the area as well. When considering closing 19% total acreage, the BLM needs to remember that the drilling and completion of one well creates 14.8 jobs (4.10.2.4.4).</p> <p>As the BLM has stated, "Direct impacts of mineral resource decisions on tar sands, gilsonite, phosphate, oil shale, and minerals materials development would have a short-term, adverse socioeconomic impact on the minerals and every industries and on the local economies that support these industries, resulting from a decrease in the amount of mineral materials available for extraction and commercial sale. The reduction of minerals availability compared to Alternative D No-action, would also indirectly decrease the royalties paid to the federal government and/or the state of Utah." (4-37)</p> <p>This decline in employment and person income in the local economy would have significant negative impacts on the local area. If fewer lands are available for leasing and development of solid mineral resources - tar sands, oil shale, gilsonite, phosphate, and mineral materials - tax revenues for the state and local communities would be lower, as would the royalty revenues to the trust.</p>	<p>The Proposed RMP/Final EIS has an expanded discussion of the economic impacts of the plan's minerals decisions. The impacts to national energy consumption and commodity prices are beyond the scope of the current planning effort.</p>	

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				<p>The BLM in Alternative E would also have a 198% increase of VRM Classes 1 and 2 management. What does that mean? "An increase in the number of acres managed under VLM classes 1 & 2 objectives would have an adverse impact on mineral resource development, with direct, adverse impacts that would include increased production costs associated with mineral development, and the exclusion of mineral development from areas where mineral activities would not meet VRM objectives. An increase in the # of acres VRM Classes I and II would also lead to a decrease in the number of locations where potential wells could be drilled. The loss of potential drilling locations could indirectly lead to a decrease in the supply of oil and natural gas produced in the VPA." (4-42)</p>		
Ute Tribe-Energy & Minerals Department	G	172	4	<p>Although a brief statement regarding Environmental Justice is included in the comparison of impacts within the Vernal Supplemental RMP (see page 2-22), neither Chapter 3 (Affected Environment) nor Chapter 4 (Environmental Consequences) mention Environmental Justice. As required by EO 12898, the effects of implementing each alternative, including Alternative E, should be fully analyzed in detail.</p> <p>In the Environmental Justice section (see pg. 2-22), which is within Table 2.5 - Summary of Impacts, it states:</p> <p style="padding-left: 40px;">Indian tribes would benefit from revenues derived from rights-of-way grants to oil and gas industry, but traditions and religious sites could be adversely impacted. Minerals development could adversely reduce or replace tribal livestock grazing, decrease opportunities for hunting and gathering, and ceremonial worship.</p> <p>In addition to this statement, the BLM should include</p>	<p>The Proposed RMP/Final EIS has an expanded discussion in Chapters 3 and 4 of Environmental Justice populations and the expected impacts of plan decisions on these populations.</p> <p>The commenter provides no evidence suggesting how managing lands to preserve, protect and maintain wilderness characteristics would have an adverse impact on Tribal members.</p>	

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				information regarding the potential adverse effects that managing lands in a manner that protects their wilderness values could have on Tribal members. All points emphasized within the summary comparison of impacts should then be expanded upon in Chapter 4 of the Vernal Supplemental RMP in a manner comparable to that included in the Vernal Draft RMP/EIS		
The Wilderness Society	O	174	18	As discussed above, NEPA requires the BLM to conduct a thorough, scientifically accurate analysis of the benefits from protecting lands with wilderness characteristics, including the socioeconomic impacts. The analysis in the Supplement is inadequate and does not fully assess the potential benefits of such protection to both the region and to the owners of these lands – the American people.	The Proposed RMP/Final EIS has an expanded discussion of the socioeconomic benefits which may result from managing lands to preserve, protect and maintain wilderness characteristics.	
The Wilderness Society	O	174	19	The DEIS and the Supplement do not adequately address the potential negative socioeconomic impacts of increased oil and gas drilling. This concept should be more fully explored by the BLM analysts and supported with the considerable body of peer-reviewed academic literature on the social structure and economic performance of resource dependent communities.	An expanded discussion of the potential negative social impacts on communities from large-scale oil and gas development has been added to Chapter 4 of the Proposed RMP/Final EIS. That expanded discussion provides evidence that the Vernal planning area, at least to date, has not experienced the rapid population growth or increases in crime that often accompany such booms.	
The Wilderness Society	O	174	25	The numbers of oil and gas jobs estimated in the DRMP/EIS and the Supplement seem far too large given current employment patterns. The entire mining sector (of which oil and gas extraction is a portion) in the VPA accounts for 13% of total employment. This is highest in Uintah County, but here only about 17%. Alternatives A-D all predict total annual employment in the VPA that would amount between 38 and 42 percent of the current total. It seems unlikely that the proportion of total employment in this sector would more than double, and if this is in fact the case the ramifications for local communities will be much more significant than the DRMP and Supplement predict.	The Proposed RMP/Final EIS incorporates more recent and realistic employment creation data, based on a November, 2007, study by the University of Utah (and commissioned by the Governor's office). The revised analysis in Chapter 4 finds that employment impacts, although large, should be considerably less than originally reported.	

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The Wilderness Society	O	174	26	<p>The DEIS and Supplement do not account for the non-market values associated with undeveloped wildlands. This analysis is especially important when considering the protection of lands with wilderness characteristics since these lands produce benefits and values that are seldom captured in the existing market structure. The literature on the benefits of wilderness is well established and should be used by the BLM to estimate the potential value of non-WSA lands with wilderness characteristics in the VPA. Peer reviewed methods for quantifying both non-market and market costs of changing environmental quality have been developed by economists and are readily applicable to the present case. For a catalog of these methods see Freeman (2003).</p>	<p>The non-market values to which the commenter refers are not available to the BLM. The studies of which the BLM is aware are based on designated wilderness, the results of which may or may not be generalized to other “wild lands”. Even if the studies are generalizable to Wilderness Study Areas (WSAs), the impacts are irrelevant, since WSA management is outside the scope of the current planning effort. The BLM is unaware of any evidence that such studies are generalizable to non-WSA lands with wilderness characteristics.</p> <p>FLPMA Section 202, (c) (4)states: “In the development and revision of land use plans, the Secretary shall...rely, to the extent it is available (emphasis added), on the inventory of the public lands, their resources, and other values.”</p> <p>The BLM does recognize the potential importance of non-market values relative to managing for wilderness characteristics. These values are discussed qualitatively in Chapter 4 of the Proposed RMP/Final EIS.</p>	
The Wilderness Society	O	174	27	<p>The DRMP/EIS and the Supplement fail to fully address the impacts that the alternatives will have on the local economy. It does not fully capture the economic impact that wilderness and wilderness quality lands have on local economies. Many businesses are free to locate wherever they choose. As the US economy moves from primary manufacturing and extraction to a service based economy the “raw materials” upon which these businesses rely are people. And study after study has shown that natural amenities attract a high-quality, educated, talented workforce – the lifeblood of these businesses. To narrow the range of potential impacts of protected lands as the Supplement does greatly underestimates the potential</p>	<p>The Proposed RMP/Final EIS has an expanded discussion of the socioeconomic benefits which may result from managing lands to preserve, protect and maintain wilderness characteristics.</p>	

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				benefits of such a protection.		
The Wilderness Society	O	174	28	The DRMP/EIS and Supplement fail to fully address the impacts that the alternatives will have on the local economy. More and more evidence has accrued indicating that the West is not a resource-dependent region. The public lands, including those managed by the BLM in the VPA are increasingly important for their non-commodity resources – scenery, wildlife habitat, wilderness, recreation opportunities, clean water and air. A vast and growing body of research indicates that the economic prosperity of rural Western communities depends more and more on these amenities and less and less on the extraction of natural resources commodities. *See letter for list of examples.	The Proposed RMP/Final EIS has an expanded discussion of the socioeconomic benefits which may result from managing lands to preserve, protect and maintain wilderness characteristics.	
The Wilderness Society	O	174	39	<p>The Draft RMP and the Supplement fail to address or even acknowledge the well documented and significant costs associated with off-road motorized recreation.</p> <p>Cost to Taxpayers – OHV activity on public lands can be costly to taxpayers who subsidize the basic construction, maintenance, and management of the required infrastructure and the restoration and repair of damaged lands and who pay the price for ecotourism opportunities lost because of degraded habitat. Defenders of Wildlife (2002). For example, Defenders of Wildlife found that OHV damage from the Chattahoochee/Oconee National Forest is estimated at \$990,000 (\$1,800 per acre) to repair 500 miles of illegal trails.</p>	<p>The study cited by the commenter is from an advocacy group, and not a peer-reviewed study. In an exhaustive review of literature on the socioeconomic costs and benefits of OHV use on BLM lands, the United State Geological Survey “revealed no published studies on the socioeconomic costs generated by OHV use” (USGS, Environmental Effects of Off-Highway Vehicles on Bureau of Land Management Lands: A Literature Synthesis, Annotated Bibliographies, Extensive Bibliographies, and Internet Resources, 2007). The same study cited numerous studies documenting the economic benefits generated by such users. The USGS study does not state that OHV use does not pose such costs, but rather that they have not been documented.</p> <p>The BLM has never implied that OHV use is without costs or impacts most of which result from unrestricted cross-country travel. The Proposed RMP/Final EIS reduces by over 99 % the acreage designated as open to cross-country OHV travel. The BLM’s planning process and</p>	

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The Wilderness Society	O	174	40	<p>The Draft RMP and the Supplement fail to address or even acknowledge the well documented and significant costs associated with off-road motorized recreation.</p> <p>Stynes and White (2005) have shown that motorized and non-motorized visitors spend the same amount per day on tourism-related services. Given the preponderance of evidence that most visitors are engaging in non-motorized recreation, it is likely that most of the benefit to the local communities from hotel and restaurant spending, as well as other spending by visitors is due to the non-motorized recreation opportunities in the area. It is also likely that as the landscape becomes degraded and overrun by OHVs the “cash cow” tourists seeking non-motorized opportunities are likely to choose other destinations. The impact on the local economy of this shift must be assessed as part of the Final RMP EIS analysis.</p>	<p>impact analysis assumes that visitors will not engage in illegal activities of the type described by the commenter.</p> <p>The commenter seems to assume that recreationists to the Vernal planning area (VPA) are cleanly divided into motorized versus non-motorized users, with members of one group never participating in activities associated with the other group. The commenter also seems to assume that the BLM has data indicating what each group (assuming that they are discrete entities) contributes to the local economy.</p> <p>The BLM has no data to separate out motorized versus non-motorized recreation spending, even assuming that the two groups are completely distinguishable. The commenter provides no evidence that the existence of such data would change any of the BLM’s conclusions in Chapter 4.</p> <p>The commenter provides no evidence to support th contention that most visitors to the VPA are non-motorized recreationists, nor that most visitor spending is by non-motorized recreationists. Nor does the commenter provide evidence that non-motorized recreationists are being displaced to other areas by motorized recreationists (again, assuming that the two groups are completely discrete).</p> <p>The Stynes and White (2005) report (not a peer-reviewed study) cited by the commenter refers to a review of data from the National Visitation Use Monitoring (NVUM) program conducted on National Forest lands, in which approximately 48% of the respondents were local day-trippers. The study’s results may not be generalizable to non-local tourists on BLM lands. Additionally, the study</p>	

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					breaks down visitor activities into categories which do not neatly break down into “motorized” versus “non-motorized”.	
					See also response to comment 174-39.	
Bjork Lindley Little PC	B	176	3	In its analysis of the socioeconomic impacts of adopting Alternative E, the BLM did not adequately address the impacts of limiting oil and gas development over such large areas on local, state, and national economics. Additionally, Alternative E runs afoul of the requirements of FLPMA because it does not disclose the planned withdrawal of more than 5,000 acres from oil and gas leasing, as required by Section 204 of FLPMA. Additionally, the document fails to explain that Alternative E proposes management decisions that exclude a principal or major use from more than 100,000 acres, which must be reported to Congress pursuant to Section 202 of FLPMA.	The Proposed RMP/Final EIS has an expanded discussion of the economic impacts of the plan’s minerals decisions. The impacts to national economics are beyond the scope of the current planning effort. Alternative E is not inconsistent with the FLPMA because the withdrawal requirements noted are not requirements that BLM must meet in order to analyze an alternative to an RMP. Nor is BLM required to disclose to congress that a principal or major use may be excluded if an alternative is selected. Alternative E is one of 5 alternatives under consideration as part of the Vernal RMP. BLM will comply with all requirements of FLPMA once final decisions are made in a signed record of decision, but it has no obligation to notify congress of the potential uses that may, or may not, be excluded.	

Soils and Geology

Individual / Organization	Commenter Type, Record ID, & Comment Number			Comment Text	Response to Comment	Doc Mod
United States Environmental Protection Agency	G	6	42	Section 3.13.3.2.2. Salinity, page 3-73: The document states that, "Impacts are to be minimized in areas with saline soils and revegetation of previously disturbed saline soils is to be promoted to the extent possible". Revegetation on very saline soils has not been proved to be successful. BLM should consider avoidance of surface disturbance in very saline soil conditions.	Comment noted.	
Duchesne County Commission	G	10	25	Page 4-79, Section 4.13.2.16.5, Page 4-103, Section 4.16.2.8.5 (last paragraph), Page 4-105, Section 4.16.2.10.1 (last paragraph): Duchesne County disagrees that Alternative E would have greatest overall benefits to soil productivity and watershed health. Since Alternative E does not allow vegetation management (other than potential prescribed burns) the alternatives that allow a wider range of vegetation management actually hold more promise to benefit soils and watersheds compared to the "hands-off": approach of Alternative E.	Several types of vegetation management are allowed as described in Table 2.1.23 of the SRMP/SEIS: "Management Common to All." This large "tool-box" provides management several options for soil and watershed health.	
The Wilderness Society	O	174	29	<p>The Draft RMP and the Supplement fail to address or even acknowledge the well documented and significant costs associated with off-road motorized recreation.</p> <p>Increased soil compaction and erosion and disrupted hydrologic function – A study of the impacts of recreation use of a trail in southern Indiana (Mortensen 1989) found that OHV use produced the most serious impact, and was "too widespread and pervasive to be assigned individual impact areas." Results indicated that off-road motorized recreation was associated with tread widening, loss of ground vegetation, increased soil exposure, and entrenchment erosion.</p>	<p>Socioeconomics are discussed in Section 4.12.3.3 in the Vernal Draft RMP and Motorized impacts are addressed.</p> <p>Potential impacts from recreation management decisions, including OHV use on soil and water resources, are discussed in Section 4.13.2.6.</p> <p>Potential impacts for soil compaction and erosion are discussed in Section 4.11 and 4.13.</p>	

Soils and Geology

Individual / Organization	Commenter Type, Record ID, & Comment Number			Comment Text	Response to Comment	Doc Mod
The Wilderness Society	O	174	30	<p>The Draft RMP and the Supplement fail to address or even acknowledge the well documented and significant costs associated with off-road motorized recreation.</p> <p>Increased soil compaction and erosion and disrupted hydrologic function – Less obvious but equally damaging is the soil compaction caused by OHVs. Studies have shown that soils are far more compacted in disturbed areas than in undisturbed regions. Raghavan et al. (1976). Soil erosion is another result of off-road motorized recreation. Kalisz (1996) studied the impacts of off-road motorized recreation in the mountains of Kentucky and found that such use resulted in increased erosion which undermines the biological capability of the soil, results in the loss of valuable topsoil, and leads to increased streambed siltation.</p>	Socioeconomics are covered under section 4.12.3.3 in the Vernal Draft RMP and Motorized impacts are addressed.	
Utah Farm Bureau Federation	B	192	5	<p>Suggestions within the RMP that reduced grazing decreases erosion are contrary to science. Most of the soils are heavy clay, resisting water infiltration. Grazing disturbs the surface crust, allowing moisture into the soil and fertilizer perpetuating plant germination.</p>	Comment noted	

Special Status Species

Individual / Organization	Commenter Type, Record ID, & Comment Number			Comment Text	Response to Comment	Doc Mod
Duchesne County Commission	G	10	12	Page 4-41, Section, 4.8.2.5.5.1, Raptors, Line 6: "Impacts to mineral and energy resources include an increase in development costs and a reduction in royalties paid..."	The purpose of the commenter's statement is unclear.	
Duchesne County Commission	G	10	28	Page 4-92, Section 4.15.2.3.5.2, 2nd paragraph: Alternative E would decrease the proportion of white-tailed prairie dog habitat open to oil and gas development...	The purpose of the commenter's statement is unclear.	
The Wilderness Society	O	174	8	The BLM provides no real analysis of the manner in which more protective management of non-WSA lands with wilderness characteristics would affect special status species. While there is a general discussion in the Supplement (at p. 4-97), there is no discussion of which species might be receiving the "direct and indirect beneficial impacts" of protecting non-WSA lands with wilderness characteristics, indicating that the BLM evidentially has not conducted such an analysis. Without this analysis, it is impossible to determine whether some species may be managed adequately under Alternative E.	Alternative E & C are the same with regards to benefits (or less harm) to wildlife; however, additional lands posed in Alternative E with wilderness characteristics will be afforded more protection. Overall, the additional benefits to wildlife would be negligible.	
The Wilderness Society	O	174	9	The treatment of special status species in the Supplement does not fulfill the BLM's obligations under NEPA to conduct a thorough analysis of potential impacts and to provide sufficient information for public comment; nor does it fulfill BLM's obligations and the Endangered Species Act to protect special status species.	The supplement is intended to be reviewed in conjunction with the Draft RMP. USFWS consultation is still ongoing and will be completed before the signing of the Record of Decision.	
The Wilderness Society	O	174	10	The BLM proposes to use the Connelly et al. (2000) guidelines for sage-grouse management. However, these guidelines do not adequately account for the findings and recommendations of noted experts, including those of Holloran (2005) regarding the impacts of development activities and those of Braun (2006) has provided more recent guidelines that the BLM should employ instead. The BLM should apply the guidelines for sage-grouse	As stated in Section 2.5: "Land use plan decisions must be consistent with BLM's mandate to recover listed species and must be consistent with objectives and recommended actions in approved recovery plans, conservation agreements and strategies, MOUs, and applicable biological opinions for threatened and endangered species. Currently, the VFO has one	

Special Status Species

Individual / Organization	Commenter Type, Record ID, & Comment Number			Comment Text	Response to Comment	Doc Mod
				<p>management set out in “A Blueprint for Sage-grouse Conservation and Recovery” (attached and incorporated herein by reference), which details the habitat requirements for successful and sustaining sage-grouse populations.</p>	<p>federally listed bird species (and one candidate species), two federally listed mammal species, and six federally listed plant species (and one candidate species). Species conservation measures (Appendix K) have been developed in coordination with the U.S. Fish and Wildlife Service. They will be implemented under the Proposed RMP and all alternatives. In addition, there are federally listed as well as state sensitive species where Timing Limitations and Controlled Surface Use stipulations are applied.</p> <p>The BLM will work with UDWR, USFWS, and others to ensure that plans and agreements are updated as necessary to reflect the latest scientific data.”</p> <p>When analyzing the effects of proposed land management actions on resources, BLM staff use a variety of information sources including peer-reviewed literature, government and non-government organization research and reports, filed office inventory and monitoring data, and field observations. By using the BLM’s library in Denver, staff have access to the most recent peer-reviewed literature. There is a great amount of data available that presents the best scientific information concerning impacts on wildlife. Although the BLM may not have used the specific article listed by the commenter in development of the SRMP/SEIS, the BLM appreciates the commenter supplying the recommended articles. The BLM will review and use them as needed in the development of NEPA analysis.</p>	
The Wilderness Society	O	174	11	<p>We searched for the terms “penstemon,” “beardtongue” and “Graham” and found no occurrences of any of these in the new Supplement. The BLM still is not addressing the habitat needs of Graham’s penstemon. The agency</p>	<p>All Special Status Plant Species are discussed in the Draft RMP. A supplemental analysis focuses only those parts of the EIS that require updating before a decision on that proposed action is actually made, and therefore the</p>	

Special Status Species

Individual / Organization	Commenter Type, Record ID, & Comment Number			Comment Text	Response to Comment	Doc Mod
				has also failed to provide records that the Cetner for Native Ecosystems has requested regarding the penstemon under the Freedom of Information Act, and CNE has been forced to litigate in order to obtain these documents.	analysis only focus on management prescriptions lands that have are identified as non-WSA lands with wilderness characteristics.	
The Wilderness Society	O	174	12	The BLM continues to backpedal on the actions it will actually take to protect prairie dogs. The USFWS ninety-day finding on the Endangered Species Act listing petition submitted by CNE, SUWA, and other reported that the Vernal Field Office did not specifically address white-tailed prairie dog habitat protection and that the neighboring Moab and Price FO, which did not have any white-tailed prairie dog management directives, would consider special status species management directives in their pending land use plans with "protections similar to those for species protected under the ESA." 69 Fed. Reg. 64,889,64,889 (Nov 9, 2004).	The BLM is complying with the requirements of the Endangered Species Act and associated regulations. Consultation with USFWS is still ongoing and will be completed prior to the signing of the Record of Decision.	
The Wilderness Society	O	174	13	The BLM should be aware that the FWS has admitted that the petition finding for the white-tailed prairie dog was illegally tampered with by political appointee Julie MacDonald, and the agency intends to move forward with listing under the Act by completing a status review for the species. Center for Native Ecosystems has filed suit in order to secure a date by which the Service will complete this review. Again, the agency has the perfect opportunity to provide adequate management via all of the RMPs that are under revision, but this Supplement does not indicate that the BLM is prepared to do so.	Consultation with USFWS is ongoing and will be completed prior to the signing of the Record of Decision. It is premature at this time to conclude a specific outcome from the consultation process.	
The Wilderness Society	O	174	15	The BLM should also spell out what "actions to maintain or enhance ferret habitat and associated prey base" (Supplement, p.2-13) it intends to take in Coyote Basin. Ferret habitat and prey base both really mean white-tailed prairie dog habitat, so the BLM should be specific about how it will conserve and recover prairie dogs in this	Conservation measures for the White-tailed prairie dogs are addressed within the Black-footed Ferret Reintroduction Environmental Assessment, 1999. A supplement EA, Northeastern Region Black-footed ferret Management Plan in coordination with UDWR is still in draft form.	

Special Status Species

Individual / Organization	Commenter Type, Record ID, & Comment Number			Comment Text	Response to Comment	Doc Mod
				context.		
The Wilderness Society	O	174	16	The Castle Peak EIS confirmed that the BLM continues to take the position that it cannot require greater avoidance measures than those permitted under standard lease terms unless specific lease stipulations are attached, even for drilling in ACECs. However, the Endangered Species Act trumps valid existing rights granted via leases, so failing to apply necessary stipulations for non-listed special status species effectively makes protection under the Act the only viable option to conserve these species. The BLM has a duty not to contribute to the need to list species under the Act, and by neglecting to provide adequate management for non-listed species in the form of lease stipulations, the agency fails to meet this duty.	<p>Table 2.1.21 (Special Status Species) of the PRMP/FEIS proposes several goals and objectives common to all for special status species. They are as follows:</p> <ul style="list-style-type: none"> • Conserve and protect special status species and enhance their habitats. • Implement recovery measures for special status species, including listed species and the ecosystems on which they depend. • Mitigate or reduce long-term habitat fragmentation through avoidance and site-specific reclamation to return areas to productive levels. • Manage all listed T&E plant species and the habitats upon which they depend in such a manner as to conserve and recover these species to the point where the requirements of the Endangered Species Act are no longer necessary. • Manage non-listed sensitive species and the habitats upon which they depend in such a manner as to preclude the need to list them as either threatened or endangered under the Endangered Species Act. The guidance for this management is put forth in the BLM 6840 Manual. • Implement the specific goals and objectives of recovery plans, conservation agreements and strategies, and approved activity level plans. BLM would continue to work with USFWS and others to ensure that plans and agreements are updated as necessary to reflect the latest scientific data. 	

Special Status Species

Individual / Organization	Commenter Type, Record ID, & Comment Number			Comment Text	Response to Comment	Doc Mod
					<ul style="list-style-type: none"> Implement the direction contained in the Northwest National Fire Plan Project Design and Consultation Process and the Counterpart Regulations including Alternative Consultation Agreements. Implement the management necessary to increase populations of special status species, including federally listed animal species, and restore them to their historic ranges by enhancing, protecting, and restoring known and potential habitat. 	
The Wilderness Society	O	174	17	In September, the FWS proposed that Pariette cactus and Uinta Basin hookless cactus both should be listed independently as Threatened under the Endangered Species Act. Because they are newly proposed species, the BLM must conference with the FWS on this Supplement and the rest of the DRMP/EIS's potential effects. In addition, the Service found that uplisting to Endangered was warranted for Pariette cactus because: "The species cannot tolerate the cumulative effects from existing and proposed energy projects, especially due to the extent of roads within <i>S. brevispinus</i> habitat" (72 Fed. Reg. 53217 (Sept 18, 2007)). Again this Supplement fails to propose any actions to improve Pariette cactus management, in Alternative E or in general. Pariette cactus habitat overlaps the Coyote Basin and Pariette Wetlands ACECs, but even the Pariette Wetlands ACEC description only mentions "high-value wetland and wildlife habitat resources" – there is no mention of the cactus. The BLM is missing a major opportunity with this RMP revision to help prevent the extinction of this species.	<p>See comment 174-O16.</p> <p>The BLM is required to consult with the FWS through the Biological Assessment Section 7 consultation process for the Vernal RMP/EIS. This cumulative effects and concerns for the species identified by the commenter are analyzed through this process. It would be premature to impose additional protection measures or to conclude that these species will be "uplisted" until a final determination is made on these species.</p> <p>Additional mitigations measures for any special status species, including the Uinta Basin hookless cactus and Pariette cactus, are included as part of the Conditions of Approval as appropriate when individual wells APDs are processed.</p>	
The Wilderness Society	O	174	34	The Draft RMP and the Supplement fail to address or even acknowledge the well documented and significant costs associated with off-road motorized recreation.	The impacts to Special Status Species from OHV use are acknowledged in Chapter 4.15 of the Draft RMP.	

Special Status Species

Individual / Organization	Commenter Type, Record ID, & Comment Number			Comment Text	Response to Comment	Doc Mod
				<p>Losos et al. (1995) classified threats to species endangerment and found that 69% of federally-listed species were known to be threatened at least in part by resource extraction and recreation activities. They found recreation threats to 23-26% of species. The most destructive recreational practices were OHV use (motorcycles, four-wheel drive vehicles, snowmobiles, dune buggies, ATVs, and other vehicles with high ground clearance) and general recreation (all unspecified recreation threats).</p>		
<p>Uinta Mountain Club</p>	<p>O</p>	<p>184</p>	<p>1</p>	<p>The White River, for example, has been shown to be about as significant to the future of the Colorado pikeminnow as the main Green River (Modde, personal communication). Well sites in the floodplain area, and close to the river itself, are particularly galling, after 7 years of litigation over one site that was on the canyon rim. All four of the endangered fish species will likewise be affected by water depletion, which will occur as the water tankers draw water directly from the rivers.</p>	<p>The USFWS has identified four federally listed fish species (pikeminnow, humpback chub, bonytail, and razorback sucker) that could be affected by water depletion of the Green River. Whether a water withdrawal qualifies as a depletion or not is explained on page 6 in the Programmatic Water Depletion Biological Opinion for Oil and Gas Development Administered or Permitted by the Bureau of Land Management. Formal consultation with the US Fish and Wildlife Service for this Biological Opinion for water depletion was completed on July 28, 2006.</p> <p>In addition, the BLM has no jurisdiction from water withdrawn from private sources. Also, the BLM has no control over where water is obtained as long as the permit is current and legal.</p> <p>Wells placed close to floodplains or to the river and which are located on BLM administered lands are strictly regulated. The BLM has no jurisdiction for wells placed on similar locations on private land.</p>	

Established, Identified OHV Roads and Trails

Individual / Organization	Commenter Type, Record ID, & Comment Number	Comment Text	Response to Comment	Doc Mod
Capital Trail Vehicle Association (CTVA)	O 142 6	The action must develop a preferred alternative that mitigates the significant impacts on the public from the loss of motorized access and motorized recreational opportunities from the proposed action and the combined cumulative effect of all other actions in the State.	<p>The Vernal Field office considered a reasonable range of alternatives as part of the NEPA process. Some alternatives were more restrictive to specific resource use, and some were less restrictive.</p> <p>The Draft RMP and Supplement clearly provide a large range of motorized opportunities within the range of alternatives.</p>	
Capital Trail Vehicle Association (CTVA)	O 142 17	Existing single-track trails or potential single-track trails were not adequately identified and included in the project. There are many single-track "cow" trails that motorcycle trail riders could use in the project area.	<p>Existing single-track trails or potential single-track trails will be considered as part of a comprehensive travel management plan to be completed within 1-5 years after the Record of Decision as per the Land use Planning Handbook directives found in H-1601-1.</p> <p>Individual routes proposals will go through the NEPA process and are therefore beyond the scope of this document.</p>	
National Outdoor Leadership School	O 160 1	<p>In principal, NOLS and OIA support the initiative to limit OHV travel to designated routes throughout the Green River Corridor, unless an area is closed to motor vehicles. Such a plan improves the BLM's ability to manage motorized traffic. We recommend that the BLM strive to avoid designating redundant routes in areas that have wilderness characteristics.</p> <p>A better balance should be found between Alternative B and Alternatives C and E. Alternative B contains 60,187 acres that would be closed to OHV travel, and Alternative C and E contain 366,559 acres that would be closed to OHV travel. The preferred alternative finds 75,845 acres that would be closed to motorized travel, while simple math would put a balanced figure at about 215,000 acres closed to OHV travel. The VFO would strive to create a</p>	<p>Comment noted.</p> <p>Specific routes will be considered as part of a comprehensive travel management plan to be completed within 1-5 years after the Record of Decision as per the Land use Planning Handbook directives found in H-1601-1.</p> <p>Individual routes proposals will go through the NEPA process and are therefore beyond the scope of this document.</p> <p>The BLM declines to alter the acreage amounts as recommended for areas designated as "Closed". The Draft RMP has adequately provided a wide range which</p>	

Established, Identified OHV Roads and Trails

Individual / Organization	Commenter Type, Record ID, & Comment Number			Comment Text	Response to Comment	Doc Mod
				more balanced final plan, and closing the Desolation Canyon and white River Non-WSA lands with Wilderness Characteristics to OHV travel would be an excellent step in that direction, and would help to reduce conflicts between the motorized and river-runner communities.	management can use to formulate a Record of Decision.	
The Wilderness Society	O	174	38	<p>The Draft RMP and the Supplement fail to address or even acknowledge the well documented and significant costs associated with off-road motorized recreation.</p> <p>Law enforcement – The Supplement states (p. 4-54 – 4-55) that the “...lack of additional trails could produce an increase in cross-country travel, thereby increasing the adverse impacts...without further OHV opportunities, overland riding, user conflicts, elevated user densities, and the decline in visitor safety would continue within the VPA.” This implies that off-road motorized recreation participants are generally lawless. If this is the case, increasing rather than decreasing access constraints would be indicated. In fact law enforcement needs for this particular user group are a large source of costs associated with off-road motorized recreation.</p>	<p>The commenter refers to, “well documented and significant costs associated with off-road motorized recreation”, but only provides one scenario (Law enforcement costs) which to review.</p> <p>The Effects of Recreation and OHV on Socioeconomics are discussed in section 4.12.3.3 on page 4-68 of the Supplement, and in section 4.12 in the Draft RMP. The text uses the terms increasing recreation opportunities, and Improving the recreation experience and discusses impacts on local economies as a result of adjusting these opportunities/experiences.</p> <p>Within section 4.1.1 under Analytical Assumptions on page 4-2 of the Draft RMP states,</p> <ul style="list-style-type: none"> • State highways and county roads through the VPA will remain open for access. Many of the county roads within the VPA allow OHV use within the wide range of alternatives. This could help to alleviate some concerns with regards to off Highway travel. <p>The commenter states, “This implies that off-road motorized recreation participants are generally lawless.” The BLM has made no such assumption.</p> <p>The commenter states: “In Fact law enforcement needs for this particular user group are a large source of costs associated with off-road</p>	

Established, Identified OHV Roads and Trails

Individual / Organization	Commenter Type, Record ID, & Comment Number			Comment Text	Response to Comment	Doc Mod
					<p>motorized recreation.”</p> <p>Indeed, if additional law enforcement is required to manage any specific resource within the VPA it is correct that it could create an additional cost to the tax payer; however, the additional needs could create a new position(s), which could assist the local economy as well. Therefore, the costs that the commenter addresses could be seen as benefits and are subjective in nature.</p> <p>If by costs, the commenter is referring to Impacts, impacts from OHV use are identified by specific resource in chapter 4 of the Draft RMP and have adequately been analyzed through the NEPA process.</p>	
Coalition to Preserve Rock Art	O	177	1	<p>We are concerned that development near rock art sites including campgrounds, roads, orv trails, oil and gas exploration and development which include seismic testing, pipelines and access roads, and mineral extraction pose a threat to the integrity of rock art sites. The location of roads and OHV routes must give consideration both to the cultural resources directly in their path and the resources they provide access to.</p>	<p>As part of the Comprehensive Travel management plan to be completed within 1-5 years of the Record of Decision for the RMP, individual routes/route proposals will be evaluated through the NEPA process.</p> <p>As part of the NEPA process, an interdisciplinary team including cultural and historic specialists will evaluate and assist with determining proper routing and recommend appropriate mitigation.</p>	

Travel Management, Access, and Designated Areas

Individual / Organization	Commenter Type, Record ID, & Comment Number			Comment Text	Response to Comment	Doc Mod
Duchesne County Commission	G	10	6	Page 4-21, Section 4.3.2.8.5, Alternative E proposes a 99.9% decrease in areas open to unrestricted OHV travel, closure of 392,818 acres to any OHV travel and closure of 228 miles of OHV routes. This action would be inconsistent with the Duchesne County general plan, which states that: "OHV's have become an important segment of the County's recreation industry. They provide an important tool and mode of transportation for farmers, ranchers and resource developers." Reducing the opportunities for OHV use to the degree proposed by Alternative E will negatively affect the area's motorized recreation industry.	<p>The BLM is aware that there are specific County and State plan decisions relevant to aspects of public land management that are discrete from, and independent of, Federal law. However, the BLM is bound by Federal law. The FLPMA requires that the development of an RMP for public lands must be coordinated and consistent with County plans, to the maximum extent possible by law, and inconsistencies between Federal and non-Federal government plans be resolved to the extent practical (FLPMA, Title II Sec. 202 (c)(9)). As a consequence, where State and local plans conflict with Federal law there will be an inconsistency that cannot be resolved or reconciled.</p> <p>Thus, while County and Federal planning processes, under FLPMA, are required to be as integrated and consistent as practical, the Federal agency planning process is not bound by or subject to County plans, planning processes, or planning stipulations. The BLM will identify these conflicts in the FEIS/DRMP, so that the State and local governments have a complete understanding of the impacts of the DRMP on State and local management options. A consistency review of the DRMP with the State and County Master Plans is included in Chapter 5.</p> <p>Additionally, research shows that there are positive recreational industry benefits associated with the protection of public land. (See section 4.12.3.3.3 pages 4-68 and 4-69.</p>	
Duchesne County Commission	G	10	18	Page 4-52, Section 4.10.2.4.5, 2nd paragraph, Page 4-58, Section 4.10.2.8.5, Page 4-59, Section 4.10.2.11.5: Closure of 228 miles of vehicle routes under Alternative E would be inconsistent with the Duchesne County land use	<p>See Response to Comment 10-6-TRV.</p> <p>With specific regards to RS 2477 roads, direction is given within the Draft RMP on pg 1-11 and states:</p>	

Travel Management, Access, and Designated Areas

Individual / Organization	Commenter Type, Record ID, & Comment Number			Comment Text	Response to Comment	Doc Mod
				plan, which states that "Access to and across public lands, including RS 2477 roads and rights of way, should remain open. All necessary action will be taken to protect access.	Revised Statute 2477 assertions, concerning the construction of roads across public lands, as proposed by counties within the planning area would be addressed with current policy.	
Duchesne County Commission	G	10	19	Page 4-64, Section 4.11.2.12.5: In this section and elsewhere throughout the supplement, reference is made to "rehabilitating" roads after it is determined that they no longer serve the permitted purpose. To rehabilitate means to restore, repair, revitalize, recover, regenerate or re-establish. We believe it would be clearer to state that such roads should be obliterated and the land reclaimed to a more natural condition. The Duchesne County plan calls for analysis and county involvement in decisions to obliterate and reclaim roads.	The BLM does not find the suggested change necessary. As a cooperating agency in the RMP process and a local government entity, BLM would involve the county on decisions concerning general purpose roads.	
Duchesne County Commission	G	10	51	Page 4-184, Section 4.21.2.7.1, end of 2nd paragraph: While it is recognized that there would be long-term, adverse impacts associated with OHV trail widening and extension of the trail system, if the BLM can offer IHV riders sufficient, authorized trails to ride, this should reduce unauthorized cross country use, which would have long-term beneficial impacts on resources. Recent US Forest Service Travel Management Planning shows a 360% increase in OHV use in the Uintah Basin in the past eight years. Sufficient trails are needed to ensure that this increased use occurs in appropriate areas.	Although this issue was raised during scoping, the application in the DRMP/EIS is limited. Under Management Actions Common to All Alternatives, travel routes can be added or deleted from the Travel Plan based on public demand or unacceptable impacts to resources. This action would be based on monitoring and site specific NEPA analysis. A comprehensive travel management plan will be completed within 1-5 years after the Record of Decision. General Planning maps to provide a framework for the Comprehensive plan have been included within the Draft RMP (see figures 25-28) and the Supplement (see figure 28e).	
Duchesne County Commission	G	10	52	Pages 4-186 and 4-187, Section 4.21.2.7.3: The 3rd and last paragraphs in this section appear to be repetitive.	The document will be revised to reflect the comment.	
Randy Norton	I	137	1	The cumulative loss of recreational opportunity of OHV users has been significant and should be brought into the analysis and incorporated into the decision making	The commenter does not provide analytical data, nor provide reference to what cumulative loss of recreation opportunity of OHV users has taken place.	

Travel Management, Access, and Designated Areas

Individual / Organization	Commenter Type, Record ID, & Comment Number			Comment Text	Response to Comment	Doc Mod
				process!	OHV use has been adequately addressed within the range of alternatives within the Draft RMP including alternative D –No action, which would not change the current OHV policy and therefore provide no cumulative loss of recreational opportunity to OHV users.	
Capital Trail Vehicle Association (CTVA)	O	142	1	There is nothing radically wrong with the existing condition except that it does not meet all of the needs of motorized recreationists, does not provide equal opportunity, and does not adequately address the growing need of motorized recreationists. The evaluation and proposal must adequately address these issues and the predisposition to motorized closures must be avoided.	The Proposed RMP/Final EIS will develop, improve, and sign about 800 miles of motorized trails. These identified trails will result in direct long-term beneficial impact by reducing the density of OHV users, increasing user safety, and reducing user conflicts. The designation would also alleviate strains on trails currently used for a variety of recreational activities and would potentially reduce overland OHV use.	
Capital Trail Vehicle Association (CTVA)	O	142	2	A motorized travel plan is a plan that specifically designates roads, trails and areas for motorized use, designates which vehicles will be allowed on which routes and if seasonal restrictions apply. A comprehensive trail designation plan does the same thing except it includes all trail users, including mountain bike, equestrian and hiking. This is a very important distinction because the anti-access groups will attempt to convince the planning team to develop a "comprehensive" travel plan by using the existing inventory of motorized routes. They do this by identify existing motorized trails that are good for mountain bikes, equestrians, and for bird watching... or whatever. The current approach is inequitable because it takes the current motorized route inventory and tries to make it the route inventory for all users. It leaves out possibilities for constructing or otherwise developing non-motorized trails and ignores existing non-motorized trails that exist in both the planning area and adjacent lands. Now, that doesn't mean the agency can't take into consideration the effect each alternative will have on non-	Comment noted. A comprehensive travel management plan will be completed within 1-5 years after the Record of Decision.	

Travel Management, Access, and Designated Areas

Individual / Organization	Commenter Type, Record ID, & Comment Number			Comment Text	Response to Comment	Doc Mod
				<p>motorized visitors. It can- and it should be part of the NEPA analysis. But that is totally different from specifically providing a non-motorized trail system via the existing inventory of motorized routes. We support the creation, designation and management of non-motorized trails, but not at the expense of motorized visitors. We request that the agency not use the existing motorized trail inventory for designating non-motorized trails. Instead, if there is a need for non-motorized trails, then the agency should consider options that do not reduce the existing opportunity for motorized users.</p>		
Capital Trail Vehicle Association (CTVA)	O	142	3	<p>The project has a critical flaw which is the lack of a true "pro-recreation" alternative that adequately address motorized recreation. All of the alternatives developed for consideration represent the current opportunity. Conversely, virtually every project has developed a "preservation" alterative, where a maximum amount of closures are considered. The increasing demand for OHV recreation opportunities on public lands is extensively documented. Therefore, it is incumbent upon the project team to formulate at least one alternative that maximizes motorized recreation, or at least does not reduce motorized recreational opportunities in the planning area. Therefore, we request that the project team formulate a wide range of alternatives including at least one Alternative that maximizes motorized recreational opportunity in the project area and addresses the following:</p> <p>**The project team must formulate a least one alternative that emphasizes OHV use in Roaded Natural and Semi-Primitive Motorized opportunity settings for recreation.</p> <p>**The pro-recreation alternative should strive to provide for the current and future demand for OHV recreational routes.</p>	<p>NEPA and CEQ require that BLM provide a reasonable range of alternatives in the DRMP/EIS, and the BLM asserts that it has done so in providing for motorized recreation. The Vernal Field Office is very aware of the need to provide for motorized recreation opportunities in the planning area. The Travel Management Plan has designated routes of 4,860 miles. Alternative D, the no action alternative, did not designate any routes.</p>	

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				<p>**Alternatives should include areas where OHV trails can be constructed and maintained when demand increases.</p> <p>**Where appropriate, the agency should use this process to analyze the impacts of any future route construction and include those in the decision.</p> <p>**Direction for the required process to construct new routes should be incorporated into each alternative.</p> <p>**At least one alternative should maximize the ability to construct new sustainable trails to meet the current and future need.</p> <p>**The project team should develop management alternatives that allow for proactive OHV management.</p> <p>**All alternatives should include specific provisions to mark, map, and maintain designated roads trails and areas in cooperation with OHV users.</p> <p>**All alternatives should include direction to engage in cooperative management with OHV groups and individuals.</p>		
Capital Trail Vehicle Association (CTVA)	O	142	4	<p>One of the specific requirements under NEPA is that an agency must consider the effects of the proposed action in the context of all relevant circumstances, such that where "several actions have a cumulative... environmental effect, this consequence must be considered in an EIS." <i>Neighbors of Cuddy Mountain v. U.S. Forest Serv.</i>, 137 F.3d 1372, 1378 (9th Cir. 1998) (quoting <i>City of Tenakee Springs v. Clough</i>, 915 F.2d 1308, 1312 (9th Cir. 1990)) A cumulative effect is "the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonable foreseeable future actions." 18 40 C.F.R. § 1508.7. The cumulative effect of all motorized closures has been significant and is growing greater every day yet they have not been adequately addressed. Ignoring cumulative effect allows the agency</p>	<p>A systematic interdisciplinary approach was used to provide accurate, objective and scientifically sound analysis on the environmental consequences associated with the management actions or prescriptions under each alternative. Reasonably foreseeable future actions of limiting or expanding motorized recreation are part of the analysis that discloses the direct, indirect and cumulative effects, both adverse and beneficial, on resources and uses administered by the Vernal Field Office sufficiently for the decision maker to make a reasoned choice among alternatives.</p>	

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				to continue to close motorized routes unchecked because the facts are not on the table. CEQ guidance on cumulative effects was developed to prevent just this sort of blatant misuse of NEPA.		
Capital Trail Vehicle Association (CTVA)	O	142	5	The site specific analysis of each road or trail to be closed must address or identify where the public would go to replace the motorized resource proposed for closure. In other words, the analysis must adequately evaluate the site specific value of a road or trail proposed for closure to motorized recreationists. It must also quantify the significant negative cumulative impact experienced when motorized recreationists could not find a trail or road with a similar experience in the area. The quality of our experience has been significantly reduced. It must also quantify the significant cumulative impact that the closure of a system of road and trails would have collectively when enough routes are closed to eliminate a good motorized day outing. An incomplete analysis is not acceptable under NEPA requirements.	A comprehensive Travel management plan will be completed within 1-5 years of the Record of Decision; Site specific NEPA will take place for each proposed route. See Response to Comment 142-4-TRV for discussion of cumulative impact analysis.	
Capital Trail Vehicle Association (CTVA)	O	142	7	Note that some new construction may be required to accomplish a reasonable system of loops. Therefore, new construction must be included in the scope of the project.	New route designations and/or construction would be based on monitoring and site specific NEPA analysis as part of a comprehensive travel management plan to be completed within 1-5 years of the Record of Decision. The travel management plan is a type of implementation plan that describes a project or multiple projects and applies best management practices to meet land use plan objectives. The commenter should note that the BLM has proposed up to 800 miles of motorized trails and 400 miles of non-motorized trails as part of the range of alternatives.	
Capital Trail Vehicle	O	142	8	The existing level of motorized access and recreation must not be dismissed without adequate consideration because	NEPA and CEQ require that BLM provide a reasonable range of alternatives in the DRMP/EIS, and the BLM	

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Association (CTVA)				it is only associated with the No Action Alternative. The existing level of motorized access and recreation is reasonable alternative and alternative other than No Action must be built around it. This reasonable alternative should also include mitigation to protect the natural environment and compensate motorized recreationists for the significant cumulative effect of past losses, and enhancement to adequately address the growing need for motorized access and recreation.	asserts that it has done so in providing for motorized recreation in the alternatives A through E. The Vernal Field Office is very aware of the need to provide for motorized recreation opportunities in the planning area. The Travel Management Plan has designated routes of 4,860 miles. Alternative D, the no action alternative, did not designate any routes.	
Capital Trail Vehicle Association (CTVA)	O	142	9	A sense of magnitude must be used when making decisions about road closures based on indicators such as sediment production. For example, a route should not be closed because it is estimated to produce 10 cubic yards less sediment. The sediment yield must be compared to naturally occurring conditions which includes fires. Recent fires in the Sequoia National Forest discharged thousands of cubic yards of sediment to the area streams which is more than all of the motorized routes in the project areas for the next 100 years.	A systematic interdisciplinary approach would be used to provide accurate, objective and scientifically sound analysis on the environmental consequences associated with the alternatives being considered for a proposed action of road closure. Reasonably foreseeable future actions of limiting or expanding motorized recreation are part of the analysis that discloses the direct, indirect and cumulative effects, both adverse and beneficial, on resources and uses administered by the Vernal Field Office sufficiently for the decision maker to make a reasoned choice among alternatives.	
Capital Trail Vehicle Association (CTVA)	O	142	10	<p>Lack of Reasonable Alternatives</p> <p>* The fact that comments are needed on Alternatives for the RMP and the Alternatives for the Travels Plan is not made clear in the document.</p> <p>* The difference between an RMP (general guidance) and the Travel Plan (implementation decisions) is not clearly described in the DEIS. The FEIS should clearly articulate the difference.</p> <p>* None of the Alternative presented are acceptable as they stand, including the Preferred Alternative C, which mandates unworkable and impractical management of</p>	<p>The CEQ regulations (40 CFR 1502.1) require BLM to consider reasonable alternatives, which would avoid or minimize adverse impacts or enhance the quality of the human environment, based on the nature of the proposal and facts in the case (CEQ 40 Most Asked Questions 1b.). While there are many possible management prescriptions or actions, the BLM used the scoping process to determine a reasonable range alternatives that best addressed the issues, concerns, and alternatives identified by the public. Public participation was essential in this process and full consideration was given to all potential alternatives identified.</p> <p>A comprehensive Travel management plan will be</p>	

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		camping and motorized travel. In addition, in all of the Alternatives, management for the White Wash Sand Dunes is fatally flawed and must be reconsidered (see comment below). *Alternative D fails to provide a true motorized focus.	completed within 1-5 years of the Record of Decision; Site specific NEPA will take place for each proposed route. Activity/Implementation Plans are defined under the BLM Land Use Planning Handbook H-1601-1.	
Capital Trail Vehicle Association (CTVA)	O 142 11	BLM's open area in Alternative C and D must be expanded. The current proposal is unworkable because it confines a huge amount of vehicle use into a very small area and the area's boundaries are not well defined and cannot be easily identified on the ground.	See Response to Comment 10-6-TRV. The BLM disagrees that the open area must be expanded. Current monitoring of cross-country OHV usage defined the area of heavy usage. Monitoring of usage in the open areas will occur.	
Capital Trail Vehicle Association (CTVA)	O 142 12	Similar Stats needed for the Moab RMP and DEIS. Commentor presents stats for a Forest Service area that reports total number of forest/motorized visitors versus the total number of wilderness visits. Uses this as an argument for more multiple use and motorized access because the total number of forest visitors/motorized users is much higher (64%) than wilderness users (36%). Statistics are from the Social Assessment of the Beaverhead-Deerlodge National Forest, a national survey on Recreation titled Outdoor Recreation Participation, and the Southern Research Station's report Off-Highway Vehicle Recreation in the US.	This comment does not apply to the Vernal PRMP/FEIS. The Vernal Field Office does not have comparable statistics to those quoted from the "Social Assessment of the Beaverhead-Deer Lodge National Forest.	
Capital Trail Vehicle Association (CTVA)	O 142 13	Note: Similar Statistics Needed for the Moab DRMP and DEIS. Provided as an example. Commentor provides FS stats on high rate of wilderness designation (24%) while no more than 2.55 % of visitors are wilderness visitors. Reiterates points above in comment #12.	See Response to Comment 142-12-TRV.	
Capital Trail Vehicle	O 142 15	All planning projects should disclose the added benefit to non-motorized recreational resources resulting from the	The BLM formulated alternatives which best address the issues and concerns that were raised during scoping.	

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Association (CTVA)				closure of roads by adding the miles of closed roads to the miles of existing non-motorized trails. Additionally, we request that the cumulative negative impact on motorized recreationists resulting from this lack of adequate accounting be evaluated and adequately mitigated.	NEPA and CEQ require that BLM provide a reasonable range of alternatives in the DRMP/EIS, and the BLM asserts that it has done so in providing for motorized and non-motorized recreation in the alternatives A through E. The Travel Management Plan has designated routes of 800 miles of motorized routes and 400 miles of non-motorized routes. Alternative D, the no action alternative, did not designate any routes.	
Capital Trail Vehicle Association (CTVA)	O	142	16	The different management plans being developed by the BLM and Forest Service are using generated, estimated and inadequate data to forward an agenda of eliminating access and motorized recreation from public lands. Economic models such as Implan should not be used when the input data is estimated and not factual or actual. Adequate effort must be exercised by the agencies to gather true and the ground data from businesses and individuals that use our public lands.	The socioeconomic section has been revised in the Proposed RMP/Final EIS.	
Comcast	O	148	2	The Preferred Alternative ignores the ecological impacts of off-road vehicles and allows their use on over 96% of the RA, including 4860 miles of roads and 800 miles of trails open to these "Thrillcraft" which spread their noise and impacts across the RA. The impacts of off-road vehicles are discussed in the following sections and must be considered in the analysis, otherwise, the lack of an alternative that eliminates off-road vehicles and the lack of analysis of impacts of OHVs violates the intent of NEPA.	<p>The BLM has met its requirement to consider a wide range of alternatives with respect to OHV use and impacts within the VPA.</p> <p>Impacts on each resource by recreation and OHV use are contained within the following sections: 4.3.2.6, 4.3.2.8, 4.4.2.4, 4.6.2.1, 4.9.1.6, 4.9.2.5, 4.9.2.6, 4.10.2.8, etc.</p> <p>The NEPA process has been followed during the Vernal Field Office Land Use Planning process.</p> <p>The BLM's authority for managing lands is derived directly from FLPMA. The FLPMA gives the Secretary of the Interior authority to manage public lands for multiple use and sustained yield. Nothing in this section constrains the Secretary's authority to manage lands as necessary to</p>	

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					<p>“achieve integrated consideration of physical, biological, economic, and other sciences.” (FLPMA, Section 202(c)(2) (43 U.S.C. §1712(c)(2))) Further, FLPMA makes it clear that the term “multiple use” means that not every use is appropriate for every acre of public land, and that the Secretary can “make the most judicious use of the land for some or all of these resources or related services over areas large enough to provide sufficient latitude for periodic adjustments in use. . . .” (FLPMA, Section 103(c) (43 U.S.C. §1702(c))) The FLPMA intended for the Secretary of the Interior to use land use planning as a mechanism for allocating resource use, including OHV management, amongst the various resources in a way that provides uses for current and future generations.</p>	
	O	180	4	<p>In this same section, as referenced above, motorized use is discussed separately from OHV use. However, in nearly all the discussions throughout the Supplement, there is very little if any discussion of the impacts, or even the existence of something called "motorized travel", which we assume is different from OHV travel. This designation leads to many questions: How is motorized travel defined? Is it different from OHV travel? In what category are licensed passenger vehicles (automobiles and light trucks) placed? Is travel limited to existing roads or designated roads? What is the difference between existing and designated? How will each Alternative in so-called "non-WSA lands with wilderness characteristics" impact licensed passenger vehicles traveling on existing roads?</p>	<p>The glossary will be updated to reflect the definition of OHV and the definition of motorized travel within the Proposed EIS</p> <p>Additionally, clarification will be provided as part of a comprehensive travel management plan that will be completed within 1-5 years after the Record of Decision as per H-1601-1.</p>	X
	O	180	5	<p>How many miles of roads exist in these so-called "non-WSA lands with wilderness characteristics"? In many places, the Supplement states "land with wilderness characteristics are roadless". On Page 4-185 (which follows 4.21.2.7, Impacts of Travel, Roads, and Trails</p>	<p>As stated on Page 4-58 of the Supplement to the Draft EIS, There are 228 miles of routes that exist in the non-WSA lands with wilderness characteristics. Under Alternative E, these routes would be closed to motorized travel.</p>	

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		<p>Decisions on Non-WSA Lands with Wilderness Characteristics), second paragraph, it states, "Under this alternative [Alternative A] 1,643,475 acres would be designated "limited to OHV travel. The limitation would require vehicles to travel on designated routes (4,860 miles)". Does this mean that there are 4,860 miles of roads in the 1,643,475 acres of so-called "non-WSA lands with wilderness characteristics"? What will happen to these 4,860 miles of roads? Will they remain open as they are now, or will they be closed? What types of vehicles are referred to in the above statement? Are these vehicles OHVs , or every thing that has a motor, or everything that has a wheel? There are the issues that need more discussions, explanations and clarifications.</p>	<p>Alternative A, the preferred alternative is one of the five alternatives considered by the BLM for the purpose of analyzing a range of alternatives. The CEQ regulations (40 CFR 1502.1) require BLM to consider reasonable alternatives, which would avoid or minimize adverse impacts or enhance the quality of the human environment, based on the nature of the proposal and facts in the case (CEQ 40 Most Asked Questions 1b.). While there are many possible management prescriptions or actions, the BLM used the scoping process to determine a reasonable range alternatives that best addressed the issues, concerns, and alternatives identified by the public. Public participation was essential in this process and full consideration was given to all potential alternatives identified.</p> <p>The BLM determined that a single alternative analyzing the protection of all Non-WSA lands with wilderness characteristics would best provide a reasoned choice among the alternatives. Although the other alternatives do not provide specific management prescriptions to protect Non-WSA, these alternatives analyze and disclose the impacts of the proposed resource management prescriptions, uses and actions on the Non-WSA lands with wilderness characteristics. This gives the public the ability to fully compare the consequences of protecting or not protecting the wilderness characteristics on these Non-WSA lands. If all alternatives contained comparable protections of the Non-WSA lands with wilderness characteristics, the alternatives would have substantially similar consequences and would not be significantly distinguishable.</p>	

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					<p>The BLM, in developing the PRMP/FEIS, can chose management actions from within the range of the alternatives presented in the DRMP/DEIS and create a management plan that is effective in addressing the current conditions in the planning area based on FLPMA's multiple-use mandate.</p> <p>A definition of OHV is provided in the Proposed RMP/Final EIS Glossary. With a few exceptions, it is any motorized vehicle capable of traveling on or immediately over land.</p>	
Utah Archeological Research Institute, Inc.	O	191	4	<p>Motorized use is discussed separately from OHV use. However, in nearly all of the discussions throughout the Supplement, there is very little if any discussion of the impacts, or even the existence of something called "motorized travel," which we assume is different from OHV travel. This designation leads to many questions: How is motorized travel defined? Is it different from OHV travel? In what category are licensed passenger vehicles (automobiles and light trucks) placed? Is travel limited to existing roads or designated roads? What is the difference between existing and designated? How will each alternative in so called "non-WSA lands with wilderness characteristics" impact licensed passenger vehicles traveling on existing roads?</p>	<p>A definition of OHV is provided in the Proposed RMP/Final EIS Glossary. With a few exceptions, it is any motorized vehicle capable of traveling on or immediately over land.</p> <p>Motorized use is not defined in the Glossary and is different from OHV travel. Motorized use refers to travel by any motorized vehicle on designated roads identified in the Travel Management Plan. An automobile or light truck could be in either category depending on the vehicles' capabilities.</p> <p>All public lands are required to have OHV area designations. Section 2.5.1, Travel Management, of the PRMP/FEIS provides information concerning the four categories and a breakdown of the categories by alternatives. One of the categories is designated routes.</p>	
Utah Archeological Research Institute, Inc.	O	191	5	<p>How many miles of roads exist in these so called non-WSA lands with wilderness characteristics?" In many places, the Supplement states "lands with wilderness characteristics are roadless." On page 4-185 (which follows 4.21.2.7, Impacts of Travel, Roads, and Trails Decisions on Non-WSA Lands with Wilderness Characteristics), second paragraph, it states, "Under this alternative [Alternative A] 1,643,475 acres would be</p>	<p>There are 228 miles of routes within non-WSA lands with wilderness characteristics. These routes are closed to motorized vehicles. There would be 4,654 miles of routes designated outside of the non-WSA lands with wilderness characteristics.</p> <p>Chapter 4 has been revised to clarify the route designations.</p>	

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				<p>designated "limited to OHV travel. The limitation would require vehicles to travel on designated routes (4,860 miles)." Does this mean that there are 4,860 miles of roads in the 1,643,475 acres of so called "non WSA lands with wilderness characteristics?" What will happen to these 4,860 miles of roads? Will they remain open as they are now, or will they be closed? What types of vehicles are referred to in the above statement? Are the vehicles OHVs, or everything that has a motor, or everything that has a wheel? These are issues that need more discussions, explanations, and clarifications.</p>		

Vegetation

Individual / Organization	Commenter Type, Record ID, & Comment Number			Comment Text	Response to Comment	Doc Mod
United States Environmental Protection Agency	G	6	45	<p>Section 3.16.2, Invasive Species and Noxious Weeds, pages 3-112 and 3-113: The document notes, "Of particular management concern are potential and existing populations of invasive species in the oil and gas fields that are receiving increased activity and interest". However, the document does not analyze the options and effectiveness of various invasive species.</p>	<p>Section XXX provides for vegetation treatment (specific to noxious weed control) under all alternatives using fire, mechanical, biological, or chemical means without specifying any individual management tool that would fall under one of these broad categories. This section also refers to management of vegetation in general terms without specifying individual techniques. This provides the BLM the opportunity to select from the entire range of available tools to undertaken vegetation treatments in the most appropriate way for the location and vegetation in question.</p> <p>The text has been edited to include the following clarification of vegetation treatments:</p> <p>"The VFO is aware of the seriousness of the noxious and invasive weed problem on lands within the planning area and will develop a VFO Weed Management Plan, advocating the use of a full spectrum of tools and methods as part of an integrated weed management program. It will address more specifically the Goals, SOPs to be enforced, Strategies and methods to be employed.</p> <p>The Programmatic Environmental Impact Statement for Vegetation Treatments Using Herbicides in 17 Western States has approved a few new herbicides for use on BLM lands, including Plateau®, which will provide the BLM opportunity to treat cheatgrass in some locations. The Record of Decision provides Mitigation Measures and Standard Operating Procedures to be employed by all vegetation treatments, which will be addressed in the VFO Weed Management Plan."</p>	X

Vegetation

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					<p>The Programmatic Environmental Report for Vegetation Treatments on BLM Lands in 17 Western States addresses integrated vegetation management techniques addressing impacts and cumulative effects of a variety of vegetation treatments including mechanical treatments and chaining.</p>	
United States Environmental Protection Agency	G	6	52	<p>Section 4.16 Vegetation, page 4-273: The use of chemical treatments should be limited near "Waters of the United States".</p>	<p>Section XXX provides for vegetation treatment (specific to noxious weed control) under all alternatives using fire, mechanical, biological, or chemical means without specifying any individual management tool that would fall under one of these broad categories. This section also refers to management of vegetation in general terms without specifying individual techniques. This provides the BLM the opportunity to select from the entire range of available tools to undertaken vegetation treatments in the most appropriate way for the location and vegetation in question.</p> <p>The text has been edited to include the following clarification of vegetation treatments:</p> <p>“The VFO is aware of the seriousness of the noxious and invasive weed problem on lands within the planning area and will develop a VFO Weed Management Plan, advocating the use of a full spectrum of tools and methods as part of an integrated weed management program. It will address more specifically the Goals, SOPs to be enforced, Strategies and methods to be employed.</p> <p>The Programmatic Environmental Impact Statement for Vegetation Treatments Using Herbicides in 17 Western States has approved a few new herbicides for use on BLM lands, including Plateau®, which will provide the BLM opportunity to treat cheatgrass in some locations. The</p>	X

Vegetation

Individual / Organization	Commenter Type, Record ID, & Comment Number			Comment Text	Response to Comment	Doc Mod
					<p>Record of Decision provides Mitigation Measures and Standard Operating Procedures to be employed by all vegetation treatments, which will be addressed in the VFO Weed Management Plan.”</p> <p>The Programmatic Environmental Report for Vegetation Treatments on BLM Lands in 17 Western States addresses integrated vegetation management techniques addressing impacts and cumulative effects of a variety of vegetation treatments including mechanical treatments and chaining.</p>	
Duchesne County Commission	G	10	31	Page 4-106, Section 4.16.2.12.1, last paragraph and Section 4.16.2.13.3: Closing 228 miles of travel routes and designating Class I and II VRM will likely be detrimental to vegetation resources long-term in that such closures and restrictions will make it more difficult to control noxious weeds or manage vegetation for better habitat and reduce fuel loads. This is not mentioned in the supplement until the end of Section 4.16.2.16.5 on Page 4-108.	The benefits from closing 228 miles of travel routes will reduce the amount of weed seed being introduced and dispersed and will likely outweigh the impact to vegetation from reduced weed management.	
The Wilderness Society	O	174	33	<p>The Draft RMP and the Supplement fail to address or even acknowledge the well documented and significant costs associated with off-road motorized recreation.</p> <p>Another impact of the use of OHVs is the spread of invasive species. A single ATV can disperse over 2,000 knapweeds seeds in a ten-mile radius. The economic impact to agriculture and wildlands from these weeds is substantial. Invading non-indigenous species in the United States cause major environmental damages and losses adding up to more than \$138 billion per year. Vegetation suffers directly and indirectly from the passage of OHVs. The effects can last decades or even centuries. Compaction and erosion impair the ability of plants to</p>	<p>The BLM has never implied that OHV use is without costs or impacts most of which result from unrestricted cross-country travel. The Proposed RMP/Final EIS reduces by over 99 % the acreage designated as open to cross-country OHV travel. The BLM’s planning process and impact analysis assumes that visitors will not engage in illegal activities of the type described by the commenter</p> <p>Section 4.10, Vegetation Resources, of the PRMP/FEIS identifies impacts of OHV usage to vegetation.</p>	

Vegetation

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				absorb nutrients and carbon dioxide and experience proper root growth. Disturbance of soils by OHVs has long term effects that favor the establishment of weedy species. Blackburn et al. (1994).		
Utah Farm Bureau Federation	B	192	4	We are concerned with the concept of management through natural processes including wildlife, disease and insects. This in conflict with local management plans and also conflicts with BLM's responsibility of multiple use and sustained yields under FLPMA.	<p>The BLM is aware that there are specific County and State plan decisions relevant to aspects of public land management that are discrete from, and independent of, Federal law. However, the BLM is bound by Federal law. The FLPMA requires that the development of an RMP for public lands must be coordinated and consistent with County plans, to the maximum extent possible by law, and inconsistencies between Federal and non-Federal government plans be resolve to the extent practical (FLPMA, Title II Sec. 202 (c)(9)). As a consequence, where State and local plans conflict with Federal law there will be an inconsistency that cannot be resolved or reconciled.</p> <p>Thus, while County and Federal planning processes, under FLPMA, are required to be as integrated and consistent as practical, the Federal agency planning process is not bound by or subject to County plans, planning processes, or planning stipulations. The BLM will identify these conflicts in the FEIS/PRMP, so that the State and local governments have a complete understanding of the impacts of the PRMP on State and local management options. A consistency review of the PRMP with the State and County Master Plans is included in Chapter 5.</p>	

Visual Resource Management

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Duchesne County Commission	G	10	33	Page 4-118, Section 4.17.2.10.3, last paragraph: It should be noted here that Alternative E has the fewest beneficial long-term impacts as beneficial vegetation treatment would be severely restricted in the areas deemed to have wilderness character.	The BLM declines to make the suggested wording change. The section is concerned with the impacts of vegetation decisions on visual resources. Alternative E emphasizes the protection of all non-WSA lands with wilderness characteristics. The fact that vegetative treatments are severely restricted in wilderness characteristics means that Alternative E does have the greatest long-term beneficial impacts to visual resources and non-WSA lands with wilderness characteristics.	
Duchesne County Commission	G	10	34	Page 4-113, Section 4.17.2.6.5, 4th paragraph: ...the long-term adverse impacts of light pollution adjacent to the Dinosaur National Monument would be mitigated, which would benefit night-time visual quality in that portion of the VPA near the monument.	The BLM agrees that the recommended text would more accurately describe VRM impacts. The text has been changed in the document.	
Duchesne County Commission	G	10	36	Page 4-120, Section 4.17.2.13.2: This section fails to account for the loss of benefits associated with the reduction in vegetation management options under Alternative E (as stated in Section 4.17.2.12.5).	The sections quoted by the commenter concern impacts to visual resources and the beneficial impacts to visual quality. BLM states in the Supplement on page 4-106 that Alternative E would provide long-term beneficial impacts to vegetation by limiting surface and vegetation disturbances.	
Daggett County	G	11	14	VRM handbook requires the BLM to modify the VRM inventory classifications to fit the underlying land allocations. Southern Utah Wilderness Alliance, 144 IBLA 70, 84 (1998) ("Visual Management Objective classes are developed through the RMP process for all bureau lands.) The approved VRM objective shall result from, and conform with, the resource allocation decision made in the RMP." BLM manual 8400.0-6 a.2 (emphasis supplied).) An existing lease is a resource allocation unless the lease is NSO. Our research shows that the existing leases in these areas are not NSO. Thus, any VRM class proposed must be adjusted to reflect previous resource allocations.	The BLM disagrees that only formally designated lands by Congress can have VRM Classes I or II applied. Chapter 2 of The Proposed RMP/Final EIS provides a summary of specific management directives for the area's visual resources. Chapters 3 and 4 provide additional information. The Visual Resource Management maps for each alternative illustrate the VFM Classes for lands administered by the BLM.	

Visual Resource Management

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				The County opposes any VRM Class I or II's being applied to any lands which have not been determined by Congress to be designated as wilderness. Additionally, such designations should not extend beyond the specific tract to which the VRM Class is applied. As an example, to a view shed.		
Herm Hoops	I	22	2	The RMP does not adequately address scenic vista protection, sound pollution or the pollution of night skies by lights. The Book Cliffs, White River Canyon and Desolation Canyon are very special resources where people can escape (to some degree) the encumbrances and pressures of society. You need to address such issues as routing and re-routing of power lines, baffling of lights, emphasis on directional drilling to reduce skyline impact, emphasis on reducing the visual impact of items like tanks, pipelines and extraction infrastructure. Given the HIGH profit margin that private companies make from PUBLIC resources. (We the People own the oil, gas, shale and such) there should be no problem requiring greater emphasis on protecting the vistas and night sky. Roads, rigs and developmental sites should be designed to reduce visual and sound pollution. They should also be required to meet minimal decibel standards that protect the "quiet" nature of the land.	<p>Visual Resource management was adequately covered in a wide range of alternatives during Vernal Field office's Land Use Planning Process.</p> <p>The specific recommendations that the commenter refers to (i.e. Re-routing of power lines, baffling of lights, emphasis on directional drilling etc.) Are all part of mitigation requirements determined by an interdisciplinary team according to VRM manual H-8410-1 requirements for VRM class assignments.</p>	
Utah State Office of Education, School Land Trust	G	169	9	It should be noted that in creating protected view-shed corridors, the BLM has no rights to control what is done on school lands, even if they can see it. We are concerned that the BLM states that "Indirect impacts of visual resource decisions on mineral development would be adverse. A decrease in the number of potential oil and gas wells would lead to a decrease in royalties paid to the federal government and/or the state of Utah."	<p>Non-BLM lands could be indirectly impacted by RMP decisions both positively and negatively. The analysis in Chapter 4 of the PRMP/FEIS has been modified accordingly.</p> <p>For specifics regarding the impacts on mineral revenue see comment 120-101.</p> <p>The BLM does provide for reasonable access to all SITLA lands under all alternatives (Chapter 2). Information has</p>	X

Visual Resource Management

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					<p>been added will be added to Chapter 2, Lands and Realty, Management Common to all action alternatives, that states that reasonable access to State land would be provided including across BLM lands within avoidance and exclusion areas for rights-of-way as specified by the Cotter decision (Utah v. Andrus, 10/1/79).</p> <p>The results of the Utah State University public lands survey and the University of Utah study on the economic impacts of oil and gas development in the Uintah Basin have been incorporated into the Proposed RMP/Final EIS. Chapter 3 summarizes the public lands survey results, and an Appendix has been added showing the raw results for the three counties in the planning area. Data from the University of Utah study has been extensively incorporated into Chapter 4 analysis.</p> <p>The Proposed Plan/Final EIS recognizes the importance of the oil and gas industry to the economic health of the Uintah Basin. The Plan seeks to strike a reasonable compromise between demands on resources and resource protection, within the framework of the BLM's sustained yield, multiple use mandate.</p>	
Utah Farm Bureau Federation	B	192	7	<p>Visual Resource Management (VRM) is too abstract, does not comply with scientific principles, and is not measurable. Once established, there is little ability to provide measurable inputs and science to make changes. The use of visual resource management is viewed as an attempt to establish de-facto wilderness in Utah.</p>	<p>The RMP process establishes specific management objects for the area's visual resources based on the various resources uses and values. These designations are developed through public participation and collaboration. Subsequent to the land use planning process, a determination is made whether proposed surface-disturbing activities or development will meet the visual resource management objectives established for the area and whether design adjustments will be required. A visual contrast rating process is used for this analysis, which involves comparing the project features with the</p>	

Visual Resource Management

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					<p>major features in the existing landscape using the basic design elements of form, line, color, and texture. This process is described in the BLM Handbook H-8431-1, Visual Resource Contrast Rating. The analysis is then used as a guide for resolving visual impacts. Once every attempt is made to reduce visual impacts, the BLM managers can decide whether to accept or deny project proposals. Managers also have the option of attaching additional mitigation stipulations to bring the proposed surface-disturbing activity into compliance.</p>	

Water Resources

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United States Environmental Protection Agency	G	6	33	Section 2.4.13.1. Soil and Water Resources, Goals and Objectives, page 2-27: Second sentence should reference compliance with Tribal Water Quality Standards when they are developed.	This planning effort is for BLM administered lands and the Ute Tribe is a cooperating agency with the BLM for this effort. BLM is unable to reference a document or standards that are in draft or yet to be developed. BM will coordinate with the Ute Tribe for future coordination needs.	
United States Environmental Protection Agency	G	6	34	Section 2.4.13.2. Actions Common to All -Page 2-28: This section should include recognition of the partnership and coordination with the Northern Ute Tribe regarding water quality.	Management Common to the Proposed RMP and All Alternatives in Section 2.1.17-Soil and Water Resources, recognizes the coordination and collaborative efforts that need to occur between the cooperating agencies for the RMP and other affected parties.	
United States Environmental Protection Agency	G	6	43	Section 3.13.4, Water Resources - page 3-76 and 3-77: This section should describe the existing Public Water Supplies and permitted discharges under NPDES permit program.	Appendix E lists Public Water Reserve Withdrawals. The withdrawals would be protected by allowing no new surface-disturbing activities within active flood plains, public water reserves, or 100 meters of riparian areas unless there are no practical alternatives; impacts would be fully mitigated; or the action was designed to enhance the riparian resources.	
Comcast	O	148	3	There is no analysis of the impacts of the hundreds of water developments for livestock, the miles of fences and their impacts on wildlife, the loss of riparian and wetland areas due to water developments nor the thousands of acres of watershed and plant community degradation that occur around livestock water developments. There is no analysis of the watershed impacts from livestock grazing including the degree of loss of ground cover, the accelerated rate of erosion compared to natural conditions with intact plant and biological crust communities, the loss of ground water and watershed storage or the impacts on the Colorado River System and its endangered species. The Colorado River Salinity Control Act is not addressed in regards to livestock, erosion, sedimentation and salinity.	BLM has provided analysis in the PRMP/FEIS. Chapter 4—Environmental Consequences, identifies and addresses impacts of livestock on resources of concern to the commenter.	

Water Resources

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Utah Farm Bureau Federation	B	192	3	RMP language discouraging the development of springs and water resources on BLM managed lands is contrary to common sense. Water is the lifeblood of Utah and our rural communities. Development of water is paramount to agriculture and rural economic development. Water leaving federal lands falls under Utah State Statues related to beneficial use. Riparian areas and in-stream flows are not defined as beneficial use under Utah law.	Comment noted. The commenter does not provide information on where the RMP discourages development of springs and/or water resources on BLM managed lands.	

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EOG Resources, Inc.	B	144	8	<p>Many of the WCAs in the Vernal Resource Area (i.e. Desolation Canyon WCA) overlap with proposed ACECs (i.e. Nine Mile Canyon, Lower Green River and Four Mile Wash ACECs). In reviewing WCAs, it is important for BLM to concurrently examine proposed ACECs. Many of the proposed ACECs are overbroad, and appear to cover solely wilderness characteristics. BLM has not identified other nationally significant resources and values within these ACECs. Rather, the resources identified are common throughout Utah and the Intermountain West. In sum, wilderness characteristics standing alone do not provide BLM with basis to designate an ACEC.</p> <p>For example, in the Vernal DRMP/EIS, BLM explained that the relevance criteria for the Four Mile Wash ACEC was high value scenery, riparian ecosystem and special status fish. BLM explains that the importance criteria include "spectacular scenery" and home to endangered fish in the Green River. These resources are not nationally significant and can be found common throughout the Vernal resource area and Utah. The relevance and importance of this ACEC is confined to the Green River and is properly covered by the Lower Green River ACEC and/or the proposed protection of the Green River as a wild and scenic river. The purported protection of the lands on the plateau up from the Green River for "scenery" is an unlawful attempt to protect lands as an ACEC for "wilderness characteristics". This scenery is not nationally or regionally significant.</p> <p>Accordingly, designation of the Four Mile Wash ACEC would be unwarranted and unlawful. Since BLM has provided no further basis that resources to the west of the</p>	<p>Layering of program decisions is not optional for BLM, but is required by the FLPMA, 1976 and National BLM planning and program specific regulations. The FLPMA directed that management of public lands be on the basis of multiple use (Section 102(a) (7)). As a multiple-use agency, the BLM is required to implement laws, regulations and policies for many different and often competing, land uses and to resolve conflicts and prescribe land uses through its land use plans. For example, 43 CFR Group 2500 provides guidance and requirements for Disposition; Occupancy and Use of public lands; Group 2800 for Rights-of-way; Group 3400 for Coal Management; Group 6000 for Designated Wilderness, and Group 8200 for Natural History, part 8351 for Wild and Scenic Rivers. Multiple-use management requires a balancing of the mandates for these separate programs. BLM prepares overlays for land disposition, rights-of-way, coal, wilderness, and other special designation areas, etc., and overlays the information to identify conflicts and opportunities on the public lands. Each overlay is designed to meet the requirements law, regulation and policy for the particular program.</p> <p>BLM's Land Use Planning Handbook requires that specific decisions be made for each resource and use (Appendix C, H-1601-1). The required decisions must be included in each of the alternatives analyzed during development of the land use plan. As each alternative is formulated, each program decision is overlain with the other program decisions and inconsistent decisions are identified and modified to be compatible with the objectives of the alternative. The potential conflicts between programs identified in the comment have been analyzed for each of</p>	X

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		<p>canyon rim are nationally significant, BLM should reduce the boundary of the ACEC to only the canyon rims.</p>	<p>the alternatives in the Final EIS.</p> <p>The Final EIS includes the decisions required for each program and BLM will attempt to ensure that the allowable uses and allocations are compatible and meet the objectives of the selected plan.</p> <p>The balance is within the range of alternatives as some alternatives proposed designation and others do not. Also size and management prescriptions vary between the alternatives. If the protection of the relevant and importance values “outweighs” the other resource uses then the ACEC was proposed under all the alternatives. Through FLPMA, BLM has authority to designate ACECs where special management attention is required to protect and prevent irreparable damage to important cultural, historic, or scenic values; fish and wildlife resources; or other natural systems or processes or to protect life and safety from natural hazards. Where ACEC values and wilderness characteristics coincide, the special management associated with an ACEC, if designated, may also protect “wilderness characteristics: (IM-2003-275). However, BLM policy directs that “an ACEC designation will not be used as a substitute for wilderness suitability recommendations: (BLM-M-16513). Wilderness characteristics were not considered relevant or important values when evaluating or designing management for potential ACECs.</p> <p>On August 27, 1980, BLM promulgated final ACEC guidelines (45 Federal Register 57318) that clarify that the term “protects” means: “To defend or guard against damage or loss to the important environmental resources of a potential or designated ACEC. This includes damage that can be restored over time and that which is</p>	

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					<p>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.”</p> <p>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. This interpretation is consistent with FLPMA’s legislative history and implementing policy. Section 2 of the guidelines clarifies that ACECs are special places within public lands. It states:</p> <p>“In addition to establishing in law such basic protective management policies that apply to all the public lands, Congress has said that ‘management of national resource lands [public lands] is to include giving special attention to the protection of ACECs, for the purpose of ensuring that the most environmentally important and fragile lands will be given early attention and protection’ (Senate Report 94-583, on FLPMA). Thus, the ACEC process is to be used to provide whatever special management is required to protect those environmental resources that are most important, i.e., those resources that make certain specific areas special places, endowed by nature or man with characteristics that set them apart. In addition, the ACEC process is to be used to protect human life and property from natural hazards.”</p> <p>Relevance and Importance criteria have been expanded in the final EIS.</p> <p>Please see Response to ID No. G-144-Comment 1.</p>	
Fulbright & Jaworski L.L.P.	B	143	1	Desolation Canyon WCA. Large portions of the Desolation Canyon WCA overlap valid existing federal and state oil and gas leases, as well as other valid existing rights such as grazing allotments.	Valid existing rights are considered Administrative Actions by the BLM and do not require a specific planning decision to implement. As noted in Chapter 1 under Planning Criteria and as outlined in the BLM’s Land Use Planning	

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		<p>Gasco urges BLM not to impose any restrictions upon minerals activity that fall within these areas. These lands already contain extensive human imprints such as roads, wells, pipelines and associated infrastructure and do not provide opportunities for enjoyment of naturalness, solitude, or primitive and unconfined recreation.</p> <p>Gasco provides the following comments on specific areas within or near the Desolation Canyon WCA: the Wilkin Ridge project area, which encompasses the portion of this WCA west of the Green River and north of Nine Mile Canyon. This area contains recently documented human imprints and development, as well as extensive valid existing rights.</p> <p>Wilkin Ridge Project Area. Gasco's Wilkin Ridge Exploratory project area consists of approximately 15,360 areas located in T10S-R17E and T11S-R17E in Duchesne County, Utah and contains extensive existing development and related infrastructure. This general area includes portions of the Desolation Canyon WCA west of the Green River and North of Nine Mile Canyon. Since SUWA's 2001 submission and BLM's subsequent westward extension of the wilderness characteristics area, there has been continues development activity occurring within this wilderness characteristics area. Map and Photograph Documentation of Existing Imprints. Enclosed under Tab A is a map and photograph documentation detailing the extensive human imprints within and surrounding the Wilkin Ridge Exploratory Project area. The red cross-hatched area depicts the Desolation Canyon WCA. The map depicts a series of 27 locations with corresponding pictures detailing various human imprints constructed since 2001, including extensive mechanically maintained roads, pipelines, two-tracks, and well pads within and surrounding the portion</p>	<p>Manual (Section 1601.06G), all decisions made in land use plans and subsequent implementation decision are subject to valid existing rights. Where the terms and conditions of valid existing rights are in conflict with existing planning decisions, the BLM will work with the holders of valid existing rights to modify proposed actions or activities to reduce the effect of the actions or activities on resource values and uses.</p>	

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		<p>of the Wilkin Ridge Exploratory Project area that SUWA claims has wilderness characteristics.</p> <p>For example, the corresponding pictures for map locations 19 through 21 detail an extensive mechanically maintained access road that traverses through the "wilderness characteristics" area. The pictures for map locations 10, 11, 22-24, and 27 denote extensively used two-track imprints that are undeniably human imprints that would render this area ineligible for wilderness designation under the Wilderness Act. Moreover, these human imprints underscore that additional protection or preservation through any of the management prescriptions detailed in Alternative E are not warranted. The pictures for map locations 5, 6 and 8 show an above ground pipeline, and locations 14, 15, 26 and 27 show range improvements and livestock grazing infrastructure. In addition to showing extensive imprints within the Project Area, this map shows that the immediate surrounding area contain several roads that traverse through the lands SUWA claims to have wilderness characteristics. Gasco plans to submit updated pictures and development information to BLM as soon as weather conditions make it practicable.</p> <p>Existing Development. As of December 1, 2007, the Wilkin Ridge area includes two producing wells and their associated access roads and facilities within the wilderness characteristics area (Wilkin Ridge Federal well numbers 12-4-11-17 and 14-4-11-17), as well as four producing wells on state lands that are within or adjacent to the wilderness characteristics area on federal lands (Wilkin Ridge State well numbers 12-32-10-17, 24-32-10-17, 31-32-10-17, and 44-32-10-17).</p> <p>Natural gas exploration and development activities have occurred on existing State of Utah leases in Sections 16</p>		

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		<p>and 36 in T10S-R17E, and Section 2 in T11S-R17E. The Section 36 and Section 2 wells both fall in the middle of this general "wilderness characteristics" area. Natural gas development, including drilling rigs, trailers, tanks, and access roads are present in these areas. At least one of these access road traverses through federal lands across this "wilderness characteristics" area.</p> <p>These human imprints, combined with the extensive overlapping valid existing rights within this area, underscore that this area does not contain wilderness characteristics in sufficient form to warrant protection through imposition of restrictive management proscriptions.</p> <p>In sum, given the existing infrastructure, valid existing leases and other permitted uses that fall within the Wilkin Ridge area of the Desolation Canyon WCA, Gasco urges BLM not to impose any management prescriptions to protect or preserve wilderness characteristic values in this area.</p> <p>2. Gasco's Valid Existing Leas Rights</p> <p>The Desolation Canyon WCA overlaps valid existing federal and state oil and gas leases. The Wilkin Ridge Project Area encompasses portions of 5 valid existing federal oil and gas leases held by Gasco that contain portions of lands with purported wilderness characteristics. The pertinent details of these leases are as follows: (See table)</p> <p>Under these leases, Gasco has a contractual right, and obligation, to explore, develop and produce commercial quantities of hydrocarbons. Under FLPMA, the valid existing rights and obligations conferred to Gasco from the Department of the interior under these federal leases are not pre-empted, or otherwise excused, by BLM's consideration of potential future WCA and/or ACEC</p>		

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		<p>designation for portions of these leased areas. The IBLA has repeatedly upheld BLM's authority of manage lands that contain wilderness characteristics for other purposes, inducing the approval of drilling for oil and gas. See, e.g., SUWA, 158 IBLA 212, 214-215 (203); SUWA, 123 IBLA 12, 18 (1992). Indeed, IBLA has expressly stated that lands with wilderness characteristics "are not subject to the restrictions on surface-disturbing activities afforded WSA's by the non-impairment mandate of section 603(c) of FLMPA and do not affect the management or use of the public lands involved." SUWA, 163 IBLA 142, 148 (2004) (upholding BLM decision to authorize surface facilities for a coal mine located in lands with wilderness characteristics).</p> <p>Furthermore, the Board has confirmed that the "inventory of public lands under the authority of section 201(a) of FLPMA, 43 U.S.C. Section 1711(a) (2000), shall not affect the management or sue of the public lands." Id. (citing State of Utah v. Babbitt, 137 F. 3d 1193, 1208-09 (10th Cir. 1998)).</p> <p>Valid existing rights override subsequent land use proposals such as wilderness characteristics designations. Indeed, federal courts and the IBLA has consistently held that operators may develop their leases within WSAs if BLM issued their leases prior to the enactment of FLPMA. See, e.g., Colorado Environmental Coalition v. Bureau of Land Management, 932. F. Supp. 1247, 1251 (D. Colo. 1996) ("those who held existing leases when FLPMA was enacted are exempt form the standard in Section 603© that requires management of such leases in such a way as not to impair suitability for preservation as wilderness. " (citing CEC, 135 IBLA 359)); Colorado Environmental Coalition, 135 IBLA 356, 359-360 (1996); SUWA, 100 IBLA 63 (1987); Utah</p>		

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				<p>Wilderness Coalition, 91 IBLA 124, 125, 130 (1986). In sum, Alternative E is not a viable alternative for BLM to adopt in the Final Decision Record given the extensive valid existing rights that exist in almost all WCAs for active mining claims, grazing allotments, county road designations, and federal and state oil and gas leases. This non-viability is particularly true for the portions of the Desolation Canyon WCA discussed above. Accordingly, in BLM's Final Decision Record it should make a finding that these particular areas are no longer WCAs.</p>		
EOG Resources, Inc.	B	144	1	<p>Many of the WCAs in the Vernal Resource Area overlap with proposed ACECs (i.e. Desolation Canyon WCA). In reviewing the WCAs, it is important for BLM to concurrently examine proposed ACECs. Many of the proposed ACECs are overbroad, and appear based solely on the presence of wilderness characteristics. BLM has not identified other substantially significant resources and values within these ACECs that meet the relevance and importance criteria detailed in 43 C.F.R. 1610.7-2(a) (explaining that under importance criteria, "substantial significance and values...requires more than local significance and special worth., consequence, distinctiveness, or cause for concern."). Rather, the resources identified are common throughout Utah and the Intermountain West.</p> <p>The BLM Manual on ACECs expressly instructs that: "An ACEC designation shall not be used as a substitute for a wilderness suitability recommendation." BLM Manual 1613 (emphasis added). BLM's ACEC Manual goes on to explain that:</p> <p>If an ACEC is proposed within or adjacent to a WSA, the RMP or plan amendment shall provide a clear</p>	<p>"Layering" is planning tool. Under FLPMA's multiple-use mandate, the BLM manages many different resource values and uses on public lands. Through land use planning BLM sets goals and objectives for each of those values and uses, and prescribes actions to accomplish those objectives. Under the multiple-use concept, the BLM does not necessarily manage every value and use on every acre, but routinely manages many different values and uses on the same areas of public lands. The process of applying many individual program goals, objectives, and actions to the same area of public lands may be perceived as "layering". The BLM strives to ensure that the goals and objectives of each program (representing resource values and uses) are consistent and compatible for a particular land area. Inconsistent goals and objectives can lead to resource conflicts, failure to achieve the desired outcomes of a land use plan, and litigation. Whether or not a particular form of management is restrictive depends upon a personal interest or desire to see that public lands are managed in a particular manner. Not all uses and values can be provided for on every acre. That is why land use plans are developed through a public and interdisciplinary process. The interdisciplinary process helps ensure that all resource values and uses are</p>	

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		<p>description of the relationship of the ACEC to the 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.</p> <p>BLM Manual 1613.</p> <p>The BLM IM regarding consideration of wilderness characteristics in land use plans explains, however, that if ACEC values and wilderness characteristics coincide, then special management prescription associated with an ACEC, if designated, may also protect wilderness characteristics. See BLM IM No. 2003-275, Change 1.</p> <p>As reflected by FLPMA, and expressly stated in FLPMA's implementing regulations, and BLM's IM: "to qualify for consideration of the ACEC designation, such values must have substantial significance and value, with qualities of more than local significance and special worth, consequence, meaning, distinctiveness, or cause for concern." BLM IM No. 2003-275, Change 1 (emphasis added); see also 43 C.F.R. 1610.7(a)(2) (explaining that under importance criteria, "substantial significance and values...requires more than local significance and special worth, consequence, distinctiveness, or cause for concern.").</p> <p>In sum, wilderness characteristics standing alone do not provide BLM with basis to designate an ACEC. To qualify for ACEC designation, the area must also contain other nationally significant resources and values. For these areas, if wilderness characteristics are not the central focus of the proposed ACEC, but exist</p>	<p>considered to determine what mix of values and uses is responsive to the issues identified for resolution in the land use plan. Layering of program decisions is not optional for BLM, but is required by the FLPMA and National BLM planning and program specific regulations. The FLPMA directs BLM to manage public lands for multiple use and sustained yield (Section 102(a) (7)). As a multiple-use agency, the BLM is required to implement laws, regulations and policies for many different and often competing land uses and to resolve conflicts and prescribe land uses through its land use plans. The BLM's Land Use Planning desired outcomes of a land use plan, and litigation. Whether or not a particular form of management is restrictive depends upon a personal interest or desire to see that public lands are managed in a particular manner. Not all uses and values can be provided for on every acre. That is why land use plans are developed through a public and interdisciplinary process. The interdisciplinary process helps ensure that all resource values and uses are considered to determine what mix of values and uses is responsive to the issues identified for resolution in the land use plan. Layering of program decisions is not optional for BLM, but is required by the FLPMA and National BLM planning and program specific regulations.</p> <p>The FLPMA directs BLM to manage public lands for multiple use and sustained yield (Section 102(a) (7)). As a multiple-use agency, the BLM is required to implement laws, regulations and policies for many different and often competing land uses and to resolve conflicts and prescribe land uses through its land use plans. The BLM's Land Use Planning compatible mix of uses and management prescriptions result. For example, the BLM has separate policies and guidelines, as well as criteria, for establishing</p>	

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				<p>concurrently with the special resource value to be protected, then management prescriptions may protect both.</p>	<p>ACECs and when the WSAs were established. These differing criteria make it possible that the same lands will qualify as both an ACEC and a WSA but for different reasons. The BLM is required to consider these different policies.</p> <p>The values protected by WSA management prescriptions do not necessarily protect those values found relevant and important in ACEC evaluation, and vice versa. The relevant and important values of ACECs within or adjacent to WSAs were noted in the ACEC Evaluation. The ACECs are evaluated and ranked based on the presence or absence of the stated relevant and important values. None of these values includes wilderness characteristics. Additionally, the management prescriptions for the ACECs are limited in scope to protect the relevant and important values, and the BLM maintains that the size of the ACEC areas is appropriate for protection of the relevant and important values identified.</p>	
EOG Resources, Inc.	B	144	3	<p>Valid Existing Rights.</p> <p>Many of the WCAs overlap valid existing federal and state oil and gas leases. Under FLPMA, the valid existing rights and obligations conferred to EOG from the Department of the Interior under these federal leases are not pre-empted, or otherwise excused, by BLM's consideration of potential future WCA and/or ACEC designation for portions of these leased areas. With respect to WCAs, industry holds many leases that were issued prior to enactment of FLPMA. Thus, industry has valid existing rights to continue to access and develop these leases. In addition, BLM cannot preclude industry access to these leases when industry is required to traverse unleashed lands with wilderness characteristics in order to get to its leases.</p>	<p>Please see Response to MIN ID No. G-144 Comment 12.</p> <p>Please see Response to ID No. G-144-Comment 9.</p>	

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		<p>FLPMA states that "[a]ll actions by the Secretary concerned under this Act shall be subject to valid existing rights." 43 U.S.C. 1701 NOTE (h). 43 C.F.R. 1610.5-3 (b); see also CEC, 165 IBLA at 227 (explaining that "FLPMA expressly provides that '[a]ll actions by the Secretary concerned under this Act shall be subject to valid existing rights,'" (citing 43 U.S.C. 1701 note (h) (2000)). Thus, operators with pre-FLPMA leases have valid existing rights to develop these leases regardless of the current or future land use designations that may be imposed upon this area. Even if these leases were located in properly designated Wilderness Study Areas (WSA), holders of pre-FLPMA leases have the right to drill these wells.</p> <p>Federal courts and the IBLA has consistently held that operators may develop their leases within WSAs if BLM issued their leases prior to the enactment of FLPMA. See, e.g., Colorado Environmental Coalition v. Bureau of Land Management, 932, F. Supp. 1247, 1251 (D. Colo. 1996) ("those who held existing leases when FLPMA was enacted are exempt from the standard in 603(c) that requires management of such leases in such a way as not to impair suitability for preservation as wilderness." (citing CEC, 135 IBLA 359)); Colorado Environmental Coalition, 135 IBLA 356, 359-360 (1996); SUWA, 100 IBLA 63 (1987); Utah Wilderness Coalition, 91 IBLA 124, 125, 130 (1986).</p> <p>In sum, Alternative E is not a viable alternative for BLM to adopt in the Final Decision Record given the extensive valid existing rights that exist in almost all WCAs for active mining claims, grazing allotments, county road</p>		

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				designations, and federal and state oil and gas leases. This non-viability is particularly true for the portions of the Desolation Canyon WCA discussed above. Accordingly, in BLM's Final Decision Record it should make a finding that these particular areas are no longer WCAs.		
EOG Resources, Inc.	B	144	10	BLM analysis of Alternative E is premised on BLM determinations that the areas depicted on Map 20e do in fact contain wilderness characteristics. As discussed below, for many of these WCAs, wilderness characteristics do not exist, and BLM's WCA determinations and related analyses are flawed by factual and analytic errors, significant data omissions, and conflicting analyses. EOG's submission of comments on Alternative E and the DRMP Supplement based upon BLM's WCA findings is in no way a concession that any of the areas outside of WSAs contain "wilderness characteristics".	<p>FLPMA Section 201 gives BLM the authority to inventory for wilderness characteristics. Section 302 of FLPMA gives BLM general management authority for the public lands. Section 202 of FLPMA gives BLM the authority for planning how the public lands are to be managed. It is BLM policy as stated in its planning handbook and in Instruction Memorandums 2003-274 and 2003-275 Change 1, that through planning, BLM may consider managing for wilderness characteristics on non-WSA lands. A BLM Interdisciplinary Team conducted an internal maintenance review of non-WSA lands with wilderness characteristics and concluded that the proposed wilderness characteristics areas met the wilderness criteria.</p> <p>Non-WSA lands found either to have wilderness characteristics or likely to have wilderness characteristics will be managed according to the direction established in this land use plan. Unlike for WSAs, there is no statutory or policy directive requiring BLM to protect the wilderness characteristics of these non-WSA lands. These non-WSA lands have many resource values, and the draft RMP/EIS considered all available information and a range of alternative prescriptions for how the values and uses of the non-WSA lands would be managed. Through its land use planning revision process and to comply with the FLPMA multiple-use mandate, BLM has discretion to choose how the non-WSA lands ultimately will be managed, considering all the values and potential uses of these non-</p>	

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			<p>WSA lands and the other lands within the planning area. The BLM's authority for managing lands to protect or enhance wilderness characteristics is derived directly from FLPMA Section 202 (43 U.S.C. §1712).</p> <p>This section of BLM's organic statute gives the Secretary of the Interior authority to manage public lands for multiple use and sustained yield. Nothing in this section constrains the Secretary's authority to manage lands as necessary to "achieve integrated consideration of physical, biological, economic, and other sciences." (FLPMA, Section 202(c)(2) (43 U.S.C. §1712(c)(2))) Further, FLPMA makes it clear that the term "multiple use" means that not every use is appropriate for every acre of public land, and that the Secretary can "make the most judicious use of the land for some or all of these resources or related services over areas large enough to provide sufficient latitude for periodic adjustments in use. . . ." (FLPMA, Section 103(c) (43 U.S.C. §1702(c))) The FLPMA intended for the Secretary of the Interior to use land use planning as a mechanism for allocating resource use, including wilderness character management, amongst the various resources in a way that provides uses for current and future generations. The BLM has long acknowledged that FLPMA Section 603 (43 U.S.C. §1782) requiring a one-time wilderness review has expired. All current inventory of public lands is authorized by FLPMA Section 201 (43 U.S.C. §1711). In September 2006, the Utah District Court affirmed that the BLM retained authority to protect lands it determined to have wilderness characteristics in a manner substantially similar to the manner in which such lands are protected as WSAs. Finally, the Utah v. Norton Settlement Agreement does not affect BLM's authority to manage public lands. This Agreement merely remedied confusion</p>	

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					<p>by distinguishing between wilderness study areas established under FLPMA §603 and those lands required to be managed under §603's non-impairment standard, and other lands that fall within the discretionary FLMPA §202 land management process.</p> <p>A Vernal Field Office Interdisciplinary Team reviewed the Non-WSA areas including Human-made disturbances. Where it was determined that the Human-made disturbances were substantially unnoticeable and did not diminished the naturalness of the area, the areas were then determined to have wilderness characteristics.</p>	
EOG Resources, Inc.	B	144	11	<p>Withdrawing 5,000 acres or Closing 100,000 Acres of Federal Lands to Oil and Gas Leasing Triggers Additional FLPMA Requirements</p> <p>In the event Alternative E is selected, then over 250,000 acres of federal lands would be closed to oil and gas leasing and development. FLPMA defines the term "withdrawal" as:</p> <p>"withholding an area of Federal land from settlement, sale, location, or entry, under some or all of the general land laws, for the purpose of limiting activities under those laws in order to maintain other public values in the area or reserving the area for a particular public purpose or program."</p> <p>43 U.S.C 1702(j).</p> <p>Accordingly, closing such a large amount of land to entry for oil and gas leasing, exploration, and development in favor of preserving these lands for wilderness characteristics would meet the broad definition</p>	<p>Comment noted. Thank you. The CEQ regulations (40 CFR 1502.1) require BLM to consider reasonable alternatives, which would avoid or minimize adverse impacts or enhance the quality of the human environment, based on the nature of the proposal and facts in the case (CEQ 40 Most Asked Questions 1b.). While there are many possible management prescriptions or actions, the BLM used the scoping process to determine a reasonable range alternatives that best addressed the issues, concerns, and alternatives identified by the public. Public participation was essential in this process and full consideration was given to all potential alternatives identified.</p> <p>The BLM determined that a single alternative analyzing the protection of all Non-WSA lands with wilderness characteristics would best provide a reasoned choice among the alternatives. Although the other alternatives do not provide specific management prescriptions to protect Non-WSA, these alternatives analyze and disclose the impacts of the proposed resource management prescriptions, uses and actions on the Non-WSA lands</p>	

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				<p>of withdrawal under FLPMA. Therefore, the Department of the Interior would be required to comply with FLPMA's formal withdrawal requirements. FLPMA requires the Secretary of the Interior to provide notice of proposed withdrawal of 5,000 acres or more of federal land from minerals development in the Federal Register and conduct hearings regarding the withdrawal. 43 U.S.C. 1714(b)(1) & (h)</p> <p>Also, Section 202(e)(2) of FLPMA requires the Secretary of the Interior to report to Congress decisions on principle uses of lands in areas greater than 100,000 acres in aggregate. 43 U.S.C. 1712. FLPMA then empowers Congress to review BLM's decision. In the event BLM decides to close 100,000 acres or more to minerals activity in the Final Vernal RMP, then such a decision would automatically trigger this Congressional reporting and review provision.</p>	<p>with wilderness characteristics. This gives the public the ability to fully compare the consequences of protecting or not protecting the wilderness characteristics on these Non-WSA lands. If all alternatives contained comparable protections of the Non-WSA lands with wilderness characteristics, the alternatives would have substantially similar consequences and would not be significantly distinguishable.</p> <p>The BLM, in developing the PRMP/FEIS, can choose management actions from within the range of the alternatives presented in the DRMP/DEIS and create a management plan that is effective in addressing the current conditions in the planning area based on FLPMA's multiple-use mandate.</p> <p>Valid existing rights are considered Administrative Actions by the BLM and do not require a specific planning decision to implement. As noted in Chapter 1 under Planning Criteria and as outlined in the BLM's Land Use Planning Manual (Section 1601.06G), all decisions made in land use plans and subsequent implementation decision are subject to valid existing rights. Where the terms and conditions of valid existing rights are in conflict with existing planning decisions, the BLM will work with the holders of valid existing rights to modify proposed actions or activities to reduce the effect of the actions or activities on resource values and uses.</p> <p>Please see Response to MIN ID No. G-144-Comment.</p>	
EOG Resources, Inc.	B	144	14	EOG urges BLM to maintain its current policy of not imposing the FLPMA Section 603 non-impairment standard upon non-WSA lands with wilderness characteristics. Similarly, EOG urges BLM not to impose restrictions that would create a de facto non-impairment	<p>The BLM's authority for managing lands to protect or enhance wilderness characteristics is derived directly from FLPMA Section 202 (43 U.S.C. §1712).</p> <p>This section of BLM's organic statute gives the Secretary</p>	

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		<p>policy and unduly hinder minerals exploration and development activities.</p> <p>The IBLA has consistently held that the non-impairment standard does not apply to non-WSA lands, such as WIAs and citizen proposed wilderness areas. CEC, 161 IBLA 386, 395 (2004); CEC, 162 IBLA 293, 300 fn9 (2004); SUWA, 163 IBLA 142, 148, (2004) (wilderness inventory units and WIAs "are not subject to the restrictions on surface disturbing activities afforded WSA's by the non-impairment mandate of section 603 of FLPMA and do not affect the management or use of the public lands involved.") The Board further states "during the planning process and concluding with the actions after the planning process, BLM will not manage [WIAs] under a congressional designated non-impairment standard, nor manage them as if they are or may become congressionally designated wilderness areas..." SUWA, 163 IBLA 14, 27 (2004) (quoting BLM IM 2003-274 (Sept. 29, 2003). Under FLPMA, BLM can manage lands with wilderness characteristics for other purposes, including oil and gas without regard to the non-impairment standard. SUWA, 163 IBLA at 26.</p> <p>Similarly, BLM should not impose the non-impairment standard, or any other protections upon future management of WSA lands released by Congress from further wilderness consideration. In the event Congress chooses not to designate a WSA, or portions of a WSA, as wilderness, then BLM is not obligated to preserve those wilderness characteristics lands under non-impaired management proscriptions or other similar management provisions that restrict public land uses. Rather, when released from WSA status, these lands</p>	<p>of the Interior authority to manage public lands for multiple use and sustained yield. Nothing in this section constrains the Secretary's authority to manage lands as necessary to "achieve integrated consideration of physical, biological, economic, and other sciences." (FLPMA, Section 202(c)(2) (43 U.S.C. §1712(c)(2))) Further, FLPMA makes it clear that the term "multiple use" means that not every use is appropriate for every acre of public land, and that the Secretary can "make the most judicious use of the land for some or all of these resources or related services over areas large enough to provide sufficient latitude for periodic adjustments in use. . . ." (FLPMA, Section 103(c) (43 U.S.C. §1702(c))) The FLPMA intended for the Secretary of the Interior to use land use planning as a mechanism for allocating resource use, including wilderness character management, amongst the various resources in a way that provides uses for current and future generations.</p> <p>The BLM has long acknowledged that FLPMA Section 603 (43 U.S.C. §1782) requiring a one-time wilderness review has expired. All current inventory of public lands is authorized by FLPMA Section 201 (43 U.S.C. §1711). In September 2006, the Utah District Court affirmed that the BLM retained authority to protect lands it determined to have wilderness characteristics in a manner substantially similar to the manner in which such lands are protected as WSAs.</p> <p>The BLM is aware that there are specific State laws relevant to aspects of public land management that are discrete from, and independent of, Federal law. However, BLM is bound by Federal law. As a consequence, there may be inconsistencies that cannot be reconciled. The</p>	

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				<p>revert back to standard public lands and BLM should manage these lands under the principles of multiple use management without restrictions to major uses of public lands.</p>	<p>FLPMA requires that BLM's land use plans be consistent with State and local plans "to the extent practical" where State and local plans conflict with Federal law there will be an inconsistency that cannot be resolved. The BLM will identify these conflicts in the FEIS/PRMP so that the State and local governments have a complete understanding of the impacts of the PRMP on State and local management options.</p> <p>Table 2.1 in Chapter 2 of the PRMP/FEIS provides management prescriptions for current WSAs if the Congress chooses to not designate the areas as a WSA.</p>	
EOG Resources, Inc.	B	144	14	<p>BLM Cannot Rely on SUWA's Wilderness Characteristics Proposals and Materials Submissions Under the Data Quality Act.</p> <p>Under the Data Quality Act, BLM is required to comply with OMB Guidelines designed to ensure and maximize the "quality, objectivity, utility, and integrity of information disseminated" from BLM to the public. See Section 515 of the 2001 Consolidated Appropriations Act, Public Law 106-554/ With respect to the Supplement to the Vernal DRMP, it is apparent that BLM has relied to some extent upon data and information submitted by SUWA. This SUWA data/materials contains information that its suspect in quality and highly subjective.</p> <p>As a general matter, many of the SUWA's wilderness proposals to BLM are based upon a small number of pictures and limited text in a given area combined with SUWA's subjective judgments that these areas contain wilderness characteristics. SUWA has failed to provide ground-truthing to cover the entirety of the large swaths of lands it seeks to designate as wilderness characteristics.</p>	<p>Comment noted.</p> <p>A BLM ID Team did reevaluate all data, including SUWAs, in 2007 prior to the release of the Supplement.</p>	

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				<p>As a result, literally thousands of the human imprints that exist within these areas have not been brought to the attention of BLM.</p> <p>As detailed above, one such example of SUWA's "wilderness proposal" is the western extension of the Desolation Canyon WCA. In its 2007 wilderness review, BLM states that SUWA's proposal contained "more detailed data" than BLM's previous inventories. SUWA's submission, was actually just comments on the revisions to the 1999 Reinventory, consisting of one short paragraph of text, one map, and one photograph.</p> <p>In contrast, the ground-truthing data provided by EOG, attached under Tab B, provides the requisite objectivity and quality of data needed for making wilderness characteristics determinations. Given the stark contrast between the nature of SUWA's assertions to BLM, and the ground-truthing data that exists with respect to these areas, BLM should not rely upon SUWA's information in its final decision making process for the Vernal RMP and Decision Record</p> <p>In sum, SUWA has not provided valid and complete data to substantiate their land use proposals. Their data submissions to BLM lack the requisite quality, objectivity, utility and integrity required under the Data Quality Act. Therefore, BLM is precluded from basing a wilderness characteristics designation based upon SUWA data, and cannot disseminate such a land use designation to the public in the Final Decision Record for the Vernal DRMP/</p>		
Independent Petroleum Association of	B	154	1	While the BLM has a duty under section 201 to inventory lands including those that may contain "wilderness characteristics," the BLM may not unlawfully apply the	Please see Response to ID No. G-144-Comment 14	

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Mountain Stat				WSA non-impairment standard to any of those lands found to contain wilderness characteristics. State of Utah v. Norton, 96-cv-870, (D. Utah), Stipulated Settlement at Par. 13, 17. The requirements to inventory and protect are distinct. The BLM must still provide for multiple use even if certain lands contain what the BLM considers to be the elements of wilderness."		
Independent Petroleum Association of Mountain Stat	B	154	2	Furthermore, containing elements and properties of "wilderness" is entirely distinct from meeting the statutory definition of wilderness under the Wilderness Act. The decision to designate WSAs, in the National Wilderness Preservations System are not proper decisions that the BLM can make during the land use process. The BLM must continue to provide for multiple use for lands outside WSAs.	Please see Response to ID No. G-144-Comment 14	
Independent Petroleum Association of Mountain Stat	B	154	3	Non-WSA lands are not subject to the WSA non-impairment standard. The IBLA has routinely rejected such arguments. See, e.g., Wyoming Outdoor Council, 147 IBLA 105, 112 (1998) (holding that "BLM properly concluded that the non-WSA lands, within the project areas, are non subject to the [FLPMA] Section 603 (c) standard."); Owen Severance, 118 IBLA 381, 386 (1991) (rejecting an argument that non-WSA lands should be preserved and protected to remain eligible for wilderness consideration and noting that BLM is not required to manage such lands in that manner because the lands have not been designated as WSAs under section 603 of FLPMA.	Please see Response to ID No. G-144-Comment 14	
Independent Petroleum Association of Mountain Stat	B	154	4	In addition, the Wilderness Inventory Handbook and public notices evidence a vision that would result in a "final decision on identifying Wilderness Study Areas on the public lands." 1978 WIH at 14; Fed. Reg 75574, 75575 ("BLM State Directors have now issued final decisions identifying ... wilderness study areas."). The	Please see Response to ID No. G-144-Comment 14	

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				1978 WIH also recognized the time constraint for complying with the Section 603 process. Id. At 3 (The BLM had to have its wilderness recommendations to the President by October 21, 1991). Thus, the time for the BLM to create and recommend lands for wilderness designation under FLPMA has expired and those lands not included as wilderness study areas should return to the productive, multiple use status envisioned by FLPMA.		
Independent Petroleum Association of Mountain Stat	B	154	5	By a 2006 Directive from the BLM Director, the BLM cannot effect a de facto closure of thousands of acres of public lands to oil and gas leasing without following FLPMA's Section 204 withdrawal procedures: "Except for Congressional withdrawals, public lands shall remain open and available for mineral exploration and development unless withdrawal or other administrative actions are clearly justified in the national interest in accordance with the Department of the Interior Land Withdrawal Manual 603 DM 1, and the BLM regulations at 43 C.F.R. 2310." BLM Energy and Non-Energy Mineral Policy (April 21, 2006). The BLM formally adopted this policy through IM 2006-197. Consequently, the 2006 Energy and Non-Energy Mineral Policy with which the BLM must comply, conditions the closure of lands available to mineral exploration and development on FLPMA's withdrawal procedures.	Please see Response to ID No. G-9-Comment 1.	
C.E. Brooks & Associates, P.C.	B	159	3	As agreed to in the Settlement, BLM's wilderness review authority under 603 of the Federal Land Policy and Management Act (FLPMA), 43 U.S.C. 1782 (c), has terminated, and as a result, BLM must "refrain from applying the IMP...to BLM lands other than 603 WSAs" and to "not manage or otherwise treat public lands, other than 603 WSAs...as WSAs or as wilderness pursuant to the [FLPMA] 202 process." 2003 Settlement, Stipulations 5 and 6. The district court upheld the Settlement after	Please see Response to ID No. G-144-Comment 14	

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		<p>concluding that it "is consistent with the law and restores the proper interpretation of FLPMA." Norton, 2:96-CV-0870 at 24.</p> <p>While the Alternative E does not use "WSA" or "IMP" terms to define the protective management of the non-WSA lands, there is no question that the effect of Alternative E is to create WSA-type management. Under Alternative E, all non-WSA lands with alleged wilderness character would be managed without exception as follows: (1) VRM Class I, (2) Closed to OHV use, (3) Closed to oil and gas leasing, (4) Closed to solid mineral leasing, (5) Closed to disposal of mineral , (6) Proposed for withdrawal from mineral entry, (7) Retain public lands in federal ownership, (8) Exclusion area for ROW's, (9) Closed to permitted commercial and personal-use wood cutting and seed collection, and)10) Closed to new road construction. Supplement at 2-21.</p> <p>Under the Settlement, not only may BLM not create 202 WSAs, it may not "treat public lands...as WSAs" through its land use planning process. The foregoing management prescriptions impose IMP-level management and unlawfully "treat" the non-WSA lands with alleged wilderness characteristics as de facto WSAs. Alternative E, in fact, adds a catch-all management prescription which actually blatantly carries forward FLPMA 603's WSA non-impairment mandate: "No actions would be allowed that would degrade the wilderness characteristics of the non-WSA lands with wilderness characteristics." Id.</p> <p>Alternative E's protection of the non-WSA areas as if they were WSAs, therefore, violates the Settlement and the</p>		

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				<p>proper interpretation of FLPMA agreed to by BLM. As the Supreme Court has emphasized, NEPA does not obligate an agency to examine actions or effects of actions that are beyond the agency's authority. Dept. of Transport. V. public Citizen, 541 U.S. 752 (2004). Thus, the de facto WSA designation of these areas is not an alternative available to BLM and cannot be considered an option in BLM's land use planning. This does not preclude BLM from developing the Supplement to provide a detailed evaluation and analysis of the impacts of its management decisions on wilderness values. Any consideration, however, needs to also disclosed at BLM cannot adopt the alternative without new legislation and without violating the Settlement Agreement.</p>		
C.E. Brooks & Associates, P.C.	B	159	4	<p>As authority for Alternative E, BLM relies on a general provision in its Land Use Planning Handbook which directs BLM to "[I]dentify decisions to protect or preserve wilderness characteristics." H-1601-1. Supplement at 1-2 (citing BLM Handbook H-1601-1). The direction is taken from an expired Instruction Memorandum 2003-275 which allegedly implemented the terms of the Settlement: "Wilderness characteristics are features associated with the concept of wilderness that may be considered in land use planning," and lands with wilderness characteristics "may be managed to protect and/or preserve some or all of those characteristics." This may include protecting certain lands in their natural condition and/or providing opportunities for solitude, or primitive unconfined types of recreation. IM 2003-275 at 2.</p> <p>This does not mean that BLM can use the land planning process to impose a wilderness land use allocation for these areas similar to the management of WSAs to the exclusion of multiple use. The district court expressly</p>	<p>The BLM's authority for managing lands to protect or enhance wilderness characteristics comes directly from FLPMA Section 202 (43 U.S.C. §1712). This section of BLM's organic statute gives the Secretary of the Interior authority to manage public lands for multiple use and sustained yield. Nothing in this section constrains the Secretary's authority to manage lands as necessary to "achieve integrated consideration of physical, biological, economic, and other sciences." (FLPMA, Section 202(c) (2) (43 U.S.C. §1712(c) (2)).) Further, FLPMA makes it clear that the term "multiple use" means that not every use is appropriate for every acre of public land and that the Secretary can "make the most judicious use of the land for some or all of these resources or related services over areas large enough to provide sufficient latitude for periodic adjustments in use. . . ." (FLPMA, section 103(c) (43 U.S.C. §1702(c)).) The FLPMA intended for the Secretary of the Interior to use land use planning as a mechanism for allocating resource use, including wilderness character management, amongst the various</p>	

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				<p>affirmed the Settlement in this respect:</p> <p>" It makes no sense that the same Congress that jealously recognized its sole authority to declare wilderness and that set up two major laws (the Wilderness Act and FLPMA) to accomplish a properly considered exercise of that authority, would have created within one general section (section 202) of FLPMA an open-ended authority on the part of the executive branch of government to create WSAs which, once created, result in de facto wilderness."</p> <p>Norton, 2:96-CV-0870 at 29.</p> <p>Rather, throughout the land use planning process, BLM may consider all available information, including assessments of wilderness character, "to determine the mix of resource use and protection that best serves the FLPMA multiple use mandate." BLM IM 2003-275 at 2, Attachment 1.</p>	resources in a way that provides uses for current and future generations.	
C.E. Brooks & Associates, P.C.	B	159	5	<p>As further supported by Daggett county's field notes and photographs submitted with its comments, the Cold Spring Mountain, Mountain Home and Lower Flaming Gorge non-WSA areas do not meet Wilderness Act criteria or naturalness, or outstanding opportunities for solitude or primitive and unconfined types of recreation. Some segments such as the one within the Cold Spring Mountain non-WSA area also do not meet the 5,000 roadless acre size criteria. 16 U.S.C. 1131 (c). These three non-WSA areas are, in fact, trammled by miles of roads and trails and reflect the blatant imprint of man's work, including fences, water developments, irrigation diversions and ditches, stock ponds and reservoirs, telephone and power lines, existing oil and gas wells, and</p>	Please see Response to ID No. G-9-Comment 2.	

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				<p>old well locations. The major construction of the interstate Kanda pipeline can be seen from all three non-WSA areas. As well as a phosphate pipeline and other natural gas pipelines. There is also a huge gas storage and collection facility within the Clay Basin allotment visible from the Mountain Home and Cold Spring Mountain non-WSA areas. This lighted 24-hour facility is visible day and night, and the compressor emits the pervasive, unmistakable odor of industrial development.</p> <p>BLM's analyses of solitude in the wilderness characteristics worksheets also completely fail to take into account the Taylor Flats subdivision contiguous to the Lower Flaming Gorge non-WSA area, and the major recreation facilities nearby on the Green River. There are two campground near the non-WSA lands that have toilet facilities, fire pits, and motorized traffic. There is also a interpretative recreation center that bring in traffic with related noise incompatible with solitude and primitive recreation. BLM only considers "minimal recreation facilities" as consistent with wilderness criteria. Supplement at 2-10. BLM also do not address the light impacts from the Taylor Flats subdivision or the Town of Manila, the latter of which affect the Cold Spring Mountain and Mountain Home non-WSA areas. The Cold Spring Mountain non-WSA area even has an active airstrip. See BLM Cold Spring Mountain Wilderness Characteristics Review (2007). Both the residential and recreation activities bring motorized traffic and related noise that are incompatible with wilderness management.</p>		
C.E. Brooks & Associates, P.C.	B	159	6	Further, there is no mention of the traffic related impacts to alleged wilderness values as a result of US Highway 191, a major highway visible from the Mountain Home and Cold Spring Mountain non-WSA areas. In this regard,	Please see Response to ID No. G-9-Comment 2.	

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				there is currently a proposed paved, two land road over the top of the Mountain Home non-WSA area that BLM also failed to consider.		
C.E. Brooks & Associates, P.C.	B	159	7	Moreover, due to the fact that 49% of the Mountain Home non-WSA area has been leased for oil and gas activity (a valid existing right), BLM anticipates a 4,524 acre direct loss of natural characteristics and reduction in quality of the opportunities for solitude and primitive and unconfined recreation due to sights and sounds of oil and gas development. Supplement 4-174; BLM Mountain Home Wilderness Characteristics Review (2007) (the total area being affected is 64%). By BLM's own admission, therefore, the area cannot be managed in the future to preserve its alleged wilderness character. It is well recognized that operations conducted pursuant to a lease will impair the suitability of an area for preservation as wilderness. See Solicitor's Opinion, 86 I.D. 89, 114 (1976).	Please see Response to ID No. G-9-Comment 2.	
C.E. Brooks & Associates, P.C.	B	159	8	In addition, neither the Supplement nor the wilderness characteristics review worksheets rationally explain how wilderness criteria is satisfied when the same non-WSA areas were rejected and dropped from further wilderness consideration by BLM in 1979. With regard to the Mountain Home inventory unit, BLM concluded that man's influence was noticeable in the north and south areas of the unit, and that the unity did not provide for outstanding opportunities for solitude or a primitive or unconfined type of recreation. Utah BLM Initial Inventory Proposals, p. 104 (April 1979).	Please see Response to ID No. G-9-Comment 2.	
C.E. Brooks & Associates, P.C.	B	159	9	With regard to Lower Flaming Gorge, formerly known as the Diamond Mountain Inventory Unit, BLM concluded that the area is broken and irregular in shape, bounded and intersected by privately-owned lands, and that man's impact is substantially noticeable in the northern part of	Please see Response to ID No. G-9-Comment 2.	

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				<p>the unit. Thus, the land form and the privately-owned flat-bottomed canyons that break up the unit restrict the opportunities for solitude and primitive or unconfined type of recreation. Id. This intermingled land pattern exists in all three non-WSA areas, and BLM simply could not effectively manage these areas to manage or preserve the alleged wilderness character. These areas also feature permanent structure related to ranching, such as irrigation facilities for the meadows, and fences.</p> <p>The record does not show that these developments and intrusions have disappeared. In most cases, there are more, rather than less, permanent structures and evidence of development. Instead BLM appears to have ignored the definition of wilderness when finding there was wilderness character. We find evidence supporting this conclusion where BLM's own wilderness characteristics review worksheets do not correctly apply wilderness criteria to these non-WSA areas. BLM consistently looked to the existence of "opportunities" for solitude, and primitive and unconfined recreation, as opposed to outstanding opportunities for solitude and outstanding opportunities for primitive and unconfined recreation. 16 U.S.C. 1131 (c), BLM Handbook H1601-1 at App. C, p. 12; 2005 DRMP/DEIS at GL-18.</p>		
C.E. Brooks & Associates, P.C.	B	159	10	<p>The public was never provided the opportunity to participate in or rebut BLM's 1999 Utah Wilderness Re-inventory Report or BLM's internal review of the "new information" submitted by SUWA and UWC. BLM assured the U.S. Tenth Circuit Court of Appeals that if it later decided to consider revising land use plans to change the management of lands included in the inventory, full public participation rights would be afforded. State of Utah et al. v. Babbitt et al., 137 F.3d 1193, 1209 (10th Circ. 1998).</p>	<p>A BLM ID Team did reevaluate the wilderness characteristics information, including the 1999 re-inventory, in 2007 prior to the release of the Supplement. The Supplement provided an opportunity for the public to comment during the comment period.</p>	

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				The court specifically held that a claim to set aside a land use plan revision would lie if public participation was denied, including a challenge to the results of the inventory if the results are utilized in proposing a revision to a land use plan. Id.		
C.E. Brooks & Associates, P.C.	B	159	11	Moreover, while NEPA does not require courts to resolve disagreement, BLM must consider all relevant factors and provide a reasoned analysis and disclosure of the evidence before it. <i>Salmon River Concerned Citizens v. Robertson</i> , 32 F.3d 1346 (9th Cir. 1994). BLM, therefore, must now objectively consider and evaluate the public's input disputing the wilderness characteristics of these non-WSA areas.	Comment noted.	
Anadarko	B	188	3	Moreover, BLM has failed to analyze the potential impacts of any such designation on valid existing rights. For example, BLM proposes to preclude issuance of rights - of-ways over lands designated as having wilderness characteristics. To the extent such lands provide the only means of access to valid, existing leases, BLM lacks the authority to prevent such access	BLM does not deny access where there is no other access. BLM also does not deny access if related to another right. Summary of Comments for Vernal RMP/EIS LR12A	
Duchesne County Commission	G	10	47	Cold Springs Mountain: 8,764 acres vs. 8,674?	8,764 is the correct acreage. BLM will make the correction in the Final RMP.	X
United States Environmental Protection Agency	G	6	19	Section 1.4 Planning Process - Wilderness' Characteristics, page 1-8: This section should list the six areas that have been established as wilderness study areas and reference Figure 20. This figure should also be referenced in Chapter 4, 4.14.3, page 4-125.]	Section 1.4 Planning Process – Wilderness' Characteristics, page 1-8; refers to the 2005 Draft RMP/EIS. Table 3.14.3 Wilderness Study Areas in Section 3.14.4.2 – Planning Area Profile will be referenced in Section 1.4 instead of listing the six WSA areas. Figure 20 refers to Non WSA Lands with or likely to have wilderness characteristics. WSAs are found in Figures 22 through 24, Special Designations.	
Sweetwater Country	G	9	1	Alternative W's consideration of wilderness character protection for the non-WSAa located in Daggett County is	The BLM's authority for managing lands to protect or enhance wilderness characteristics is derived directly from	

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Conservation District		<p>fundamentally flawed. The areas do not meet the definition of wilderness as:...an area where the earth and its community of life are untrammled by man, where man himself is a visitor who does not remain. An area of wilderness is further defined to mean in this chapter an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions and which (1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable; (2) has outstanding opportunities for solitude or a primitive and unconfined type of recreation; (3) has at least five thousand acres of land or is of sufficient size as to make practicable its reservation and use in an unimpaired condition; and (4) may also contain ecological, geological, or other features of scientific, educational, scenic, or historical value.</p>	<p>FLPMA Section 202 (43 U.S.C. §1712).</p> <p>This section of BLM's organic statute gives the Secretary of the Interior authority to manage public lands for multiple use and sustained yield. Nothing in this section constrains the Secretary's authority to manage lands as necessary to "achieve integrated consideration of physical, biological, economic, and other sciences." (FLPMA, Section 202(c)(2) (43 U.S.C. §1712(c)(2))) Further, FLPMA makes it clear that the term "multiple use" means that not every use is appropriate for every acre of public land, and that the Secretary can "make the most judicious use of the land for some or all of these resources or related services over areas large enough to provide sufficient latitude for periodic adjustments in use. . . ." (FLPMA, Section 103(c) (43 U.S.C. §1702(c))) The FLPMA intended for the Secretary of the Interior to use land use planning as a mechanism for allocating resource use, including wilderness character management, amongst the various resources in a way that provides uses for current and future generations.</p> <p>The BLM has long acknowledged that FLPMA Section 603 (43 U.S.C. §1782) requiring a one-time wilderness review has expired. All current inventory of public lands is authorized by FLPMA Section 201 (43 U.S.C. §1711). In September 2006, the Utah District Court affirmed that the BLM retained authority to protect lands it determined to have wilderness characteristics in a manner substantially similar to the manner in which such lands are protected as WSAs.</p> <p>The BLM is aware that there are specific State laws relevant to aspects of public land management that are</p>	

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					<p>discrete from, and independent of, Federal law. However, BLM is bound by Federal law. As a consequence, there may be inconsistencies that cannot be reconciled. The FLPMA requires that BLM's land use plans be consistent with State and local plans "to the extent practical" where State and local plans conflict with Federal law there will be an inconsistency that cannot be resolved. The BLM will identify these conflicts in the FEIS/PRMP so that the State and local governments have a complete understanding of the impacts of the PRMP on State and local management options.</p> <p>Finally, the Utah v. Norton Settlement Agreement does not affect BLM's authority to manage public lands. This Agreement merely remedied confusion by distinguishing between wilderness study areas established under FLPMA §603 and those lands required to be managed under §603's non-impairment standard, and other lands that fall within the discretionary FLMPA §202 land management process.</p>	
Sweetwater Country Conservation District	G	9	2	The non-WSA areas lack of naturalness, contain permanent structures, such as roads, fences, reservoirs, and pipelines and cannot provide outstanding opportunities for solitude or primitive and unconfined types of recreation. The DEIS ignores man's imprint and the sights and sounds of development in order to conclude that these areas wilderness character.	A Vernal Field Office Interdisciplinary Team reviewed the Non-WSA areas including Human-made disturbances. Where it was determined that the Human-made disturbances were substantially unnoticeable and did not diminished the naturalness of the area, the areas were then determined to have wilderness characteristic.	
Sweetwater Country Conservation District	G	9	3	Even assuming these areas contain wilderness values, the DEIS fails to consider the fact that the intermingled land pattern will preclude BLM from effectively managing the non-WSA areas for the protection of alleged wilderness character. BLM has no authority to control or limit projects on state and private lands.	Please see Response to ID No. G-9-Comment 1.	
Sweetwater	G	9	4	Further more, the Supplement does not conform to law	Please see Response to ID No. G-9-Comment 1.	

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Country Conservation District				because (1) BLM misinterprets decisions of the United States District Court for the District of Utah.		
Sweetwater Country Conservation District	G	9	5	(2) establishes an unviable alternative which applies unlawful de facto WSA-type management prescriptions in violation of its 2003 Settlement Agreement with the State of Utah et al.	Please see Response to ID No. G-9-Comment 1. The management and level of protection of the wilderness characteristics on Non-WSA lands is discretionary and not bound by requirements of the Wilderness Act of 1964 or the WSA Interim Management Policy (IMP, H-8550-1; BLM 1995). However, the BLM may manage the lands to protect and/or preserve some or all of those characteristics through the land use planning process. In addition, under the land use planning process, the BLM must consider a range of alternatives for the lands identified with wilderness characteristics. This gives the public the ability to fully compare the consequences of protecting or not protecting the wilderness characteristics on these Non-WSA lands.	
Sweetwater Country Conservation District	G	9	6	(3) incorrectly states that livestock grazing is consistent with WSA-type management,	No lands are proposed to be managed as Wilderness or WSA in any alternative of the DRMP/DEIS. However, the impacts of protecting Non-WSA lands with wilderness characteristics is fully disclosed in Chapter 4 of the DRMP/DEIS. The FLPMA makes it clear that the term “multiple use” means that not every use is appropriate for every acre of public land and that the Secretary can “make the most judicious use of the land for some or all of these resources or related services over areas large enough to provide sufficient latitude for periodic adjustments in use. . . .” (FLPMA, Section 103(c) (43 U.S.C. §1702(c)).) The FLPMA intended for the Secretary of the Interior to use land use planning as a mechanism for allocating resource use, including wilderness character management, amongst the various resources in a way that provides uses for current and future generations.	
Sweetwater	G	9	7	(4) improperly eliminates grazing non-use without	The CEQ regulations (40 CFR 1502.1) require BLM to	

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Country Conservation District		following established grazing procedures and standards.	<p>consider reasonable alternatives, which would avoid or minimize adverse impacts or enhance the quality of the human environment, based on the nature of the proposal and facts in the case (CEQ 40 Most Asked Questions 1b.). While there are many possible management prescriptions or actions, the BLM used the scoping process to determine a reasonable range alternatives that best addressed the issues, concerns, and alternatives identified by the public. Public participation was essential in this process and full consideration was given to all potential alternatives identified.</p> <p>The BLM determined that a single alternative analyzing the protection of all Non-WSA lands with wilderness characteristics would best provide a reasoned choice among the alternatives. Although the other alternatives do not provide specific management prescriptions to protect Non-WSA, these alternatives analyze and disclose the impacts of the proposed resource management prescriptions, uses and actions on the Non-WSA lands with wilderness characteristics. This gives the public the ability to fully compare the consequences of protecting or not protecting the wilderness characteristics on these Non-WSA lands. If all alternatives contained comparable protections of the Non-WSA lands with wilderness characteristics, the alternatives would have substantially similar consequences and would not be significantly distinguishable.</p> <p>The BLM, in developing the PRMP/FEIS, can chose management actions from within the range of the alternatives presented in the DRMP/DEIS and create a management plan that is effective in addressing the current conditions in the planning area based on FLPMA's</p>	

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					multiple-use mandate. The determination of season of use under Alternative E would be based on how grazing was adjudicated (judicially assigned) in the 1960s. The number of livestock AUMs was determined by removing historic non-use AUMs (available AUMs not used over the past 10 years) from Alternative D – No Action for the life of the management plan.	
Sweetwater Country Conservation District	G	9	13	<p>De Facto WAS-Type Management Prescription Are Unlawful and Alternative E Is Not a Viable Alternative under NEPA:</p> <p>As agreed to in the Settlement, BLM's wilderness review authority under 603 of the Federal Land Policy and Management Act (FLPMA), 43 U.S.C 1782©, has terminated, and as a result, BLM must "refrain from applying the IMP...to BLM lands other than 603 WSA's " and to "not manage or otherwise treat public lands, other than 603 WSAs...as WSAs or as wilderness pursuant to the {FLPMA} 202 process." 2003 Settlement, Stipulations 5 and 6. The district court upheld the Settlement after concluding that it "is consistent with the law and restores the proper interpretation of FLPMA." Norton, 2:96-CV-0870 at 24.</p> <p>While Alternative E does not use ":WSA" or "IMP" terms to define the protective management of the non-WSA lands, there is no question that Alternative E adopts the equivalent of WSA management. Under Alternative E, all non-WSA lands with alleged wilderness character would be managed without exception as follows: (1) VRM Class I, (2) Closed to OHV use, (3) Closed to oil and gas leasing, (4) Closed to solid mineral leasing, (5) Closed to disposal of mineral materials, (6) Proposed for withdrawal from mineral entry, (7) Retain public lands in federal</p>	Please see Response to ID No. G-9-Comment 6.	

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		<p>ownership, (8) Exclusion area for ROWs, (9) Closed to permitted commercial and personal-use wood cutting and seed collection, and (10) Closed to new road construction. Supplement at 2-21.</p> <p>Under the Settlement, not only may BLM not create 202 WSAs, it may not "treat public lands as WSAs": through its land use planning process. The foregoing management prescriptions impose IMP-level management and unlawfully "treat" the non-WSA lands with alleged wilderness characteristics as de facto WSAs. Alternative E, in fact, adds a catch-all management prescription which actually blatantly carries forward FLPMA 603's WSA non-impairment mandate: "No actions would be allowed that would degrade the wilderness characteristics of the non-WSA lands with wilderness characteristics." Id.</p> <p>Alternative E's protection of the non-WSA areas as if they were WSAs, therefore, violates the Settlement and the proper interpretation of FLPMA agreed to by BLM. As the Supreme Court has emphasized, NEPA does not obligate an agency to examine actions or effects of actions that are beyond the agency's authority. Dept. of Transport v. Public Citizen, 541 U.S. 752 (2004). Thus, the de facto WSA designation of these areas is not an alternative available to BLM and cannot be considered an option in BLM's land use planning. This does not preclude BLM from developing the Supplement to provide a detailed evaluation and analysis of the impacts of its management decisions on wilderness values. Any consideration, however, needs to also disclose that BLM cannot adopt the alternative without new legislation and without violating the Settlement Agreement.</p>		

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Sweetwater Country Conservation District	G	9	14	<p>The Protection of Individual Characteristics Associated with the Concept of Wilderness Differs From the WSA Management of Alternative E:</p> <p>BLM claims it has authority to consider Alternative E based on a general provision in its Land Use Planning Handbook which directs BLM to "{Identify decisions to protect or preserve wilderness characteristics." H-1601-1. Supplemental at 1-2 (citing BLM Handbook H-1601). The direction is taken from an expired Instruction Memorandum 2003-275 which allegedly implemented the terms of the Settlement: "Wilderness characteristics are features associated with the concept of wilderness that may be considered in land use planning," and lands with wilderness characteristics "may be managed to protect and/or preserve some or all of those characteristics." This may include protecting certain lands in their natural condition and/or providing opportunities for solitude, or primitive unconfined types of recreation. IM 2003-275 at 2.</p> <p>This does not mean that BLM can use the land planning process to impose a wilderness land use allocation for these areas similar to the management of WSAs. The district court expressly affirmed the Settlement in this respect:</p> <p>It makes no sense that the same Congress that jealously recognized its sole authority to declare wilderness and that set up two major laws (the Wilderness Act and FLPMA) to accomplish a properly considered exercise of that authority, would have created within one general section (section 202) of FLPMA an open-ended authority on the part of the executive branch of government to</p>	Please see Response to ID No. G-9-Comment 6.	

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				<p>create WSAs which, once created, result in de facto wilderness.</p> <p>Norton, 2:96-CV-0870 at 29.</p> <p>Rather, throughout the land use planning process, BLM may consider all available information, including assessments of wilderness character, "to determine the mix of resource use and protection that best serves the FLPMA multiple use mandate." BLM IM 2003-274. Thus, for example, when appropriate, BLM may limit OHV use or establish mitigation measures, stipulations or conditions of use to be attached to permits, leases, and other authorizations to avoid or minimize impacts to individual values, such as scenery or primitive recreation. See BLM 2003-275 t 2, Attachment 1.</p>		
Sweetwater Country Conservation District	G	9	15	<p>BLM Errs in is Identification of Non-WSA Lands with Alleged Wilderness Characteristics:</p> <p>The District incorporates by reference Daggett County's field notes and photographs submitted with it's comments. The District does not support the effort to classify areas that have roads, permanent structures like fences, livestock tanks, and reservoirs, as wilderness. Alternative E dilutes or expands the definition of wilderness to the point where the essential concept of an area untouched by man is lost. 16 U.S.C. 1131©. Alternative E also contradicts the District's Land & Resource Use Plan & Policy on wilderness. The District supports the 2003 settlement with the State of Utah, because the public land wilderness study process is completed and the issues are pending before Congress. The District does not support the establishment of new de facto wilderness areas when BLM has no authority to do so and when such</p>	<p>A Vernal Field Office Interdisciplinary Team reviewed the Non-WSA areas to determine if the areas identified met the wilderness criteria, Upon review, the ID-Team analyzed if past conditions have changed overtime and what Human-made disturbances were apparent. Where it was determined that the Human-made disturbances were substantially unnoticeable and did not diminished the naturalness of the area, the areas were then determined to have wilderness characteristics.</p> <p>Comment Noted.</p>	

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		<p>management disrupts other land uses and important programs. See Sweetwater County Conservation District Land & Resource Use Plan & Policy at 72-74.</p> <p>The Daggett County comments demonstrated that the non-WSA areas are not untouched by man but, in fact, have miles of roads and trails and numerous permanent structures, including fences, water developments, irrigation diversions and ditches, stock ponds and reservoirs, telephone and power lines, existing oil and gas wells, and old well locations. FERC recently approved the interstate Kanda pipeline that is visible from at least three non-WSA areas, as well as a phosphate pipeline and other natural gas pipelines. The region features gas storage and collection facility, which is visible 24 hours a day and emits odiferous smoke. None of these facilities are consistent with the definition of wilderness.</p> <p>The DEIS analyses of solitude in the wilderness characteristics worksheets also completely fail to take into account the Taylor Flats subdivision contiguous to the Lower Flaming Gorge non-WSA area, and the major recreation facilities nearby on the Green River. There are two campgrounds near the non-WSA lands that have toilet facilities, fire pits, and motorized traffic. There is also a interpretative recreation center that brings in traffic with related noise incompatible with solitude and primitive recreation. The DEIS only considers "minimal recreation facilities" as consistent with wilderness criteria. Supplement ar 2-10. The DEIS also does not address the light impacts from the Taylor Flats subdivision or the Town of Manila, the latter of which affect the Cold Spring Mountain and Mountain Home non-WSA areas. The Cold Spring Mountain non-WSA area even has an active</p>		

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		<p>airstrip. See BLM Cold Spring Mountain Wilderness Characteristics Review (2007). Both the residential and recreation activities bring motorized traffic and related noise that are incompatible with wilderness management.</p> <p>The DEIS fails to discuss the traffic related impacts on the alleged wilderness values as a result of US Highway 191, a major highway visible from the Mountain Home and Cold Spring Mountain non-WSA areas. There is also a proposed paved, two lane road over the top of the Mountain Home non-WSA area that BLM also failed to consider. Many of the non-WSA areas are leased for oil and gas activity (a valid existing right). The DEIS admits that exercise of the lease rights will cause direct loss of natural characteristics and reduce quality of the opportunities for solitude and primitive and unconfined recreation due to sights and sounds of oil and gas development. Supplement 4-174; BLM Mountain Home Wilderness Characteristics Review (2007) (the total area being affected is 64%). By BLM's own admission, therefore, the non-WSA areas cannot be managed in the future to preserve their alleged wilderness character. It is well recognized that operations conducted pursuant to a lease will impair the suitability of an area for preservation as wilderness. See Solicitor's Opinion, 86 I.D. 89, 114 (1976)</p> <p>In addition, neither the Supplement nor the wilderness characteristics review worksheets rationally explain how wilderness criteria is satisfied when the same non-WSA areas were rejected and dropped from further wilderness consideration by BLM in 1979. With regard to the Mountain Home inventory unit, BLM concluded that man's influence was noticeable in the north and south areas of</p>		

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		<p>the unit, and that the unit did not provide for outstanding opportunities for solitude or a primitive or unconfined type of recreation. Utah BLM Inventory Proposals, p. 104 (April 1979).</p> <p>With regard to Lower Flaming Gorge, formerly known as the Diamond Mountain Inventory Unit, BLM concluded that the area is broken and irregular in shape, bounded and intersected by privately-owned lands, and that man's impact is substantially noticeable in the northern part of the unit. Thus, the land form and the privately-owned flat-bottomed canyons that break up the unit restrict the opportunities for solitude and primitive or unconfined type of recreation. Id. This intermingled land pattern exists in all three non-WSA areas, and BLM simply could not effectively manage these areas to manage or preserve the alleged wilderness character. These areas also feature permanent structures related to ranching, such as irrigation facilities for the meadows, and fences.</p> <p>The record does not show that these developments and intrusions have disappeared. In most cases, there are more, rather than less, permanent structures and evidence of development. Instead BLM appears to have ignored the definition of wilderness when finding there was wilderness character. This conclusion is supported in the wilderness characteristics review worksheets which show that BLM did not correctly apply wilderness criteria to these non-WSA areas. BLM consistently looked to the existence of "opportunities" for solitude, and primitive and unconfined recreation, as opposed to outstanding opportunities for solitude, and primitive and unconfined recreation, as opposed to outstanding opportunities for solitude and outstanding opportunities for primitive and</p>		

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				<p>unconfined recreation. 16 U.S.C 1131©, BLM Handbook H1601-1 at App. C, p. 12; 2005 DRMP/DEIS at GL-8.</p> <p>In 1996, when BLM first initiated the wilderness reinventory, there was no public involvement. This was also true for the 2001 internal review of the "new information" submitted by SUWA and UWC. BLM assured the U.S. Tenth Circuit Court of Appeals that if it later decided to consider revising land use plans to change the management of lands included in the inventory, full public participation rights would be afforded. State of Utah et al v. Babbitt et al., 137 F.3d 1193, 1209 (10th Cir. 198). The court specifically held that a claim to set aside a land use plan revision would lie if public participation was denied, including a challenge to the results of the inventory if the results are utilized in proposing a revision to a land use plan. Id.</p> <p>Moreover, while NEPA does not require courts to resolve disagreements, BLM must consider all relevant factors and provide a reasoned analysis and disclosure of the evidence before it. Salmon River Concerned Citizens v. Robertson, 32 F.3d 1346 (9th Cir. 1994). The DEIS, therefore, must now objectively consider and evaluate the public's input disputing the wilderness characteristics of these non-WSA areas.</p>		
Sweetwater Country Conservation District	G	9	16	<p>DEIS Incorrectly States that Livestock Grazing is Consistent with WSA-type Management::</p> <p>The DEIS states that new livestock facilities can be constructed in these non-WSA areas, if consistent with the goals and objectives of the protection of alleged wilderness character. Supplement at 4-34. The DEIS incorrectly omits the fact that in practice, range</p>	The H-8550-1 Interim Management Policy for Wilderness Review does allow grazing under section D. Rangeland Management, which includes changes in grazing, increases in grazing, and livestock developments, etc.	

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				<p>improvement projects are not authorized in WSAs, even if necessary for the proper management of their livestock operations.</p> <p>Under standard WSA policy, the construction of range improvements is rarely considered compatible with the non-impairment of wilderness character, and if they are, the projects are usually held up in litigation at considerable cost to the grazing permittee. See Committee for Idaho's High Desert, 139 IBLA 251, 255 (1997). Under the IMP, for example, temporary livestock development must do the same and be substantially unnoticeable. Water developments are limited to springs where the water trough blends into the surrounding landscape as a whole. BLM Manual H-8550-1 at 41-42. The BLM WSA IMP imposes Class II VRM but Alternative E would impose the more restrictive Class I VRM management, which allows only minimal changes in visual resources.</p> <p>Range improvements are also clearly incompatible with the VRM Class I objectives established for the non-WSA lands with alleged wilderness character. The objective of this class is to preserve the existing character of the landscape and allows only very limited management activity. The level of change to the characteristics landscape must be very low and must not attract attention. BLM Handbook H-8410-1.</p>		
Sweetwater Country Conservation District	G	9	17	<p>Alternative E's Impacts to Livestock Grazing and Rangeland Resources Not Adequately Considered:</p> <p>Under NEPA, BLM needs to consider the full spectrum of the affected environment, including impacts to rangeland resources, wildlife habitat, and livestock grazing. 40</p>	<p>The H-8550-1 Interim Management Policy for Wilderness Review does allow grazing under section D. Rangeland Management, which includes changes in grazing, increases in grazing, and livestock developments, etc.</p> <p>Table 2.3 Alternatives, Page 2-10 and 4.21.2.14.2</p>	

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		<p>C.F.R. 1508.13, 1508.14. The Supplement needs to consider the direct, indirect, and cumulative impacts to the rangeland environment from prohibiting such treatments. Because the EIS incorrectly assumes no impact, it does not address the impacts of limiting or prohibiting improvements that will otherwise improve riparian areas and meadows, rejuvenate decadent stands of sage brush, or reduce encroachment of woody species (pinon-juniper) to benefit sage brush. In addition, livestock operators would be prohibited from accessing existing range improvements by motor vehicle in order to repair and maintain them, see <i>id.</i> At 2-10-11. and BLM needs to identify the affected range improvements and potential impacts to the environment if these planned improvements cannot go forward.</p> <p>Even assuming BLM cannot pinpoint the exact locations of rangeland projects and treatments, it can identify the impacts to those projects if Alternative E were adopted. Supplement at 4-93. BLM knows or should know that those projects are not allowed. Thus, the DEIS should disclose and analyze the impacts of Alternative E on wildlife habitat, sage grouse habitat, and riparian areas. It should also disclose and analyze the impacts of Alternative E on the feasibility of the public lands meeting, making substantial progress towards meeting, or maintaining rangeland health standards. There is no such discussion.</p> <p>The Supplement must also consider the negative impacts on livestock operations and the related impacts on the custom, culture, and economies of Daggett County and the tri-state region. Alternative E would remove most of the range management tools from use, thus leading BLM</p>	<p>Alternative E. of the Supplement provides for maintenance and construction of Range Improvements.</p>	

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				<p>with no option but to reduce livestock and wild horse numbers in order to address rangeland health issues. This too is not disclosed or analyzed.</p> <p>BLM's evaluation of impacts must also not be unfairly narrow. There are several interstate livestock operations that would be affected by Alternative E. Thus it affects the economies of Sweetwater County as well as those in Utah. Because wildlife migrate between states, the impacts on rangeland resources will also affect elk, deer, antelope, and sage grouse, just to name a few species.</p>		
Duchesne County Commission	G	10	1	<p>On June 25, 2007, the Duchesne County Commissioners approved Resolution #07-15, which amended the Duchesne County General Plan to clarify the county's policies for the management and use of "non-WSA lands with wilderness characteristics" in the Twin Knoll-Wrinkles Road area of Duchesne County, which encompasses the Desolation Canyon non-WSA area identified in the supplement. A copy of this Resolution was forwarded to Selma Sierra, State BLM Director, by letter dated June 25, 2007.</p> <p>At that time, the County Commissioner made it clear that Duchesne County plans call for multiple use of these public lands. The county also submitted maps and photos showing that existing roads, mining and energy operations, spring developments, grazing lease improvements and other evidence of man's influence on the area raises the question whether such lands lying generally between Wrinkles Road and the Carbon County line and generally between the Sand Wash Road and the Uintah County line (Desolation Canyon non-WSA) actually possess wilderness character. We believe the answer to this question for much of the land protected</p>	<p>The BLM is aware that there are specific County and State plan decisions relevant to aspects of public land management that are discrete from, and independent of, Federal law. However, the BLM is bound by Federal law. The FLPMA requires that the development of an RMP for public lands must be coordinated and consistent with County plans, to the maximum extent possible by law, and inconsistencies between Federal and non-Federal government plans be resolved to the extent practical (FLPMA, Title II Sec. 202 (c)(9)). As a consequence, where State and local plans conflict with Federal law there will be an inconsistency that cannot be resolved or reconciled.</p> <p>Thus, while County and Federal planning processes, under FLPMA, are required to be as integrated and consistent as practical, the Federal agency planning process is not bound by or subject to County plans, planning processes, or planning stipulations. The BLM will identify these conflicts in the FEIS/DRMP, so that the State and local governments have a complete understanding of the impacts of the DRMP on State and local management options.</p>	

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				<p>under Alternative E is "no".</p> <p>In accordance with FLPMA, Duchesne County expects that the BLM will consider the county land use plan, including the June 2007 amendment, in making land management decision that are consistent with local policies to the greatest degree possible under federal law. Proposed Alternatives A and B of the draft RMP come closest to consistency with local plans. Alternatives C and E are inconsistent with local plans and the multiple use mandate of FLPMA.</p>		
Duchesne County Commission	G	10	16	<p>Page 4-49, Section 4.9.2.8.0: This section, which indicates that management under Alternative E would provide greater long-term beneficial impacts to paleontological resources, conflicts with the finding in Section 4.9.2.4.5 which indicates that surface disturbance actually increases the chances for finding and studying such resources. The theory is that such resources have less value if left undetected and greater value once discovered and analyzed (as a result of the surface disturbance).</p>	Comment Noted.	
Duchesne County Commission	G	10	29	<p>Page 4-97, Section 4.15.2.10: This section states that Alternative E protects 277,596 acres; however Table 4.15.2 implies that much less land is protected. Is this due to existing leases</p>	Table 4.15.2 does not imply toward impacts on Special Status Species; however, it does apply to Mineral Development.	
Duchesne County Commission	G	10	32	<p>Page 4-109, Section 4.16.2.17.2 and elsewhere in the supplement: The amount of protection is overstated (277,596) due to the presence of valid, existing leases.</p>	The commenter does not provide data to support the amount of valid and existing leases.	
Duchesne County Commission	G	10	46	<p>Page 4-166 to 4-178, Table 4.21.1, Bourdette Draw: Why 0 acres affected when 5,744 acres are already leased?</p>	The term "Leased" does not pertain to surface disturbance. Areas may have valid and existing leases but do not have surface disturbances.	
Duchesne County Commission	G	10	48	<p>Daniels Canyon: Why 0 acres affected when 322 acres are already leased?</p>	Please see Response to ID No. G-10-Comment 46.	

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Duchesne County Commission	G	10	49	Diamond Mountain: Why 0 acres affected when 5,475 acres are already leased?	Please see Response to ID No. G-10-Comment 46.	
Duchesne County Commission	G	10	53	pages 4-190, Section 4.21.2.8.6: This section fails to recognize that, under Alternative E, surface disturbance would be allowed in areas subject to valid, existing energy lease rights.	As stated in Sections 4.21.2.8.5 Alternative E "As with Alternative C, no surface disturbance would be permitted on slopes between 21% and 40% without an approved erosion-control strategy. Further, surface disturbance would not be allowed on slopes over 40%. However, under this alternative, no surface disturbance would be permitted that would impact the natural character of the non-WSA lands with wilderness characteristics. The effects of these actions would preserve the wilderness characteristics of non- WSA lands with wilderness characteristics. Valid and existing lease rights are subject to surface disturbance stipulations.	
Duchesne County Commission	G	10	59	Page 4-218, Section 4.21.6, 2nd paragraph: Does the estimate of 124,215 acres losing their wilderness character due to existing leases also take into account the potential leasing and development of SITLA lands that "checkerboard" the region? Duchesne County expects that development of SITLA lands will result in the loss of even more wilderness character on adjoining BLM lands, which makes management of these areas for wilderness even less feasible or desirable.	SITLA lands are not included in the determination of Wilderness Character.	
Duchesne County Commission	G	10	60	Page 4-219, Section 4.22, 2nd paragraph on this page: The list of other land management agencies in this paragraph fails to mention SITLA, which owns many sections of land abutting non-WSA lands managed by the BLM.	Comment Noted. SITLA will be added.	
Duchesne County Commission	G	10	63	Page 4-222, Section 4.22.19, 3rd sentence in 1st paragraph: Remove reference to "a more industrial landscape" and use "reduction of natural landscapes."	Comment noted. The BLM declines to make the suggested wording changes for a variety of reasons including, but not limited to, the following:	

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					<ol style="list-style-type: none"> 1. The BLM does not find the suggested changes necessary or appropriate. 2. The suggested wording change does not substantively contribute to or clarify the discussion. 3. The commenter did not provide any rationale why the suggested change is necessary or how the current data and analysis is incorrect. 4. The suggested change expressed personal opinions or preferences. 5. The suggested change had little relevance to the adequacy or accuracy of the RMP/EIS. 	
Daggett County	G	11	3	<p>Managing the Subject Lands Under Alternative E Would Arbitrarily and Capriciously Ignore the Volumes of Documentation and Information Submitted by Daggett County Which Show the Subject Lands Lack True Wilderness Character.</p> <p>Daggett County has assembled and submitted extensive information which shows the Subject Lands have been subjected to past resource uses and impacts that are inconsistent with the notion of wilderness character, and that the Subject Lands are better suited to a continuation of those traditional multiple uses, all under the FLPMA 202 principles of sustained yield and avoidance of undue degradation, of course.</p> <p>A map is enclosed with this letter (Exhibit ____), that clearly shows the majority of the Subject Lands are currently under lease for extractive purposes. This alone both disqualifies those lands for consideration for designation as Non-WSA Lands with Wilderness Characteristics and informs against their being managed under the Alternative E prescriptions proposed.</p>	Please see Response to ID No. G-9-Comment 15.	

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				<p>Additionally, we provided information on December 31st, which contained detailed analyses of the Subject Lands. These analyses demonstrate that none of the Subject Lands qualify as having wilderness characteristics. The many attributes of the Subject Lands documented in these volumes, such as roads, mineral and energy development, extractive leasing, existing leasing, livestock improvements, need for access for vegetated treatment, and other uses clearly show that the imprint of man and the previous resource allocations preclude any rational finding of solitude and naturalness necessary to rationally designate those areas as having wilderness characteristics.</p> <p>Do any of the Subject Lands possess wilderness character worthy of Alternative E management (even if Alternative E were not illegal and not inconsistent with State and Local Policies)? We believe the answer to this question is "no:"</p>		
C.E. Brooks & Associates, P.C.	G	151	6	<p>While Alternative E does not use "WSA" or "IMP" terms to define the protective management of the non-WSA lands, there is no question that Alternative E adopts the equivalent of WSA management. Under Alternative E, all non-WSA lands with alleged wilderness character would be managed without exceptions as follows: (1) VRM Class I, (2) Closed to OHV use, (3) Closed to oil and gas leasing, (4) Closed to solid mineral leasing, (5) Closed to disposal of mineral materials, (6) Proposed for withdrawal from mineral entry, (7) Retain public lands ins federal ownership, (8) Exclusion area for ROWs, (9) Closed to permitted commercial and personal-use woodcutting and seed collection, and (10) Closed to new road construction. Supplement at 2-21.</p>	Comment noted.	
C.E. Brooks &	G	151	7	<p>Under the Settlement, not only may BLM not create</p>	Comment noted.	

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Associates, P.C.				Section 202 WSAs, it many not "treat public lands... as WSAs" through its land use planning process. The foregoing management prescriptions impose IMP-level management and unlawfully "treat: the non-WSA lands with alleged wilderness characteristics as de facto WSAs. Alternative E, in fact, adds a catch-all management prescription which actually blatantly carries forward FLPMA Section 603's WSA non-impairment mandate: "No actions would be allowed that would degrade the wilderness characteristics of the non-WSA lands with wilderness characteristics." Id.		
C.E. Brooks & Associates, P.C.	G	151	13	In addition, neither the Supplement nor the wilderness characteristics review worksheets rationally explain how wilderness criteria is satisfied when the same non-WSA areas were rejected and dropped from further wilderness consideration by BLM in 1979. With regard to the Mountain Home inventory unit, BLM concluded that man's influence was noticeable in the north and south areas of the unit, and that the unit did not provide for outstanding opportunities for solitude or a primitive or unconfined type of recreation. Utah BLM Initial Inventory Proposals, p.104 (April 1979).	See Response to Comment 151-13-WC.	
Ute Tribe-Energy & Minerals Department	G	172	1	Although the Vernal Supplemental RMP specifically recognizes that development would occur on valid and existing leases within wilderness characteristics areas, the document fails to recognize that development also has the potential to occur within wilderness characteristics areas on lands that are held in split estate.	The supplement carried forward criteria from the DRMP. One of the planning criteria in Section 1.4.1.2 is that the revised RMP would recognize valid existing rights	
Ute Tribe-Energy & Minerals Department	G	172	2	As discussed in the previous section, the Vernal Supplemental RMP clearly recognizes that oil and gas development would likely occur on valid and existing leases within wilderness characteristics areas, however, the document fails to analyze the impact of access restrictions in wilderness characteristics areas to	BLM does not deny access to inholdings when there is no other access. BLM also does not deny access if related to another right. Summary of Comments for Vernal RMP/EIS LR12A	

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				development of lands adjacent to these areas. In some cases, Tribal lands, which include Tribal minerals, have been used to form the boundary of wilderness characteristics areas (see Desolation Canon and Wolf Point wilderness characteristics areas on Figure 20e). The BLM should recognize that ROWs could be necessary within wilderness characteristics areas to access Tribal lands/minerals. For example in order to access Tribal and Allottee minerals east of Willow Creek access could be needed through Wolf Point wilderness characteristics area.		
State of Utah	G	189	6	The state does not believe that BLM has the authority to create a category of management based solely on the characteristics of wilderness. The characteristics of wilderness, or their constituent elements, were first recognized by the Wilderness Act of 1964 and passed to the BLM within the provisions of Section 603 of the Federal Land Policy and Management Act of 1976. The authority within Section 603 has now expired by its own terms. The state recognizes that recent court decisions have affirmed BLM's information about these characteristics in its documents prepared under the National Environmental Policy Act.	Please see Response to ID No. G-144-Comment 9.	
State of Utah	G	189	8	Thus, the state asks BLM to provide a detailed explanation of the rationale and authority for management of lands solely because of wilderness characteristics, and why such management does not circumvent the provisions of the statutorily required wilderness review process.	Please see Response to ID No. G-174-Comment 3	
State of Utah	G	189	9	In addition to these cautions, the state requests that, in weighing management options for the Final RMP, BLM give strong consideration to recommendations submitted by local government and not manage lands to protect wilderness character where such management would, in	Comment Noted.	

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				the opinion of local governments, be contrary to existing uses and the interests of local residents.		
State of Utah	G	189	11	The lack of vegetation management could result in significant winter range loss for big game, and decreased crucial habitat for sage-grouse. Moreover, vegetation treatments by natural processes may also be detrimental to sage-grouse populations, could reduce big game habitat, and limit the ability of UDWR to conduct habitat restoration. While prescribed fire would be allowed in the 25 areas classified as non-WSA lands with wilderness characteristics, other treatment methods including mechanical and chemical techniques may be more appropriate in these areas, especially where cheatgrass and other invasive species are present.	Comment Noted.	
State of Utah	G	189	15	Each determination of wilderness characteristics notes that the VFO "determined appropriate setback distances for pipelines, roads, and other ROWs." Other Field Offices did not adopt this approach. Please explain the difference in approaches. With respect to setbacks, some but not all non-WSA areas identified as possessing wilderness characteristics were reduced in size because of buffers. Compare Diamond Mountain and Daniels Canyon. Please clarify if all proposed areas were treated similarly, and if not, why different treatment was appropriate.	As protocol for all VFO wilderness characteristic reviews, the Interdisciplinary Team determined appropriate set-back distances for pipelines, roads, and other R-O-Ws. The VFO cannot speak for other office approaches. All areas were treated similarly.	
State of Utah	G	189	16	Where these analysis areas depend on the monument for satisfaction of the 5,000 acre criteria, the existence of a fence appears to detract from wilderness values. Please explain what kind of fence separates the Monument from adjacent BLM lands and why the existence of this fence does not compromise values dependant on adjacency.	A Vernal Field Office Interdisciplinary Team reviewed the Non-WSA areas including Human-made disturbances, such as fencing. Where it was determined that the Human-made disturbances were substantially unnoticeable and did not diminished the naturalness of the area, the areas were then determined to have wilderness characteristics.	
George Alderson	I	27	1	The Supplement contains a fallacy, the deletion of 133,723 acres (refer to Table 3.22.1) that were found to	Comment noted.	

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				lack wilderness characteristics. We've been down that road before in 1978-80, when BLM found all the other 277,596 acres in Table 3.22.1 to lack wilderness characteristics. BLM should not try to disqualify more lands again.		
David Armbruster	I	131	1	<p>Reading through your documentation, it appears that the BLM is effectively establishing new defacto Wilderness Areas without clear direction or authority to do so. Defining an area as "Non-WSA Lands with Wilderness Characteristics: and managing the area functionally as if it was a Wilderness or WSA does not change the fact that this is a move by the BLM to circumvent the established public land use process.</p> <p>The SEIS is based on the 1999 utah state-wide BLM inventory which identified wilderness areas. The basis criteria for this inventory were not subject to public review and comment. As a directly affected user I have a right to review and comment before action to change land use management is taken. This SEIS will in a practical way circumvent that legal process. Additionally, the existing 1999 inventory identified vehicle trails within areas that had wilderness characteristics. If the presence of these trails then did not impact the planning decision then why is the BLM proposing to change the management now?</p>	Please see Response to ID No. G-9-Comment 6.	
Public Lands Advocacy	O	170	1	Notwithstanding the Court's decision, the 1999 Utah Wilderness Inventory results were not based upon any formal BLM policy that authorized a new inventory to be conducted. They do not comply with the requirements of NEPA because no public comment process was conducted and they most certainly do not comport with the designation of wilderness study areas under Section 603 of FLPMA, which was completed in 1991.	The supplement carried forward criteria from the DRMP. One of the planning criteria in Section 1.4.1.2 is that the revised RMP would recognize valid existing rights. Comment noted.	
The Wilderness	O	174	3	The Supplement underestimates the impacts on wilderness characteristics by incorrectly limiting the	FLPMA Section 201 gives BLM the authority to inventory for wilderness characteristics. Section 302 of FLPMA	

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Society				<p>acreage considered. The failure to recognize the wilderness characteristics of all of the lands with wilderness characteristics outside WSA has compromised the Supplement's and the DEIS' analysis of impacts from the various alternatives, including Alternative E. BLM is required to assess and disclose the impacts of management decisions on wilderness characteristics; and this analysis must use accurate data and acceptable methods. The BLM does not acknowledge the wilderness characteristics of more than 140,000 acres of the areas proposed for protection.</p>	<p>gives BLM general management authority for the public lands. Section 202 of FLPMA gives BLM the authority for planning how the public lands are to be managed. It is BLM policy as stated in its planning handbook and in Instruction Memorandums 2003-274 and 2003-275 Change 1, that through planning, BLM may consider managing for wilderness characteristics on non-WSA lands.</p> <p>A BLM Interdisciplinary Team conducted an internal review of non-WSA lands with wilderness characteristics and concluded that not all areas proposed in the 1999 inventory met the wilderness characteristics criteria.</p> <p>Non-WSA lands found either to have wilderness characteristics or likely to have wilderness characteristics will be managed according to the direction established in this land use plan. Unlike for WSAs, there is no statutory or policy directive requiring BLM to protect the wilderness characteristics of these non-WSA lands. These non-WSA lands have many resource values, and the draft RMP/EIS considered all available information and a range of alternative prescriptions for how the values and uses of the non-WSA lands would be managed.</p> <p>Through its land use planning revision process and to comply with the FLPMA multiple-use mandate, BLM has discretion to choose how the non-WSA lands ultimately will be managed, considering all the values and potential uses of these non-WSA lands and the other lands within the planning area.</p>	
The Wilderness Society	O	174	5	<p>In order to ensure ongoing protection of wilderness characteristics in the WSAs, the Vernal RMP should provide for the WSAs to be managed to protect wilderness characteristics in the event that all or part of</p>	<p>Comment Noted.</p>	

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				any WSA is released by Congress.		
The Wilderness Society	O	174	6	The BLM should acknowledge the important benefits to Dinosaur National Monument from managing non-WSA lands with wilderness characteristics and the corresponding benefits to the recreation experience and management of wilderness values in the VPA. The Vernal RMP should adopt protection of wilderness characteristics more consistent with the National Park Service's management of Dinosaur National Monument.	Comment Noted.	
The Wilderness Society	O	174	24	The Supplement presents a table showing current Utah lands being managed to protect wilderness characteristics as a percentage of the total land area of the state. Areas that would be protected in the Vernal Planning Area under Alternative E along with the lands that would be protected in other Utah BLM RMPs are also included as a percentage of the state. This number has been included in other Utah BLM RMPs as well. There is no corresponding calculation of the current percentage of Utah lands being developed for oil and gas, for off-road motorized recreation, for housing and cities, and other development. On wonders what the intention of presenting this particular statistic is.	Comment Noted.	
The Wilderness Society	O	174	44	The Supplement does not indicate that the agency has given sufficient weight to the damage from oil and gas drilling and ORV use, or to the benefits to the other resource values and uses from protection of lands with wilderness characteristics, including to plant and wildlife habitat. The deficiencies in the analysis of the impacts from potentially destructive activities has led to corresponding deficiencies in recommendations for protective measures – such as closures of sensitive areas to oil and gas development or ORV use and the imposition of stringent lease stipulations, including best management practices.	The BLM has taken a hard look at impacts, both adverse and beneficial, to non-WSA lands with wilderness characteristics.	

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The Wilderness Society	O	174	45	In identifying lands with wilderness characteristics outside of existing Wilderness Study Areas (WSAs), the Supplement has failed to identify several areas that should be considered for protection and, as a result, has failed to consider the impacts of other activities on those lands.	The commenter has not provided a description of any areas that should have been considered.	
The Wilderness Society	O	174	46	The criteria used in the Supplement are overly restrictive. BLM's guidance does not require the simultaneous presence of all these wilderness characteristics or specify any minimum acreage in order to justify management to protect them. Instruction Memoranda (IMs) Nos. 2003-274 and 2003-275, which formalize BLM's policies concerning wilderness study and consideration of wilderness characteristics, contemplate that BLM can continue to inventory for and protect land "with wilderness characteristics," and define wilderness characteristics as naturalness, providing opportunities for solitude or providing opportunities for primitive or unconfined recreation. The IMs further provide for management that emphasize "the protection of some or all of the wilderness characteristics as a priority," even if this means prioritizing wilderness over other multiple uses. See, IM 2003-275 – Change 1.	Please see Response to ID No. G-174-Comment 3.	
The Wilderness Society	O	174	47	The criteria used in the Supplement are overly restrictive. The guidance issued by BLM's Arizona State Office serves to elaborate upon this guidance by providing for some identification of lands with wilderness characteristics and development of management prescriptions to protect and enhance these values. See IM No. AZ 2005-007. The Proposed RMP for the Arizona Strip, which applies the Arizona guidance, includes land use allocations for lands with wilderness characteristics in every alternative and sets out protective management prescriptions, Table 2.10, p. 2-131. This process is	Please see Response to ID No. G-174-Comment 3.	

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				consistent with BLM's obligation under FLPMA to inventory for the many values of the public lands and consider ways to protect them (i.e., not all uses are appropriate in all places in a RMP).		
The Wilderness Society	O	174	48	The criteria used in the Supplement are overly restrictive. The criteria for evaluating whether lands with wilderness characteristics are suitable for management to maintain those values should be revised to clarify that: 1) they can be managed to maintain one, two or all three of the wilderness characteristics identified in BLM's guidance and 2) it is not necessary for the total area to be at least 5,000 acres because the standard for managing to maintain some or all wilderness characteristics does not require such a limitation. The evaluation conducted by BLM should also be reviewed and revised to increase the acreage that will be managed to maintain wilderness characteristics based on these corrected standards.	Please see Response to ID No. G-174-Comment 3.	
The Wilderness Society	O	174	49	In the Supplement, the BLM identifies 277,596 acres of non-WSA lands with wilderness characteristics. See e.g., Supplement p. 3-2. However, this underestimates the actual acreage of lands with wilderness characteristics in the Vernal Field Office. The inventory submitted by the Utah Wilderness Coalition and SUWA identifies more than 438,000 acres of wilderness-quality lands outside existing WSAs, which are included in America's Red Rock Wilderness Act (introduced in the 110th Congress as H.R. 1919, S. 1170). These lands were inventoried in accordance with the more stringent standards of the Wilderness Act and the Wilderness Inventory Handbook. All of the lands identified by the UWC and SUWA met these standards and, as a result, certainly meet the criteria that should be applied in the Vernal RMP.	Please see Response to ID No. G-174-Comment 3.	
The Wilderness	O	174	50	The BLM's conclusion in the Supplement that many of the areas inventoried were not in natural condition, do not	Please see Response to ID No. G-174-Comment 3.	

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Society				have outstanding opportunities for solitude, and did not have outstanding opportunities for primitive or unconfined recreation cannot be supported and indicated fundamental flaws in the review and assessment of the UWC and SUWA wilderness character submissions. Within the Supplement many wilderness quality lands have yet to be appropriately identified as possessing wilderness characteristics. The Vernal Field Office has failed to identify the full extent of lands with a natural appearance and not significantly impacted by man's activity.		
The Wilderness Society	O	174	51	The recent WCR arbitrarily excludes or fails to identify many natural and wilderness character-quality lands within the Ashley National Forest and Wyoming BLM lands adjacent to the BLM lands. Vernal BLM bases this arbitrary exclusion on "established BLM practice with wilderness inventories." This practice requires that lands within the Forest Service or other BLM field offices must be currently endorsed for wilderness designation in order for the adjacent Vernal BLM lands to meet the wilderness character and size requirement. Wilderness Inventory and Study Procedures (H-6310-1), from which this "established" practice is derived was rescinded by the April 2003 settlement agreement. Therefore, this BLM wilderness inventory policy is no longer valid. The BLM's guidance for such situations must rely exclusively on the Wilderness Act and FLMPA, neither of which contain any requirements that adjacent agency lands must be "administratively endorsed for wilderness" in order to permit cumulative review.	Please see Response to ID No. G-174-Comment 3.	
The Wilderness Society	O	174	52	As for the identification of a wilderness resource for the Vernal BLM planning purposes, the agency continues to overlook much of the Bitter Creek drainage as retaining its overwhelming wilderness character. Despite BLM's	Please see Response to ID No. G-174-Comment 3.	

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				own field inventory records and individual unit maps indicating that wilderness character may exist south of the current arbitrary ridge line boundary with a more extensive review of the area, Utah's BLM revision team failed to perform any supplemental field assessments or inventory to justify its explanation on the continued exclusion the sizable wilderness character landscape.		
The Wilderness Society	O	174	53	BLM fails to exclude the noted impacts on Lower McCook Ridge such as the chainings and vehicle routes. As the accompanying map indicates and displays, these impacts, mostly along the McCook ridge road and not within the Bitter Creek Canyon, can easily be excluded, while at the same time truly identifying the wilderness characteristics that exist within this area. Regarding the land ownership in the canyon bottom, none of these affect or detract from the impression that the area within the canyon, namely the southwest expanse of the area. All view from this impressive canyon system and bottom remain overwhelming natural in appearance and BLM's current boundary does not account for these natural lands to the northwest. BLM needs to discontinue the use of the arbitrary boundary and include the full extent of wilderness character lands as shown on the accompanying map.	Please see Response to ID No. G-174-Comment 3.	
The Wilderness Society	O	174	54	BLM does not include this small, but natural and continuous area within the Bitter Creek wilderness character unit. Perhaps a slight omission in error, the impacted lands, or the chained area to the north does not connect or touch the state section, T14S R25E, Section 2. As a result, this small area is not disconnected from the larger unit and will need to be included as retaining natural and wilderness characteristics. See accompanying map.	Please see Response to ID No. G-174-Comment 3.	
The	O	174	55	BLM's recent WCR did not identify the entire landscape of	Please see Response to ID No. G-174-Comment 3.	

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Wilderness Society				the Bourdette Draw wilderness character within this portion of the “unit 1.” (T6S R24E, Sections 1 and 12; T6S R25E, Sections 5-7, T5S R25E, Section 31). BLM’s WCR relies on that the area is substantially less than 5,000, which in fact is not the case. BLM should note that T5S R24E, Section 36 and T6S R24E, Section 2 don’t physically touch or separated this portion of Unit 1 from the remaining portions of Unit 1 that have been recently and correctly identified as retain a wilderness character and resource. This area is noted on the accompanying map as B. Somehow BLM implies that his lower portion is not contiguous with the larger roadless area, but this is either an oversight or a correction. Now taken the area in context with the larger portion of Unit 1, the 5,000 acre size criteria BLM has imposed on itself has been adequately met.		
The Wilderness Society	O	174	56	BLM’s assessment of naturalness of this portion of Unit 1 of Bourdette Draw overly states the amount of impacts the area actually contains. It’s known by repeated visits by SUWA that the area at subject here contains a diverse amount of terrain fluctuation and vegetation that are part of the visual impression leading towards the impressive cliff face of Cliff Ridge. The impression, while viewing the area either from the boundary route along the south, or from one of the vantage points along Cliff Ridge is that there are remains natural in appearance and free of a cumulative amount of significant impacts. BLM may conclude that one or another of these individual routes may be worth of exclusion, but then make these adjustments, not just arbitrarily exclude the entire area from being identified.	Please see Response to ID No. G-174-Comment 3.	
The Wilderness Society	O	174	57	Cold Spring Mountain Wilderness Character Unit – BLM relies on the arbitrary point to point boundary, one that fails to utilize a significant impact at all, for the unit’s	Please see Response to ID No. G-174-Comment 3.	

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				northern boundary. The exclusions, either through boundaries and one cherry-stem excludes the impacts that remain significant, while include the natural lands. In addition, the land status of the adjacent state parcels has no discernable impact or character to diminish the average visitor's impression of the natural hillside. As a result, BLM continually fails to identify the full extent of the BLM lands here that are contiguous with the Cold Spring Mountain wilderness character unit. This continued omission requires the BLM to update this unit's wilderness character as indicated on the accompanying map. The continued use of the point to point boundary fails the objective of identifying wilderness characteristics.		
The Wilderness Society	O	174	58	SUWA has already extensively commented on this portion of the Desolation Canyon wilderness character unit's arbitrary exclusion. This submission was provided in conjunction with comments submitted by SUWA on August 31, 2007 for the Dominon Kings Canyon North Well Drilling Project. None of this new wilderness character information or warranted adjustments were incorporated within the Supplement. BLM will need to account for this new information and continued wilderness character areas east and adjacent with the Green River. In addition, this supplied new wilderness character information that was provided previously to the BLM is again provided to the BLM as an attachment to these comments.	Please see Response to ID No. G-174-Comment 3.	
The Wilderness Society	O	174	59	BLM has continued to not identify any of the lands contained with in this Dragon Canyon Wilderness Character Unit as retaining wilderness characteristics. Today's Vernal BLM notes that there are several significant route sand a few gas wells within the area and overall, there is nowhere within this remote region that retains a natural appearance. This is puzzling and SUWA	Please see Response to ID No. G-174-Comment 3.	

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				over the years has visited the area repeatedly, and continues to note that while BLM may treat the routes on Rector Ridge and within Davis Canyon as perhaps significant impacts, by utilizing these features as unit boundary leaves a landscape well over the 5,000 acre threshold. BLM needs to evaluate the area on its merits and with the use of the boundaries indicated on the accompanying map, significant new information has been supplied and overly demonstrates that BLM continues to not include or identify the full range and extent of wilderness characteristics present here.		
The Wilderness Society	O	174	60	BLM fails to identify any of the BLM lands that compromise the Goslin Mountain wilderness character unit. BLM relies strictly on the Forest Service to be managing their portion of this roadless and wilderness character unit as Wilderness or as endorsed wilderness. As a result, BLM does not account for the full range of lands retaining wilderness character. We've requested documentation of BLM's policy that guides BLM's decisions in these situations, but Utah State Office personnel stated that there is no specific BLM policy. Therefore, the exclusion of this natural area, adjoining and contiguous with the larger Forest Service Rare II area is not justified.	Please see Response to ID No. G-174-Comment 3.	
The Wilderness Society	O	174	61	Lower Flaming Gorge Wilderness Character Unit – BLM currently utilizes the natural feature of the Green River as the unit's northern wilderness character boundary. By doing so, BLM arbitrarily excludes the natural slopes of Red Canyon and does not include the full extent of lands retaining a natural and wilderness character appearance. BLM overly implied that the area has far too many vehicle tracks and off-road vehicle use in this area, and therefore, the area is not natural. As seen on the ground, this impacted impression is not what is noted, and BLM's	Please see Response to ID No. G-174-Comment 3.	

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				arbitrary exclusion with the use of the river fails to account for the full extent of wilderness character lands of the Lower Flaming Gorge unit.		
The Wilderness Society	O	174	62	Lower Flaming Gorge Wilderness Character Unit – Several BLM areas are contiguous to the lands BLM has already identified as possessing wilderness characteristics. In each of these three cases, there is no physical separation from the larger wilderness character unit, but rather an arbitrary section line boundary. Mostly consisting of extensively forested hillsides and natural features, these areas appear natural, regardless of land ownership patterns and therefore should be included within the larger unit. As the accompanying map displays, these areas need to be identified for all ongoing planning purposes as retaining a wilderness resource.	Please see Response to ID No. G-174-Comment 3.	
The Wilderness Society	O	174	63	The BLM arbitrarily excluded natural lands by using a section line as a boundary. As a result of the arbitrary boundary, wilderness values end along the natural terrain, opposed to using the edge of a natural disturbance that exists to the west. The BLM fails to use the edge of significant impact as a boundary of wilderness characteristics in the Mexico Point unit.	Please see Response to ID No. G-174-Comment 3.	
The Wilderness Society	O	174	64	Unaccountably, the southern boundary of the Mountain Home wilderness character unit does not include the BLM lands to the east of this chained area, or west of the Jesse Ewing Canyon, all free of any significant impact, including not being chained in the 60's. As being natural in appearance, free of any significant impacts, the lands depicted on the accompanying map should be identified and included as retaining wilderness character.	Please see Response to ID No. G-174-Comment 3.	
The Wilderness Society	O	174	65	BLM fails to identify any of the BLM lands that compromise the Red Creek Badlands wilderness character unit. BLM acknowledges that the land north of Scott Canyon are rugged and display a natural	Please see Response to ID No. G-174-Comment 3.	

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				appearance, but then relies strictly on the Wyoming BLM to be managing their portion of this roadless and wilderness character unit as wilderness or endorsed wilderness. As a result, BLM does not account for the full range of lands retaining wilderness character. We've requested documentation of BLM's policy that guides BLM's decisions in these situations, but Utah State Office personnel stated that there is no specific BLM policy. Therefore, the exclusion of this natural area, adjoining and contiguous with the larger Wyoming BLM area is not justified.		
The Wilderness Society	O	174	66	Split Mountain Benches – BLM states that the entire area is significantly impacted by OHVs use, therefore the entire area is devoid of wilderness characteristics. This is not the case when visiting or assessing the area on the ground. Part of the large roadless area of Dinosaur National Monument, wilderness values do not arbitrarily end at this management boundary, but do in fact continue west onto these BLM lands. The lands to the east and within the Monument do not need to be administratively endorsed for wilderness. Nowhere does each of these current guiding policies (BLM, FLPMA, Wilderness Act) state that a political boundary separates federal agency lands or that one agency must have made a formal recommendation for wilderness designation.	Please see Response to ID No. G-174-Comment 3.	
The Wilderness Society	O	174	67	Stone Bridge Draw – BLM does not identify any part of this parcel, adjacent to Dinosaur National Monument and lands within the area administratively endorsed for wilderness. The BLM overly exaggerated the amount of vehicle use within this parcel, while its known that the areas to the west are experiencing an increase in vehicle use and abusive play areas, this area is nearly free or absent of this activity. Perhaps only less than 1% of lands at issue have a human impact, the remaining lands	Please see Response to ID No. G-174-Comment 3.	

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				remain natural and are all affected by the natural process and not the human activities to the north and west. It's without justification for the Vernal BLM to not include this area or identify this area as retaining wilderness characteristics.		
The Wilderness Society	O	174	68	White River - BLM continues to not include the full extent of the landscape that retains a natural and wilderness character appearance. BLM insists that the areas south of these arbitrary ½ section lines are cumulative impacted by the oil and gas activity well to the south. We ask then, if this rugged area to the south is “cumulatively impacted” by this activity, then how does the BLM argue that the potential impacts from the recently released Enduring Resources’ Saddletree Draw Leasing and Rock House Development Proposal Environmental Assessment only impact the physical features and not the “cumulative” area? Seems that the BLM will not identify wilderness character areas that have oil and gas potential, but when the BLM analyzes the impacts of activity in the White River WIA, somehow there is not a “cumulative impact,” associated with this expansive project, a double standard by the Vernal BLM.	Please see Response to ID No. G-174-Comment 3.	
The Wilderness Society	O	174	69	White River – There is no rationale here why the wilderness character boundary arbitrarily falls along the ½ sections of 1 and 6. This remote and rugged area has very few human impacts whatsoever, and the one feature to the south serves as the unit boundary. This current arbitrary exclusion must be corrected.	Please see Response to ID No. G-174-Comment 3.	
The Wilderness Society	O	174	70	White River – BLM notes within the WCR that new oil and gas activity has occurred within this area, if that is the case, then an exclusion of only the impacts is justified and not the newer large exclusion that utilizes the section and ¼ sections. This type of exclusion is part of the “zone of influence” perhaps? Nowhere here does the wilderness	Please see Response to ID No. G-174-Comment 3.	

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				values and natural appearance end at this arbitrary boundary, and therefore, BLM has excluded more land than warranted. This situation must be corrected.		
The Wilderness Society	O	174	71	In the general guidance on land acquisition in the DRMP/EIS, the BLM does not include wilderness characteristics in the characteristics of “non-federal lands to be acquired.” pp. 2-16 – 2-17. In addition, the methods of acquisition are limited to exchange. p. 2-16. In addressing land tenure adjustments, the types of “important manageable resources” that would justify a change set out in the DRMP/EIS also does not include wilderness characteristics, but does contemplate acquiring lands through exchange, purchase, or donation p. 2-15.	Comment Noted.	
The Wilderness Society	O	174	73	In assessing Alternative E in the Supplement, the BLM does not fully consider the benefits of protecting these lands for their wilderness characteristics, as required by NEPA. Unfortunately, when discussing the effects of alternative E in more detail, the Supplement focuses more on supposed costs, which appear to be given excessive weight, and not enough on the benefits.	Comment Noted.	
The Wilderness Society	O	174	80	The BLM fails to discuss the risks of destroying wilderness characteristics in assessment of alternative E. BLM has identified “wilderness characteristics” to include naturalness or providing opportunities for solitude or primitive recreation. See IM 2003-274, 2003-275. These values should also be identified and protected in the Vernal RMP. The wide range of values associated with lands with wilderness character include: Scenic Values, Recreation, Wildlife Habitat and Riparian Areas, Cultural Resources, Economic Benefits, Quality of Life, and Balanced Use.	Please see Response to ID No. G-174-Comment 3	
The Wilderness	O	174	81	In the DRMP, the BLM has acknowledged the risk to wilderness characteristics from oil and gas development	Please see Response to ID No. G-174-Comment 3	

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Society				and ORVs. In the Supplement, the agency must acknowledge the benefits not only to wilderness characteristics but also to other resources and uses of the public lands from managing lands to protect their wilderness characteristics.		
The Wilderness Society	O	174	82	The Supplement discusses the cumulative loss of uses for ORVs and energy development in Alternative E. Supplement, pp. 4-220, 4-221. However, the Supplement does not acknowledge the relatively minor nature of these losses. While the supplement acknowledges the continued development of non-WSA lands with wilderness characteristics, it does not discuss the relatively low impacts on oil and gas development and ORV use that would occur from protecting all the relatively low impacts on oil and gas development and ORV use that would occur from protecting all of the identified non-WSA lands with wilderness characteristics. Taken in conjunction with the failure to acknowledge the major benefits to wildlife habitat from protecting wilderness characteristics, the omission of a thorough discussion of the minimal costs to development and ORV use compromise the analysis of Alternative E in the Supplement and the comparative analysis of the other management alternatives set out in the DRMP/EIS.	Please see Response to ID No. G-174-Comment 3	
The Wilderness Society	O	174	83	The Supplement does not sufficiently disclose the BLM's analysis of lands with wilderness characteristics. NEPA requires that the information provided to the public be accurate and sufficient to permit analysis of the data provided and the methods used to analyze it. The Supplement does not meet basic standards for disclosure and accuracy, and is impermissibly preventing meaningful public comment.	Please see Response to ID No. G-174-Comment 3	
The Wilderness	O	174	84	Methodology for assessing wilderness characteristics is not disclosed. There is no explanation of the findings,	Please see Response to ID No. G-174-Comment 3	

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Society				such as how they were made or why these 133,723 acres were not suitable. Although there is a reference to supporting documentation being available for review at the Vernal Field Office, this does not fulfill the agency's obligation to provide this data – especially without any further discussion or posting this information on the RMP website.		
The Wilderness Society	O	174	85	Courts have confirmed the BLM's obligations to consider the value of wilderness characteristics and the potential impacts of decisions on this resource when making land use planning decisions. BLM must show that it fully considered the information submitted regarding wilderness characteristics, which necessarily includes disclosure of its methodology and analysis of each unit.	Please see Response to ID No. G-174-Comment 3	
The Wilderness Society	O	174	86	In a recent decision, a federal court found that BLM's failure to re-inventory lands for wilderness values and to consider the potential impact of decision regarding management of a grazing allotment violated its obligations under NEPA and FLPMA, then enjoined any implementation of the decision until the agency re-inventoried the lands at issue and prepared an environmental document taking into account the impacts of its decisions on wilderness values. In this Supplement, the BLM is similarly required to assess the wilderness values of the areas identified. Currently, the actual details of the review conducted for each proposal and the results of the evaluation are not presented. Accordingly, BLM has not demonstrated compliance with this burden.	Please see Response to ID No. G-174-Comment 3	
Howard County Bird Club	O	175	1	On page 3-2, Table 3.22.1 (column 3) lists 133,723 acres that BLM found to lack wilderness characteristics in 25 units, and these are excluded from protection in Alternative E. We question that exclusion and urge BLM to manage those units the same as the other lands until Congress has reached a decision on wilderness. Some	Please see Response to ID No. G-174-Comment 3	

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				of the excluded areas are large enough to have wilderness characteristics on their own. Past decisions by Utah BLM have misused subjective criteria such as "opportunities for solitude" to disqualify millions of acres. We wonder if that is happening again.		
	O	180	2	The reasoning in the entire Supplement document is faulty. For example, on page 4-147 under the heading, 4.21.1.5 Recreation, is the following statement: "Under all alternatives motorized uses would degrade opportunities for solitude and primitive recreation in some of the non-WSA lands with wilderness characteristics." This is the very reason that these lands were not selected as WDA in the first place! There are roads in what has been identified in the Supplement as non-WSA lands with wilderness characteristics. Many of these roads have been in existence for over 50 years and they are still being used today. This prior and existing traffic, as stated above"...degrades opportunities for solitude and conflicts with primitive forms of recreation" so therefore these areas did not have wilderness characteristics then--they were determined unsuitable for WSA designation--neither do they have wilderness characteristics now. So, if they did not have wilderness characteristics because of the existence of the roads back then, how can they have wilderness characteristics today and be designated "non-WSA lands with wilderness characteristics"? These lands lacked wilderness characteristics before and they still lack wilderness characteristics today. This fact renders the whole purpose of the Supplement moot.	Section 4.21.1.5 Recreation "Under all alternatives, motorized uses would degrade opportunities for solitude and primitive recreation in some of the non-WSA lands with wilderness characteristics" refers to the potential loss of solitude and primitive recreation, not the criteria in which wilderness characteristics are established. Section 4.21.1.5 Recreation also states "The noise and presence of vehicles would degrade opportunities for solitude and conflict with primitive forms of recreation. Under Alternative E, motorized use of routes would only be permitted on the boundaries of non- WSA lands with wilderness characteristics. However, use of those boundary routes would degrade opportunities for solitude near the edges of non-WSA lands with wilderness characteristics. As visitors move away from the boundary of the non-WSA lands with wilderness characteristics, further into the heart of the area(s), the impacts of the noise and presence of vehicles on solitude and primitive recreation would lessen and eventually disappear." Existing roads that the commenter is referencing are stemmed out as the boundaries.	
Utah Archeological Research Institute, Inc.	O	191	2	The reasoning in the entire Supplement document is faulty. For example, on page 4-147 under the heading, 4.21.1.5 Recreation, is the following statement: "Under all alternatives motorized uses would degrade opportunities for solitude and primitive recreation in some of the non-	Section 4.21.1.5 Recreation "Under all alternatives, motorized uses would degrade opportunities for solitude and primitive recreation in some of the non-WSA lands with wilderness characteristics" refers to the potential loss of solitude and primitive recreation, not the criteria in which	

Wilderness Characteristics

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		<p>WSA lands with wilderness characteristics.” There are roads in what has been identified in the Supplement as non-WSA lands with wilderness characteristics. Many of these roads have been in existence for over 50 years and they are still being used today. These areas did not have wilderness characteristics then – they were determined unsuitable for WSA designation – neither do they have wilderness characteristics now. So if they did not have wilderness characteristics because of the existence of the roads back then, how can they have wilderness characteristics today and be designated “non-WSA lands with wilderness characteristics?” This fact renders the whole purpose of the Supplement moot.</p>	<p>wilderness characteristics are established.</p> <p>Section 4.21.1.5 Recreation also states “The noise and presence of vehicles would degrade opportunities for solitude and conflict with primitive forms of recreation. Under Alternative E, motorized use of routes would only be permitted on the boundaries of non- WSA lands with wilderness characteristics. However, use of those boundary routes would degrade opportunities for solitude near the edges of non-WSA lands with wilderness characteristics. As visitors move away from the boundary of the non-WSA lands with wilderness characteristics, further into the heart of the area(s), the impacts of the noise and presence of vehicles on solitude and primitive recreation would lessen and eventually disappear.”</p> <p>Existing roads that the commenter is referencing are stemmed out as the boundaries.</p>	

Woodlands

Individual / Organization	Commenter Type, Record ID, & Comment Number			Comment Text	Response to Comment	Doc Mod
Duchesne County Commission	G	10	35	Pages 4-118 and 4-119, Section 4.17.2.12.5: The 1st paragraph of this section notes that woodland salvage and harvesting would be prohibited under Alternative E. However, in the second paragraph, it gives the impression that woodland salvage and harvesting would be allowed. This apparent inconsistency should be clarified.	<p>Section 4.20.1-Impacts Common to the Proposed Plan and all Alternatives, states: "Woodland resources would be treated or harvested under the Proposed RMP and all of the alternatives; however, under the Proposed RMP and Alternative E, non-WSA lands with wilderness characteristics would be managed with prohibitions on woodland and timber harvesting and salvage. These prohibitions would have adverse impacts on harvesting opportunities in the long term.</p> <p>The section has been revised in the Proposed RMP/Final EIS. The section number has been changed to Section 4.20.2.9-Alternative E.</p>	X
Duchesne County Commission	G	10	42	Page 4-139, Section 4.20.2.2.3 and Page 4-142, Section 4.20.2.6.3: These sections maintain that Alternative E would have long term beneficial impacts on woodland resources by maintaining woodland productivity in those areas. However, if no woodland harvesting or salvage were allowed under Alternative E, woodland productivity would actually drop to zero. How can woodland productivity be enhanced by making salvage and harvest impossible?	<p>Section 4.20.2.2.3 is referring to the impacts of Lands and Realty Decisions on Woodland Resources. If ROWs and mining-related surface disturbances are prohibited under Alternative E, then no adverse impacts would occur for lands and realty decisions in non-WSA lands with wilderness characteristics.</p> <p>The last paragraph of Section 4.20.2.6.3, page 4-142, states that there would be long-term, adverse impacts on harvesting opportunities and beneficial impacts on resource protection and productivity.</p> <p>A Forest and woodland management plan would be prepared after the Record of Decision is signed. This plan would provide guidance on: the status of forest and woodland management resources; current conditions of the forest and woodland resources; the current level of forest and woodland management activity; opportunities and rational for increasing management activity; resources necessary to increase management activity; and, potential</p>	

Woodlands

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					impediments to successfully increasing management activity.	
Duchesne County Commission	G	10	43	Pages -144, 4-145, and 4-212, Sections 4.20.2.10.5, 4.20.2.12.5 and 4.21.2.13.5: Duchesne County does not agree that prohibitions on woodland harvesting and gathering have beneficial impacts on woodland resources. The decades of "hands-off" management of woodlands has led to insect infestation, build-up of fuels and degradation of habitat. Proposed woodland management under Alternative E would actually be detrimental to forest health (providing the least level of woodlands resource protection long-term).	<p>The sections referenced by the commenter refer to the impact of a variety of resource program activities on Woodland Resources. Some of the resource program activities do provide beneficial impacts while others cause adverse impacts. These impacts are discussed in the Supplement to the Draft EIS.</p> <p>A Forest and woodland management plan would be prepared after the Record of Decision is signed. This plan would provide guidance on: the status of forest and woodland management resources; current conditions of the forest and woodland resources; the current level of forest and woodland management activity; opportunities and rational for increasing management activity; resources necessary to increase management activity; and, potential impediments to successfully increasing management activity.</p>	

Wild Horses and Burros

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Duchesne County Commission	G	10	38	Page 4-123 and 4-124, Section 4.18.2.5.3: This section correctly concludes that Alternatives C and E have more beneficial long-term impacts on wild horses than Alternative D; however, it fails to note that these two alternatives would have fewer long-term beneficial impacts than Alternative B, which provides for more rangeland improvements and vegetation treatments than Alternatives C or E (see Table 4.18.2).	<p>A goal and objective of the Proposed RMP/Final EIS is to provide for the interim management of wild horses as the gathering and removal of all wild horses is completed. In the Proposed Plan FEIS, all wild horses are going to be removed from the Planning Area due to the complexity of surface ownership, manageability of the wild horses, and the continued presence of a the highly infectious disease – Equine Infectious Anemia (EIA).</p> <p>As stated in the “Dear Reader” letter at the front of the Supplement to the Draft RMP/EIS, “Under Alternative E, the proposed decisions that apply to the lands outside of non-WSA lands with wilderness characteristics remain the same as those in Alternative C.” The commenter needs to look at both the DRMP and SDEIS to have a full context of the document including a description of the alternatives, environment, and anticipated impacts.</p> <p>Section 4.18.2.5.2 of the Draft EMP/EIS has been revised in the Proposed RMP/Final EIS to identify short-term benefits. The section has also been renumbered as 4.18.2.5.3</p> <p>Section 4.18.2.5.3 of the Draft RMP/EIS has been renumbered as 4.18.2.5.4.</p>	
Duchesne County Commission	G	10	39	Page 4-125, Section 4.18.2.7.2: This section fails to recognize that limited vegetation management options under Alternative E will prohibit some beneficial treatments from taking place to the benefit of wild horses.	See comment response 10G-38.	
Karen Budd-Falen	I	20	20	Both the DRMP/DEIS and Supplement contemplate the reintroduction of wild horses in the Bonanza area. The past experience with wild horses in this area shows that the horses were	Comment noted. The Proposed Plan FEIS will not reintroduce wild horses in the Bonanza HA.	

Wild Horses and Burros

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		<p>uneasily managed and overgrazed the Bonanza area. When the wild horses were on the Bonanza area, the wild horse population exceeded prescribed numbers and overgrazed areas within the Bonanza area. See M memo from Jean Nischke-Sinclear, Vernal BLM Assistant Field Manager for Renewable R resources to Virginia Harrington at p. 4. The range conditions have improved since the removal of the wild horses.</p> <p>The BLM has continually had difficulties in maintaining herd populations within the herd maximum as specified in planning documents. Numerous lawsuits have been raised because of this issue. See e.g., "BLM threatened with suit over wild horses," Casper Star Tribune, March 22, 2003; Mountain States Legal Foundation v. Hodel, 799 F.2d 1423 (10th Cir.1986). The Vernal BLM's previous failure to properly manage herd numbers in the Bonanza area along with the failures by other BLM field offices shows a pattern of inability to properly manage herd numbers. Because of this pattern of inadequate management by the Vernal BLM and the BLM in general, before any wild horses are approved for reintroduction, a functional and practical management change has to be instituted so that the numbers of wild horses do not exceed what is permitted and further injury caused by wild horse overgrazing will be avoided.</p> <p>Before the BLM finalizes the RMP and the EIS, it should properly address the management concerns for the introduction of wild horses, as well as the impacts of such. The impacts would include the likely event of the BLM's failure to maintain</p>		

Wild Horses and Burros

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				the horses within the prescribed number for an area (or herd management area), alternatives, mitigation, and a system for quantifying damages or effects of such through a proper monitoring plan.		
Cindy MacDonald	I	149	1	<p>Herd Management Areas need to be the equivalent of the total acres identified in the 1971 Herd Area acres that were reserved for wild horse conservation. All HMA boundaries must include the complete acreage identified at the time of the passage of the Wild Free-Roaming Horse & Burro Act in 1971.</p> <p>Also, since original acreage has been transferred for other uses, BLM must include mitigation measures in the RMP that account for the significant loss of wild horse habitat and its impact to their populations.</p>	<p>“Herd Area (HA) means the geographic area identified as having been used by a herd as its habitat in 1971” (43 CFR 4700.0-5 (d)). The Herd Management Area (HMA) is the area within the HA established for the maintenances of wild horse and/or burro herds. BLM considers the appropriate management level for the herd, the habitat requirements of the animals, the relationships with other uses of the public and adjacent private lands, and the constrains contained within (43 CFR 4710.3-1). The HMA does not always include the complete acreage of an HA (and often does not), and depends on conditions surrounding each area.</p> <p>Regarding mitigation measures, BLM has constraints on management cited in 43 CFR 4710.4. “Management of wild horses and burros shall be undertaken with the objective of limiting the animals’ distribution to herd areas.” Thus, opening up new areas outside of the original HA’s is prohibited. Acreage has not been transferred from HAs for other uses but rather BLM managing lands as discussed below.</p> <p>Under FLPMA’s multiple-use mandate, the BLM manages many different resource values and uses on public lands. Through land use planning BLM sets goals and objectives for each of those values and uses, and prescribes actions to accomplish those objectives. Under the multiple-use concept, the BLM does not necessarily manage every value and use on every acre, but routinely manages many different values and uses on the same areas of public</p>	

Wild Horses and Burros

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			<p>lands. The process of applying many individual program goals, objectives, and actions to the same area of public lands may be perceived as “layering”. The BLM strives to ensure that the goals and objectives of each program (representing resource values and uses) are consistent and compatible for a particular land area. Inconsistent goals and objectives can lead to resource conflicts, failure to achieve the desired outcomes of a land use plan, and litigation. Whether or not a particular form of management is restrictive depends upon a personal interest or desire to see that public lands are managed in a particular manner. Not all uses and values can be provided for on every acre. That is why land use plans are developed through a public and interdisciplinary process. The interdisciplinary process helps ensure that all resource values and uses are considered to determine what mix of values and uses is responsive to the issues identified for resolution in the land use plan. Layering of program decisions is not optional for BLM, but is required by the FLPMA and National BLM planning and program specific regulations.</p> <p>The FLPMA directs BLM to manage public lands for multiple use and sustained yield (Section 102(a)(7)). As a multiple-use agency, the BLM is required to implement laws, regulations and policies for many different and often competing land uses and to resolve conflicts and prescribe land uses through its land use plans. The BLM’s Land Use Planning Handbook requires that specific decisions be made for each resource and use (See, Appendix C, Land Use Planning Handbook “H-1601-1”). Specific decisions must be included in each of the alternatives analyzed during development of the land use plan. As each alternative is formulated, each program decision is overlaid with other program decisions and inconsistent decisions</p>	

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					are identified and modified so that ultimately a compatible mix of uses and management prescriptions result.	
Cindy MacDonald	I	149	2	<p>Genetic Viability In a detailed analysis of the most current and best available science regarding equine genetics, American Wild Horse Preservation Campaign provided numerous issues and references to the current crisis wild horses and burros now face due to the dangerously low Appropriate Management Levels (AMLs) that BLM has established for American's wild horse and burro herds.</p> <p>It includes complete references from Dr. Gus Cothran, a leader in the field of equine genetics and Dr. Francis Singers, a research ecologist with the Biological Resources Division of USGS in Fort Collins, Colorado, that clearly establishes that wild horse and burro populations are in serious danger due to many of the wild herds being issued AMLs that comprise their sustainability and long-term preservation, of which this RMP/EIS continues to perpetuate, and that an absolute minimum population necessary to ensure viable, self-sustaining herds requires at least 150 adult individuals capable of intermixing as a metapopulation within the HMA areas. See Appendix I for the article in its entirety, Managing For Extinction.</p> <p>Augmenting Wild Populations I oppose the periodic introductions of other wild horses to maintain herd characteristics and genetic viability as this is a mitigation measure BLM is using to counteract inappropriate management of wild horse populations so they may instead allocate the habitat requirements necessary for their survival in an inequitable manner; specifically to livestock and big game at the expense of</p>	<p>Comment noted. In the Proposed Plan FEIS, all wild horses are going to be removed from the Planning Area due to the complexity of surface ownership, manageability of the wild horses, and the EIA illness.</p>	

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		<p>the wild horse herds.</p> <p>In a recently issued ruling by the Interior Board of Land Appeal on August 2, 2007 (172 IBLA 128), the IBLA ruled that there was nothing in the Wild Free-Roaming Horse and Burro Act that prohibits BLM from augmenting non self-sustaining herds through periodic introductions.</p> <p>BLM has immediately jumped on this ruling as granting them the authority to reduce AMLs and continue management that have authorized dangerously low populations levels that pose a threat to the long-term sustainability of the wild horse and burro populations throughout all Herd Management Areas.</p> <p>Since its release, BLM publications have been popping everywhere citing this management practice in such a manner that the general public not familiar with the evolution of management techniques now employed by BLM within the HMAs would tend to believe the augmentation of wild herds is and has been a standard practice that protects rangelands from degradation associated with overpopulation while still finding “ways” to maintain wild horses and burros on public land within the HMAs.</p> <p>Nothing could be further from the truth</p> <p>This ruling was about a Herd Management Area that is located in the desert with extremely minimal water and forage resources, no livestock grazing and almost all big game populations “managed” in the area residing at much higher elevations than wild horse and burro herds.</p>		

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		<p>Yet the BLM is attempting to use a management technique approved for ONE HMA or HMAs that qualify for herd augmentation in areas of limited resource availability to areas where resources are overwhelmingly abundant as they attempt to justify inequitable and incomparable resource distribution in the land use plans and within the HMAs, a direct violation of BLM Policy, CFR 4700.0-6(b).</p> <p>The IBLA ruling also indicates that BLM has chosen to ignore the best currently available science provided by some of the top experts in their respective fields and have insisted that a wild population of merely 50 adults is a satisfactory and meets the criteria of self-sustaining herds in all instances.</p> <p>After Dr. Cothran and Dr. Singer began revealing their findings on equine genetics that included warnings of a dangerously low AMLs wild herds were being managed at, the BLM immediately instigated counter measures through Linda Coate Markles, who provided supportive studies and statistics to discount Dr. Cothran and Dr. Singers findings and BLM has been substituting her "conclusions" in all areas to justify the continued mismanagement and misappropriation of resources to wild horse and burro herds within their respective "protected areas" ever since.</p> <p>Recommended Appropriate Management Levels Based on the supplied information above, an increase in the wild horses Appropriate Management Levels to support more genetically viable herds by establishing a population range of at least 150-350 wild horses per Herd Management Area is necessary to effectively manage for</p>		

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				<p>long-term sustainability of this federally protected species. This recommended AML would also still only establish a maximum forage utilization of 12,600 Animal Unit Months (AUMs) within the Herd Management Areas, which is still far, far below proposed or current forage allocations for livestock and wildlife.</p> <p>BLM regulations, CFR 4710.3, requires setting an appropriate population level that considers the needs of self sustaining wild herds and a minimum population level of 150 adults is needed to preserve their genetic integrity – this is now considered “appropriate” according to our best available science.</p>		
Cindy MacDonald	I	149	3	<p>For excerpts from the GAO’s report, see attachment II.</p> <p>Furthermore, BLM is required to provide the habitat requirements necessary to maintain self-sustaining wild horse herds through issuing forage and resource allocations that will support them and the preservation of wild horses in HMAs take precedence over livestock grazing as per CFR 4710.5.</p> <p>Wild horse populations must not be reduced below 150 adults within all HMAs in the planning areas for any reason. If conflicts occur with livestock or big game species or environmental conditions require adjustments to rangeland utilization, reduction of livestock use within the HMAs to accommodate the wild horse AML of 150-350 is the top priority for their continued conservation and preservation. Once livestock utilization has been reduced to allow self-sustaining herds to continue to thrive at the recommended AMLs, rescue livestock and wildlife allocations in an equitable manner.</p>	<p>Comment noted. In the Proposed Plan FEIS, all wild horses are going to be removed from the Planning Area due to the complexity of surface ownership, manageability of the wild horses, and the EIA illness.</p>	
Cindy	I	149	4	In all Alternatives presented, including the newest	Section 4.18.2.1 in the Proposed RMP/Final EIS provides	

Wild Horses and Burros

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MacDonald		<p>Alternative E, no examination is made as to the impacts of the various designations of ACECs to wild horses of their habitat. This is an error that must be corrected!</p> <p>Generally, United States Fish and Wildlife Service (USFWS) acts as the lead agency in determinations of ACECs, issuing Biological Opinions the support resource management and species protection for BLM and other coordinating agencies, as well as studies, determinations, listings for proposed candidates, etc.</p> <p>The first issue of concern is that wild horse and burro populations have historically been completely eliminated from their "protected areas" (HMAs) and critical resources necessary for their survival when a ACEC or protected species is introduced into their HMAs.</p> <p>The listing of the Desert Tortoise and their ACECs single handedly wiped out almost the entire wild burro population of Southern California, an area that in 1980 had approximately 3.5 million acres of wild burro habitat with an established AML of 2,747 wild burros on 19 recognized HMAs.</p> <p>Today, the entire state of California has only 3 HMAs remaining with merely a maximum allowable population of 345 wild burros. The same area in Southern California as previously discussed has seen a 90% reduction in both habitat and population levels and are now "managed" with less than 300,000 acres still remaining and a AML of 229 or less wild burros.</p> <p>Additionally, during many instances when an organization actually had funding to take USFWS to court, the courts</p>	<p>the analysis of the impact of Special Designations (ACECs) for Alternatives A through E. The BLM's authority for managing lands to protect or enhance wilderness characteristics is derived directly from FLPMA Section 202 (43 U.S.C. §1712).</p> <p>In the Proposed Plan FEIS, all wild horses are going to be removed from the Planning Area due to the complexity of surface ownership, manageability of the wild horses, and the continued presence of a the highly infectious disease – Equine Infectious Anemia (EIA).</p>	

Wild Horses and Burros

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				<p>have frequently remanded USFWS for the lack of actual data to support their Opinions and Findings</p> <p>There is also the recent scandal with claims that Julie MacDonald exerted political pressure to have USFWS employees lie and skew data to promote an agenda that was NOT beneficial to the various species requiring their intervention but instead sought to twist listings and proposals to solely favor economic interests at the expense of long-term preservation and sustainability and in direct defiance of a multitude of federal laws, regulations and policies.</p> <p>A thorough examination must be provided of the short and long-term impacts of these proposed ACEC designations will have on the wild horse populations.</p>		
Wild Horse Observers Association	O	173	1	<p>In summary, WHOA feels that further evaluation is required regarding an actually balanced program. An overall program which considers the big picture/the overall program, in the west, as well as looking at each HMA and HA individually. Something that looks like this; available forage adjudication to Cattle 30-40%, Deer and Elk/Game species 50%, Wild Horses 10-20%. Under the current "balanced" program there is no standard set to ensure any kind of fair representation for wild horses who as proven by mitochondrial DNA (http://www.wildhorsepreservation.com/resources/native.html) are "native species" who evolved with this flora and fauna unlike the many foreign game species and cattle. Under the current program, our biologically AND legally wild horses are being eradicated like varmints at a huge cost to tax payers (over \$30 million/yr)</p> <p>There are no balanced alternatives offered in this RMP or</p>	<p>The CEQ regulations (40 CFR 1502.1) require BLM to consider reasonable alternatives, which would avoid or minimize adverse impacts or enhance the quality of the human environment, based on the nature of the proposal and facts in the case (CEQ 40 Most Asked Questions 1b.). While there are many possible management prescriptions or actions, the BLM used the scoping process to determine a reasonable range alternatives that best addressed the issues, concerns, and alternatives identified by the public. This includes wild horses located in the Vernal Planning Area.</p> <p>An Interdisciplinary team of resource specialist, with on-the-ground knowledge of the planning area, analyzed the current management situation, desired conditions, the uses and activities to create a framework to resolve the issues raised through the development of the alternatives. A balanced approach consistent with FLPMA's principles of "multiple use" was a key component of the analysis.</p>	

Wild Horses and Burros

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				<p>it's supplement, though Alternatives E/C have a tiny but almost insignificant amount of AUM more adjudicated to the legally wild and native species, the wild horse. In both graphs below, Bar 3 is the Wild Horse. In Graph 1 Bar 1 is cattle and Bar 2 is the wild ungulate species. This is reversed in Graph 2. (SEE GRAPHS IN LETTER) This lack of balance is embarrassing when viewed graphically</p> <p>A congressionally-mandated study by the National Academy of Sciences found that, in one year, livestock consumed 70% of grazing resources on public lands, while wild horses and burros consumed less than 5%. (From AWHPC) Again WHOA asks, where is the balance as required by law and common sense?</p>	<p>The FLPMA makes it clear that the term "multiple use" means that not every use is appropriate for every acre of public land and that the Secretary can "make the most judicious use of the land for some or all of these resources or related services over areas large enough to provide sufficient latitude for periodic adjustments in use. . . ." (FLPMA, Section 103(c) (43 U.S.C. §1702(c)).) The FLPMA intended for the Secretary of the Interior to use land use planning as a mechanism for analyzing impacts to and allocating resource uses, including wild horses, as well as conserving and protecting other resource values for current and future generations.</p> <p>In the Proposed Plan FEIS, after review of the alternatives analyzed, all wild horses are going to be removed from the Planning Area due to the complexity of surface ownership, manageability of the wild horses, and the continued presence of a the highly infectious disease – Equine Infectious Anemia (EIA).</p>	
Wild Horse Observers Association	O	173	2	<p>The BLM and FS must look at the Wild Horses and Burros Program in an overall fashion. We have millions of deer, elk, and cattle across the west. However, we have only ONE wild horse herd in Montana and less than 30,000 wild horses in the wild total. (Less than half of what we had in 1974 after the first joint BLM and Forest Service count required by the 1971 Act). Whereas we have over 6 million privately owned cattle on federal lands. A ratio of 200 to 1 at best. This wild horse and burro program appears more like a "spoiled brat" program where special interests gets 1000 of what they want and the American people get 0.1 of what they want which amounts to almost nothing. As currently managed, the</p>	<p>This comment is beyond the scope of the planning process.</p>	

Wild Horses and Burros

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				<p>Wild Horse and Burro Program does not represent a "balanced program".</p> <p>BLM must manage the Vernal herd and all others "within a balanced program that considers all public values including wild horses, wildlife, watershed, recreation, archeological and scenic values (Federal Register, Vol. 33 No. 173, September 12, 1986)."</p>		
Wild Horse Observers Association	O	173	3	<p>The BLM admits that "Previous studies on Assateague Island National Seashore (ASIS) have shown that at least 50-80% of all breeding-age mares must be treated equally to effectively minimize herd growth to near zero." However, the BLM uses this immuno-contraception almost nowhere. Increased PZP use, higher AML's, expansion of territories, and re-opening of many that have been closed, would solve the false lack of forage :issue" and the absolutely false over population "issue".</p>	Comment noted.	
Wild Horse Observers Association	O	173	4	<p>Interesting that the BLM/this EA does not want to increase recreational activity regarding the horses. It is not mentioned how many hunting licenses have been given out and what their trend has been over the time frame mentioned. Do hunters have less of an impact than photographers and sight seers? What are the relative numbers of these groups?</p>	<p>Hunting, photography, watchable wildlife, and other recreational activities are identified in the Analysis of the Management Situation available for review in the Vernal Field Office. The reduction of the number of acres open to OHV travel to less than 1% provides long-term beneficial impact to wild horses from human presence and noise, motion, night presence, or herd harassment.</p>	
Wild Horse Observers Association	O	173	5	<p>WHOA does not want the wild horse HMAs or HA's burned in controlled burns. The horses and deer evolved with this flora and when they graze it, they spread seeds, they cause it to grow faster, and if the land is rested it will re-flourish and then go back down later due to lack of grazing pressure. See Environmental Assessment for the Lomos Altos Allotment (No. 971) Grazing Lease Renewal, EA NM-010-2000-077 and it's bibliography. If this reasoning applies to cattle who evolved in Asia, it</p>	<p>Comment noted. In the Proposed Plan FEIS, all wild horses are going to be removed from the Planning Area due to the complexity of surface ownership, manageability of the wild horses, and the EIA illness.</p>	

Wild Horses and Burros

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				certainly applies to horses and deer and elk, etc. who actually did evolve here with this flora in North America.		
Anadarko	B	188	5	BLM has failed to analyze the potential impacts of such a designation on existing leases.	The Proposed RMP/Final EIS provides information and analysis of Wild Horses on mineral leasing in Chapter 4.	

Wildlife

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Theodore Roosevelt Conservation Partnership	O	1	1	The Vernal DEIS generally ignores timely scientific studies and does not provide adequate assurances for mule deer, Rocky Mountain bighorn sheep, pronghorn, elk, sage grouse, and trout.	<p>A goal and objective in the Proposed RMP/Final EIS is to “Provide, maintain, enhance, and protect habitats for a diversity of fish and wildlife species within the planning area.” Individual sections of Chapter 2 provide further information for the species mentioned, as well as other species.</p> <p>The PRMP/FEIS was prepared using the latest scientific data available. Plans and agreements are updated as necessary to reflect the latest scientific data.</p>	
Theodore Roosevelt Conservation Partnership	O	1	8	<p>The BLM fails to show how it will work to maintain wildlife objectives set by the UT Division of Wildlife Resources (UT DWR). Any determination of areas available for leasing and the appropriate development of these leases should be done with careful consideration of wildlife management objectives set by the UT DWR. The BLM also should consider how energy development will impact long-term hunter recruitment, license sales, and corresponding sportsmen-created revenue to the UT DWR and local communities.</p> <p>All important habitat areas should not be opened for leasing until the Vernal Field Office develops a plan for development that uses science-based measurable benchmarks to allow the development to take place in a way that will not considerably impact UT DWR's ability to meet management objectives for fish and wildlife and provide public opportunities for hunting and fishing.</p>	<p>The State of Utah has cooperating agency status for the Proposed RMP/ Final EIS. The State of Utah, as well as individual state agencies, including the UDWR, was consulted throughout the RMP process. Furthermore, as stated in Chapter 2 the BLM will: "Coordinate with UDWR and other partners to accomplish the population and habitat goals and objectives of current, revised, and/or future big game Herd Management Plans that are consistent with and meet the goals and objectives of this land use plan."</p> <p>The PRMP/FEIS will identify lands which will be open for leasing with appropriate stipulations as determined through the RMP process.</p>	
Theodore Roosevelt Conservation Partnership	O	1	11	Under CEQ NEPA regulations, BLM must make use of all the best available scientific information to assess the effects of land management actions, including cumulative effect from existing, proposed, or foreseeable development projects in the resource management areas. Referenced	See Response to Comment 1-1-WL.	

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				below (see letter) are peer-reviewed scientific studies on the impacts on sage grouse, elk, and mule deer from vehicel traffic, roads, and oil and gas development. The information from these studies should be incorporated into the FEIS.		
United States Environmental Protection Agency	G	6	35	Section 2.4.18.2.1. Raptors, page 2-37: This indicates that BLM will "pursue a partnership between industries, local governments, USFWS, UDWR, and others to establish a raptor management fund to be utilized for raptor population monitoring and habitat enhancement". We recommend that BLM include the Forest Service and the Northern Ute Tribe in this effort.	The BLM will work with UDWR, USFWS, and others to ensure that plans and agreements are updated as necessary to reflect the latest scientific data.	
Duchesne County Commission	G	10	4	Page 2-20, Table 2.3, Wildlife and Fisheries, 1st paragraph: Are the locations of the McCook and Monument Ride mule deer migration corridors mapped so the reader can determine the location of these corridors?	The migration corridors are mapped in the Draft RMP. See List of Maps and Figures – Figure 34	
Duchesne County Commission	G	10	13	Page 4-42, Section 4.8.2.6.5, 2nd paragraph: It should be clear that if Alternative D does not specify what percentage of new surface disturbing activity will be allowed in wildlife habitat areas and Alternative E will limit such disturbance to 2.4% or 560 acres per township, that Alternative E would have a much greater potential impact on energy and mineral resource development compared to Alternative D-No Action.	Alternative D, which is the no action alternative, was formed from the Book Cliffs and Diamond Mountain RMP/FEIS. No percentage of new surface disturbing activity was calculated for wildlife habitat areas. Therefore, an exact relationship cannot be made.	
Michael L. Wolfe	I	12	2	Consideration should also be accorded to overall biological diversity and the potential importance of animals that function as keystone species with effects on other trophic levels (i.e., up or down the food chain). To some extent this may be implicit in other sections such as the discussion of "Other Non-game Species", but a more explicit description is likely warranted (see for example the discussion of impacts on various species in the	<p>The RMP is at the landscape level, and therefore a more detailed review of individual species is out of the scope of analysis for this RMP.</p> <p>Activity Plans are defined under the BLM Land Use Planning Handbook H-1601-1 as:</p> <p>"A type of implementation plan; an activity plan usually</p>	

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				attached review.	<p>describes multiple projects and applies best management practices to meet land use plan objectives. Examples of activity plans include interdisciplinary management plans, habitat management plans, recreation area management plans, and allotment management plans.”</p> <p>This would include ACECs, SRMAs sensitive species habitat, etc.</p> <p>Furthermore, H1601-1 states:</p> <p>“Upon approval of the land use plan, subsequent implementation decisions are put into effect by developing implementation (activity-level or project specific) plans. An activity-level plan typically describes multiple projects in detail that will lead to the on-the-ground action. These plans traditionally focused on single resource programs (habitat management plans, allotment management plans, recreation management plans, etc.). However, activity-level plans are increasingly interdisciplinary and are focused on multiple resource program areas to reflect the shift to a more watershed-based or landscape-based approach to management. These types of plans are sometimes referred to as ‘integrated or interdisciplinary plans,’ ‘coordinated resource managements plans,’ ‘landscape management plans,’ or ‘ecosystem management plans.’ A project-specific plan is typically prepared for an individual project or several related projects.”</p>	
Michael L. Wolfe	I	12	1	My comments detailed below focus on the relative advantages for terrestrial wildlife of Alternative E proposed in the Supplement in comparison to other alternatives (especially Alternative A -the "preferred alternative") in the original DRMP/DEIS. A prominent	The RMP does discuss habitat fragmentation. The BLM will work with UDWR, USFWS, and others to ensure that plans and agreements are updated as necessary to reflect the latest scientific data.	

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				<p>theme in discussion is a consideration of the benefits to be gained by minimizing the adverse effects of habitat fragmentation. As supporting documentation I offer a "white paper" on the subjects of impacts of oil-gas and mineral development and roads on wildlife. The research referenced therein is intended to augment the agency's own analysis and inform of the benefits to wildlife from the alternative in the Supplement as opposed to the risks to wildlife from the other alternatives in the DRMP/EIS.</p> <p>NOTE: See Paper and referece list attached to hard copy.</p>		
Michael L. Wolfe	I	12	3	<p>Thee Supplement details the relative impacts of the various alternatives on big game and upland game species. Alternative A would increase the proportion of big game habitat open to surface oil and gas development by ~7%, while Alternative E would decrease the proportion of big game habitats open for development by ~19% (compared to the No-Action alternative. This represents an average net improvement of ~26% for big game species under Alternative E .</p> <p>These comparisons involve mule deer, elk and proghorn, but I found no mention of the differences for bighorn sheep.</p>	<p>Section 3.19 of Chapter 3-Affected Environment, provides information on big horned sheep. Big horned sheep habitat (prime for reintroduction efforts) has been designated by UDWR. Most of this habitat would be undevelopable due to the severe nature of the topography associated with this habitat. The State of Utah has been involved in an aggressive program for the past 30 years to restore bighorn sheep to their native habitat. The existing small herds of big horned sheep in northeastern Utah require augmentation by the additional reintroduction of sheep by UDWR.</p>	
Michael L. Wolfe	I	12	4	<p>Appendix Table I -9 in the DRMP/EIS contains a comparison of the mineral development land categorization in black bear habitat expected under the respective alternatives, but I found no discussion of this table in the Supplement. As with the ungulate species, Alternative C was the most restrictive with ~6% less area open to "standard stipulation" and "timing and</p>	<p>As stated in the "Dear Reader" letter at the front of the Supplement to the Draft RMP/EIS, "Under Alternative E, the proposed decisions that apply to the lands outside of non-WSA lands with wilderness characteristics remain the same as those in Alternative C." The commenter needs to look at both the DRMP and SDEIS to have a full context of the document including a description of the alternatives, environment, and anticipated impacts.</p>	

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				<p>controlled" surface ses. Presumably, Alternative E would represenat further improvement for this species. Similarly, I found no discussion of effects of the various alternatives on mountain lions in either document. In Section 3.19.1.8 of the DRMP/DEI it is stated that mountain lion habitat is essentially the same as that for its principal prey species, mule deer.</p> <p>Both black bears and mountain lions may be subject to the adverse effects of habitat fragmentation. In the case of the latter species, these impacts likely transcend those involving its prey species. In Florida Dixon et al. (2007) found that habitat fragmentation and anthropogenic barriers to movement appeared to limit the dispersal capabilities of black bear, thereby reducing gene flow among populations.</p> <p>Road density can also function as a determinant of mountain lion vulnerability to hunting. Stoner (2004) analyzed the state wide cougar harvest (1996-2001) and found a relatively weak but statistically significant correlation ($r = 0.53$) between road density and the average number of cougars harvested per year (see Figure 1 in attached review. Conversely, it can be argued that areas with low road density can function as defacto refugia with source populations in a management context (Stoner et al. 2006). One of the potential refugia identified in that analysis was the Book Cliffs area.</p>	<p>The UDWR manages wildlife populations as the BLM manages the land for these species. Chapter 4 provides additional information concerning habitat fragmentation.</p> <p>The BLM has clarified the impact of habitat fragmentation from routes and trails and other development.</p> <p>See Response to Comment to 12-2-WL.</p>	
Michael L. Wolfe	I	12	5	In terms of relative value there probably exists some differential among the various Non-WSA's proposed for exclusion from disturbing activities such as oil and gas exploration/development and off-road vehicle use. These	Five alternatives have provided analysis of wildlife for lands administered by the BLM. These alternatives have provided a range of analysis from no action or present management (Alternative D) to protection of natural and	

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				<p>relate to variables such as relative size, connectivity and juxtaposition to existing protected natural areas such as national monuments and WSA's. In general larger areas or clusters of smaller but contiguous tracts with connectivity have a lower degree of insularity and consequently greater value in offsetting the adverse effects of fragmentation. By these criteria the complex of Non-WSA areas adjacent to Dinosaur N .M. as well as Desolation Canyon and Wolf Point may be of particular importance. The same may apply to the complex(Bitter Creek,Sweet Water etc.) adjacent to the Colorado/Utah stateline. Its value could be enhanced depending upon the status of trans-borderlands in Colorado. Visual inspection f the mapscontained in the DRMP/DEIS and the Supplement indicate that the Wolf Point and White River Non- WSA 's are important deer and elk habitat, while Desolation Canyon contains lynx linkage zones. Inasmuch as the Supplement does not prioritize the individual Non-WSA's proposed for exclusion, there exists the possibility that Alternative E poses an "all or nothing" scenario. The need exists to conduct a detailed analysis of the value for wildlife provided by each of the Non-WSA laws with wilderness characteristics identified for consideration under Alternative E . Pending completion os such an analys, or in the case that time precludes it, my recomendation is to adopt Alternative E. which protects all of them.</p>	<p>cultural resources (Alternatives C and E).</p> <p>The BLM determined that a single alternative analyzing the protection of all Non-WSA lands with wilderness characteristics would best provide a reasoned choice among the alternatives. Although the other alternatives do not provide specific management prescriptions to protect Non-WSA, these alternatives analyze and disclose the impacts of the proposed resource management prescriptions, uses and actions on the Non-WSA lands with wilderness characteristics. This gives the public the ability to fully compare the consequences of protecting or not protecting the wilderness characteristics on these Non-WSA lands. If all alternatives contained comparable protections of the Non-WSA lands with wilderness characteristics, the alternatives would have substantially similar consequences and would not be significantly distinguishable.</p> <p>The BLM, in developing the PRMP/FEIS, can chose management actions from within the range of the alternatives presented in the DRMP/DEIS and create a management plan that is effective in addressing the current conditions in the planning area based on FLPMA's multiple-use mandate.</p>	
Michael L. Wolfe	I	12	6	<p>The Vernal Planning Area contains important habitat for a wide variety of species and, due to the checkerboard with non-federal lands in the area, the unfragmented portions of federal lands have even greater value for wildlife in this area.</p>	<p>See Response to Comment 1-1-WL.</p> <p>The analysis provided in the document through the range of alternatives has considered the impacts to wildlife from energy development and motorized recreation. Appendix</p>	

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				<p>It is well documented that energy development and motorized recreation both fragment habitat, and any analysis of these activities must consider the true extent of impacts and how they can best be avoided;</p> <p>Consideration should include both high profile, large game species and overall biological diversity and the potential importance of animals that function as keystone species with effects on other trophic levels</p>	<p>K provides stipulations for mitigation of impacts from surface disturbing activities on resources.</p>	
Michael L. Wolfe	I	12	7	<p>The research in the attached Addendum regarding the impacts of oil, gas and mineral development and roads on wildlife should be incorporated in to the agency's analysis of the benefits to wildlife from the alternative in the Supplement as opposed to the risks to wildlife from the other alternatives in the DRMP/EIS</p>	<p>See Responses to Comments 1-1-WL and 12-2-WL.</p>	
Comcast	O	148	7	<p>The DEIS failed to analyze the role and values of predators in controlling rodent populations and fulfilling their role in a healthy ecosystem. Studies have documented the importance of predators to restoration of plan communities, particularly riparian and aspen areas.</p>	<p>The RMP does discuss the role of predators and protection of riparian and other significant habitat.</p> <p>The RMP is at the landscape level, and therefore a more detailed review of individual species is out of the scope of analysis for this RMP.</p>	
National Wildlife Federation	O	157	1	<p>Finally, the Vernal RMP SDEIS fails to provide the requisite "hard look" at the environmental impacts of each alternative. The discussion of the environmental consequences contained in Chapter 4 of the DEIS consists of little more than a statement that the Preferred Alternative will have greater adverse impacts on environmental values than Alternatives C and E but fewer than Alternatives B and D. NWF believes this conclusion is not supported by the analysis contained in the SDEIS.</p>	<p>The DRMP/DEIS together with the Supplement constitute the complete DRMP/DEIS. The SDEIS only discusses the environmental impacts for Alternative E (non-WSA lands with wilderness characteristics. The analysis for the other four alternatives are found in the DRMP/DEIS. A summary of the Impacts is thoroughly presented in Table 2.5 of the SDEIS as well as the text found in Chapter 4. The commenter needs to look at both the DRMP and SDEIS to have a full context of the document including a description of the alternatives, environment, and anticipated impacts.</p>	

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National Wildlife Federation	O	157	2	While Alternatives A and E preserve the use of timing stipulations to reduce the stress of oil and gas construction activities, they fail to provide other mitigation measures necessary to conserve crucial winter ranges and other big game habitats. The SDEIS states only that drilling practices intended to prevent the fragmentation of wildlife habitat will be "encouraged."	<p>The DRMP/DEIS together with the Supplement constitute the complete DRMP/DEIS. The SDEIS only discusses the environmental impacts for Alternative E (non-WSA lands with wilderness characteristics. The analysis for the other four alternatives are found in the DRMP/DEIS.</p> <p>Table 2.1.26 (Wildlife & Fisheries Resources) in the Proposed RMP/Final EIS consolidates several mitigation and management prescriptions under the subsection "Management Common to all Action Alternatives." Further stipulations may be found in Appendix K.</p> <p>The current common management statement is "Reduce habitat fragmentation by requiring oil and gas field development plans and encouraging such activities as well clustering, multiple drilling from a single pad, utilization of existing routes and pipelines, and other measures to minimize surface impacts." A field development plan would analyze a range of alternatives that would include the aforementioned activities.</p>	
National Wildlife Federation	O	157	5	BLM's Preferred Alternative does propose a 0.6-mile seasonal "avoidance area" around leks in addition to the 1/4 mile NSO buffer. Yet, BLM itself has admitted that "data indicate a 2-mile [seasonal] buffered would inadequately protect sage-grouse leks, nesting success, and recruitment of yearlings..." Draft Resource Management Plan and Environmental Impact Statement for the Pinedale Resource Area (Pinedale RMP DEIS) 4-210. Mitigation measures are intended to offset negative impacts, thereby protecting wildlife species. NWF does not understand why BLM would choose to implement mitigation measures that it knows will be inadequate.	<p>A range of alternatives for protecting sage grouse is presented in Table 2.1.21 of the Proposed RMP/Final EIS.</p> <p>No surface disturbing activities within 2 miles of active sage grouse leks would be allowed from March 1 through June 16. No permanent facilities or structures would be allowed within 2 miles, when possible, of an active sage grouse lek.</p>	
The Wilderness	O	174	74	There is a detailed assessment of habitat fragmentation and loss of functional habitat from Alternative E due to	Impacts of OHVs are thoroughly discussed in the SEIS in Section 4.10.2.8.	

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Society				projected oil and gas development pp. 4-128 – 4-131. However, there is not a similar assessment for ORV use.		
The Wilderness Society	O	174	75	There is not a thorough discussion of the significant improvements of wildlife from the adoption of Alternative E in comparison to Alternative A, the preferred alternative. This comparison is not made in the Supplement and the substantial benefits that could result from managing to protect the lands with wilderness characteristics are not discussed in the Supplement.	Alternative E & C are the same with regards to benefits (or less harm) to wildlife; however, additional lands posed in Alternative E with wilderness characteristics will be afforded more protection. Overall, the additional benefits to wildlife would be negligible.	
The Wilderness Society	O	174	76	The absence of this discussion is acceptable in light of the critical impact of habitat fragmentation on wildlife habitat. Roads and ORV routes are not widely recognized in the scientific community as having a range of direct, indirect, and cumulative effects on habitats and wildlife. See e.g., Trombulak and Frissell 2000. Effects range from direct removal of habitat to long-term displacement of species from preferred habitat. The indirect and cumulative effects are hardest to measure, but are increasingly studied through analysis of habitat fragmentation. Habitat fragmentation from roads and other human infrastructure has been identified as one of the greatest threats to biological diversity worldwide. Wilcove 1987. The adverse effects of routes on wildlife have been well documented in several extensive literature reviews. *See letter for list* This volume of science simply cannot be ignored in a major land management planning effort such as this DRMP (or any travel management planning effort).	The BLM has clarified the impact of habitat fragmentation from routes and trails and other development. See Response to Comment to 12-2-WL.	
Howard County Bird Club	O	175	2	The Supplemental could have been clearer in identifying wildlife values that would be enhanced by protecting the 25 WCAs under Alternative E. These favorable impacts would include: Habitat and forage for Rocky Mountain bighorn sheep	As stated in the “Dear Reader” letter at the front of the Supplement to the Draft RMP/EIS, “Under Alternative E, the proposed decisions that apply to the lands outside of non-WSA lands with wilderness characteristics remain the same as those in Alternative C.” The commenter needs to look at both the DRMP and SDEIS to have a full context of	

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				<p>(page 2-20) Spatial and seasonal buffers for raptors (page 2-17) Improved protection of wetlands and riparian areas in the WCAs will benefit birds and wildlife habitat, supporting many species that depend on these habitats. We did not find this addressed in the Supplement. Protection of uplands in the WCAs will benefit Greater Sage-grouse and other native species of birds and mammals. This was not clearly stated in the Supplement.</p>	<p>the document including a description of the alternatives, environment, and anticipated impacts.</p> <p>Table 2.3 of the Supplement summarizes management direction for resources within the Vernal Planning Area. This Table has been renumbered in the Proposed RMP/Final EIS as Table 2.1. The Table along with Chapters 3 and 4 and Appendix K provide discussion on protection of the commenter identified resources.</p> <p>See Response to Comment 1-8-WL.</p>	
Uintah Mountain Club	O	178	1	<p>We also consider these undeveloped lands important to wildlife. The White River, for example, has been shown to be about as significant to the future of the Colorado pikeminnow as the main Green River (Mode, personal communication). Well sites in the floodplain area, and close to the river itself, are particularly galling, after 7 years of litigation over one site that was on the canyon rim. All four of the endangered fish species will likewise be affected by water depletion, which will occur as the water tankers draw water directly from the rivers. Not to mention the network of roads, illegal and legal, that have blossomed throughout these watersheds. We ask you to demonstrate that the proposed developments have no substantial effect on these, or any other endangered species on the district.</p>	<p>The Proposed RMP/Final EIS does provide analysis through a range of alternatives to disclose impacts to resources that are present on BLM administered lands. Management direction and mitigation measures are also provided in the document.</p> <p>In 2006, a programmatic water depletion Biological Opinion (BO) for oil and gas development administered or permitted by the BLM Vernal Field Office BLM, was completed for small water depletions on the Upper Colorado River Drainage. This BO addressed concerns of water usage from the White and Green Rivers.</p>	
Howard County Bird Club	O	182	2	<p>Wildlife Values The Supplement could have been clearer in identifying wildlife values that would be enhanced by protecting the 25 WCAs under Alternative E. These favorable impacts would include: -Habitat and foarge for Rocky Mountain bighorn sheep (page 2-20)</p>	<p>The BLM will work with UDWR, USFWS, and others to ensure that plans and agreements are updated as necessary to reflect the latest scientific data.</p>	

Wildlife

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				<p>-Spatial and seasonal buffers for raptors (page 2-17)</p> <p>-Improved protection of wetlands and riparian areas in the WCAs will benefit birds and wildlife habitat, supporting many species of birds that migrate through the Vernal planning area, as well as native species that depend on these habitats. We did not find this addressed in the Supplement.</p> <p>-Protection of uplands in the WCAs will benefit Greater Sage-grouse and other native species of birds and mammals. This was not clearly stated in the Supplement.</p>		
Uinta Mountain Club	O	184	2	The wild ungulates (elk, deer, and pronghorn) likewise have only these "islands" to escape from motorized recreation. The road densities on the land have become quite high, and it seems reckless to assume that these big game species will adjust to this level of activity. The same could be said of raptors.	The document does analyze and provide mitigation through the range of alternatives concerning habitat fragmentation. For example, the proposed plan has reduced the number of acres open to OHV travel to less than 1% of the acres open under current management. Additionally, the a common management to all action alternatives is "Reduce habitat fragmentation by requiring oil and gas field development plans and encouraging such activities as well clustering, multiple drilling from a single pad, utilization of existing routes and pipelines, and other measures to minimize surface impacts." A field development plan included access roads would analyze a range of alternatives that would include the aforementioned activities.	
State of Utah	G	189	4	On a related note, the state believes the BLM should only employ the term "critical habitat" when referring to the legal habitat designations for endangered and threatened species under the Endangered Species Act. The state requests that the BLM use the "crucial habitat" designations mapped by the Division of Wildlife Resources solely as descriptive wildlife habitat designations, not as automatic exclusion zones for other multiple uses.	Chapter 1 of the PRMP/FEIS provides a discussion of the terms "critical" vs. "crucial" habitat.	
State of Utah	G	189	12	The inability to implement habitat restoration projects on	Habitat restoration projects will be able to occur on non-	

Wildlife

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				BLM lands with wilderness characteristics would impede the UPCD's ability to restore and maintain healthy watersheds.	WSA lands with wilderness characteristics. BLM has provided in the Proposed RMP/Final EIS in Table 2.1.10, the following management direction: "When compatible with the goals and objectives for management of non-WSA lands with wilderness characteristics: Permit vegetation and fuel treatments using prescribed fire, mechanical and chemical treatments, and other actions compatible with the Healthy Lands Initiative (HLI).	

Wilderness Study Areas

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Duchesne County Commission	G 10 55	Pages 4-200 and 4-201, Sections 4.21.2.9.4 and 4.21.2.9.5: In the last paragraph of each section, how can there be opportunities for solitude and primitive recreation in the Cripple Cowboy and Bull Canyon areas when they are 85% and 89% leased for energy development, respectively, according to Table 4.21.1?	<p>Leasing does not always mean intensive development. Stipulations and mitigation can be included in lease sales to include NSO or timing constraints on development. It is feasible that a large tract of land can be leased and still allows opportunities for solitude and primitive recreation.</p> <p>One example would be along the White River within the VPA. Although a large portion of the area around the White River is leased, river runners report that a major reason they choose the White River are the opportunities for solitude and primitive recreation.</p>	
Questar	B 140	<p>4 Non-Impairment Standard Does not Apply to non-WSA lands with wilderness Characteristics</p> <p>Non-WSA lands with wilderness characteristics are not subject to the WSA non-impairment standard. The IBLA has routinely rejected such arguments. See, e.g., Wyoming Outdoor Council, 147 IBLA 105.112(1998), holding that "BLM properly concluded that the non-WSA lands...are not subject to the [FLPMA} Section 630 standard."</p> <p>Recommendation: BLM must maintain the current policy of not imposing non-impairment standards upon non-WSA lands with wilderness characteristics.</p>	The management and level of protection of the wilderness characteristics on Non-WSA lands is discretionary and not bound by requirements of the Wilderness Act of 1964 or the WSA Interim Management Policy (IMP, H-8550-1; BLM 1995). However, the BLM may manage the lands to protect and/or preserve some or all of those characteristics through the land use planning process. In addition, under the land use planning process, the BLM must consider a range of alternatives for the lands identified with wilderness characteristics. This gives the public the ability to fully compare the consequences of protecting or not protecting the wilderness characteristics on these Non-WSA lands.	
EOG Resources, Inc.	B 144	<p>9 SUWA v. Norton Decision</p> <p>After the U.S. District Court of Utah decision in SUWA v. Norton, 457 F. supp. 2d 1253 (D. Utah 2006) (appeals pending 06-4251 & 07-4223), BLM thought it necessary to further supplement the RMP based on the court's decision. In SUWA v. Norton, the court found that BLM had failed to adequately address information from the</p>	<p>The BLM's authority for managing lands to protect or enhance wilderness characteristics is derived directly from FLPMA Section 202 (43 U.S.C. §1712).</p> <p>This section of BLM's organic statute gives the Secretary of the Interior authority to manage public lands for multiple use and sustained yield. Nothing in this section constrains the Secretary's authority to manage lands as necessary to</p>	

Wilderness Study Areas

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		<p>1996-99 wilderness inventory in its NEPA documents. The court did not fault BLM's analysis in the Vernal DPMP, but merely found that the previous RMPs in the Vernal and Richfield offices failed to take into account the wilderness inventories from 1996-99.</p> <p>The 2004 Vernal Field Office DRMP/EIS originally included four alternatives for managing public lands and their resources. In this EIS, Alternative C provided protections for non-WSA lands with wilderness characteristics and specifically analyzed the impacts of oil and gas on these lands. Vernal DEIS-Figure 13 (Oil and Gas Lease-Alt. C). Now, BLM has supplemented its DRMP/EIS to further analyze non-WSA lands that allegedly contain wilderness characteristics. In its analysis, it treats WSA and non-WSA lands the same and provides for management of these lands to maximize protection of their wilderness values.</p> <p style="text-align: center;">COMMENTS</p> <p>1. Desolation Canyon WCA.</p> <p>Large portions of the Desolation Canyon WCA overlap valid existing federal and state oil and gas leases, as well as other valid existing rights such as grazing allotments. EOG urges BLM not to impose any restrictions upon mineral activity that fall within these areas. These lands already contain extensive human imprints such as roads, wells, pipelines, and associated infrastructure and do not provide opportunities for enjoyment of naturalness, solitude, or primitive and unconfined recreation.</p>	<p>“achieve integrated consideration of physical, biological, economic, and other sciences.” (FLPMA, Section 202(c)(2) (43 U.S.C. §1712(c)(2))) Further, FLPMA makes it clear that the term “multiple use” means that not every use is appropriate for every acre of public land, and that the Secretary can “make the most judicious use of the land for some or all of these resources or related services over areas large enough to provide sufficient latitude for periodic adjustments in use. . . .” (FLPMA, Section 103(c) (43 U.S.C. §1702(c))) The FLPMA intended for the Secretary of the Interior to use land use planning as a mechanism for allocating resource use, including wilderness character management, amongst the various resources in a way that provides uses for current and future generations.</p> <p>The BLM has long acknowledged that FLPMA Section 603 (43 U.S.C. §1782) requiring a one-time wilderness review has expired. All current inventory of public lands is authorized by FLPMA Section 201 (43 U.S.C. §1711). In September 2006, the Utah District Court affirmed that the BLM retained authority to protect lands it determined to have wilderness characteristics in a manner substantially similar to the manner in which such lands are protected as WSAs.</p> <p>Finally, the Utah v. Norton Settlement Agreement does not affect BLM's authority to manage public lands. This Agreement merely remedied confusion by distinguishing between wilderness study areas established under FLPMA §603 and those lands required to be managed under §603's non-impairment standard, and other lands that fall within the discretionary FLMPA §202 land management process.</p>	

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		<p>Wild Horse Ranch Road, which forms one boundary of Desolation Canyon WIA Unit 1 and Kings Canyon and Hydes Bench roads, which were evaluated as cherry stem routes within Unit 1, have been upgraded from two-track to two lane oilfield standard roads by blading and other maintenance in recent years. These roads are extensively used by oilfield traffic for development activities and surface pipelines have been installed adjacent to the roads in some areas. Low, rolling topography and absence of trees or other visual obstructions result in distant visibility of oilfield activities. The presence of adjacent uncontested federal and state oil lease suggests that local oilfield development activities will continue.</p> <p>EOG provides the following comments on two specific areas within or near the Desolation Canyon WCA: the North Alger area and the Kings Canyon area. Both of these areas contain recently documented development and extensive valid existing rights.</p> <p>a. North Alger Area</p> <p>The North Alger area consists of those sections within EOG's North Alger project area boundary. The entire North Alger Project area consists of approximately 2,400 acres located in T10S-R19E and T11S-R19E in Uintah County, Utah and contains extensive existing development and related infrastructure. Generally, this area includes Section 27, west half Section 28, east half of the northeast quarter Section 33m Sections 34 and 35 all, T10S-R19E; and west half of the northwest quarter of Section 1, T11S-R19E.</p>	<p>A Vernal Field Office Interdisciplinary Team reviewed the Desolation Canyon proposed area, which included North Alger, Kings Canyon, Greater Kings Canyon areas for human-made disturbances and any impacts to naturalness, solitude, and primitive recreation. It was determined that the human-made disturbances were substantially unnoticeable and did not diminish the naturalness of the area; the areas were then determined to have wilderness characteristics.</p> <p>The Proposed RMP/Final EIS would not manage the Desolation Canyon area as non-WSA lands with wilderness characteristics. About 64% of the area was covered with valid existing leases and is considered to have high potential for the development of oil and gas reservoirs. The resource values that contributed to wilderness characteristics are protected through mitigation measures and monitoring up to and including NSO.</p>	

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		<p>Most recently, in 2007, during the process of preparing a supplement of the Vernal Draft RMP, BLM re-evaluated the wilderness characteristics of the greater Desolation Canyon Area. BLM found that the area east of Kings Canyon Road - which encompasses EOG's North Alger Project area - does not contain wilderness characteristics. Vernal Draft RMP Supplement at 3-3. EOG supports this finding.</p> <p>To further support BLM's 2007 finding, enclosed is a map under Tab A detailing the extensive existing human imprints within and surrounding the North Alger Project area. The information reflected in this map underscores that this area does not meet the requisite criteria for wilderness characteristics. This map depicts a combination of aerial overflight pictures from 2006, as well as digital depiction of additional roads and imprints constructed since 2006. The map shows extensive roads, two-tracks, and well pads within and surrounding the portion of the North Alger Project area that SUWA claims has wilderness characteristics.</p> <p>In addition to showing extensive imprints within the Project Area, this map shows that the immediate surround area contains several roads that traverse through the lands SUWA claims to have wilderness characteristics.</p> <p>Existing Development and Human Imprints.</p> <p>As of November 2007, a total of approximately 138 acres of the North Alger Projects area contain oil and gas development, including:</p> <p>35 producing natural gas wells and their associate</p>		

Wilderness Study Areas

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		<p>facilities. 2 plugged and abandoned well locations. Approximately 18 miles of roads and pipelines.</p> <p>Because topography in the North Alger Project area is relatively level, exhibiting lowgradient slopes typically ranging between 2 to 5 percent, well facilities are visible throughout the Project area. Although the western portion of the Project area contains Kings Canyon, an idcised, ephemeral drainage, views to the west of the canyon also display well development activity.</p> <p>In addition, an estimated 395 wells have been drilled on 40-acre surface densities within 3 miles of the North Alger Project area, primarily to the northeas and southeast. As described above, oil and gas activity is also occuring to the south and west such that exploration and development can, at times, be seen in virtually all directions.</p> <p>In sun, given the existing infrastructure, valid existing leases and other permitted uses that fall within the North Alger area, EOG supports BLM's finding that this area does not contain wilderness characteristics.</p> <p>b. Kings Canyon Area</p> <p>The Kings Canyon area consists generally of sections within T22S-R19E. This area is located in Unit 1 of the 1999 Desolation Canyon wilderness inventory area. Attached under Tab B is a technical report that details substantial human imprints, such as pipelines and roads, that exist within this area. These human imprints, combined with the extensive overlapping valid existing</p>		

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		<p>rights within this are, underscaore that this area does not contain wilderness characteristics in sufficient form to warrant protection through imposition of restrictive management proscriptions.</p> <p>Kings Canyon Road is an improved, crowned, ditched, graveled, Class D road that travels through Section 33, T10S-R19E, and Sections 4, 8, 9, 17, 20, and 29, T11S-R19E, providing access to the area to the uplands to the west of Kings Canyon. Kings Canyon Road is a maintained road used by oil and gas operators for well access and is at least 7 miles long. Uintah County holds a single right-of-way (ROW) for Kings Canyon Road, as well as road 181401A and road 181401B, located west of the North Alger Project area.</p> <p>County road 181401A is a Class D road located in Section 4, T11S-R19E. Country road 181401B is a Class D road that runs from Kings Canyon Road easterly through Section 4 into Section 3, T11S-R19E. Uintah County allows the use of its ROWs for pipeline construction adjacent to the roadway within its ROW. Aboveground pipelines and associated equipment, influding a pigging station, valves, and a meter house have been installed along some segments adjacent to Kings Canyon Road. Approximately 9,730 feet of Uintah County Class D roads are located in Section 3 and 4, T11S-R19E.</p> <p>Other roads are located in Section 32 and 33, T10S-R19E, and south of the North Alger Project area in T11S-R19E. A newly constructed unclassified but maintained oilfield road travels generally west-to-east through the S/2 Section 10 south of North Alger. This road is</p>		

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		<p>approximately 4,737 feet long within Section 10 alone, is graveled, and installed with culverts where it crosses the upper reaches of Kings Canyon in the S/2 Section 10.</p> <p>Also, natural gas exploration and development activities have occurred on existing Stat of Utah leases in Section 32 in T10S-R19E and Sections 2 and 17 in T11S-R19E, which falls within this "wilderness characteristics" area. Seven producing gas wells had been drilled in Section 2 and one in Section 17, of T11S-R19E. Oil and gas development, including drilling rigs, trailers, tanks, and roads are visible from topographic high points in Sections 3, 4, and 10, and Section 17 to the south-southwest of North Alger in T11S-R19E.</p> <p>Farther to the south, oil and gas development to the north has resulted in frequent use of Wild Horse Ranch Road by oilfield vehicular traffic. The road also provides access for recreationists and grazing activities. A number of dry stock ponds and cairns believed to have been placed by shepherders were visible. Recreational camping use of the area, particularly in areas of dramatic vistas, is indicated by fire pits. The road also provides access for recreationists and grazing activities.</p> <p>Visual and noise impacts from oilfield activity have affected wilderness values of naturalness, solitude, and opportunities for remote and unconfined recreation in Section 20 and 21, T11S-R19E. Activities associated with construction and operation of natural gas wells and associated facilities have resulted in the production of substantial volumes of noise. Sound levels diminish with distance. The presence of intervening structures, topography, or vegetation can dramatically reduce the</p>		

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		<p>range at which loud sounds can be perceived. Within the study area, the absense of such buffers that generated sounds are likely to be perceived at long distances.</p> <p>In conclusion, given the existing infrastructure, valid existing leases and other permitted used that fall within this portion of the WCA, EOG supports a finding by BLM that the EOG's Kings Canyon area of interest does not contain wilderness characteristics that warrant protection under restrictive management proscriptions.</p> <p>c. Greater Kings Canyon Area</p> <p>In order to place the above discussion into context, it is important to review and take into account the extensive human imprints and valis existing rights that are found in the surrounding greater Kings Canyon area.</p> <p>The greater Kings Canyon area is comprised of portions of T10S-R18E (sections 12-15, 20-29, and 32-36), T10S-R19E (sections 4-9, 18-20, 25-26), T11S-R19E (sections 2-11, 15-21, 29-32) and T11S-R18E (sections 1-2, 13-16, 21-26, 35-36). Approximately 23,630 acres of lands within this area have been determined by BLM to contain wilderness characteristics.</p> <p>Human Imprints. As of November 2007, a total of approximately 505 acres of the Kings Canyon area within the Desolation Canyon WCA contain oil and gas development, including:</p> <p>83 producing natural gas wells and their associatee facilities.</p>		

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			<p>46 abandoned well locations.</p> <p>Approximately 32 miles of roads.</p> <p>Approximately 32 miles of surface pipelines; and, approximately 82 miles of travel ways, which consist of routes with no regular maintenance or continuous use.</p> <p>Vallid Existing Rights. The greater Kings Canyon area also contains 20 vallid existing (uncontested) federal oil and gas leases, as well as 11 suspended federal leases. This area also contains 7 State of Utah oil and gas leases located wholly or partly within the WCA boundary comprising 2,436 acres. This area is also overlapped by portions of 7 grazing allotments (Lower Showalter, Wildhorse Bench, Green River, Little Desert, Green River Bottoms, Bull Canyon, and Wetlands).</p> <p>In conclusion, given the existing infrastructures, valid existing leases and other permitted used that fall within this portion of the WCA, EOG supports a finding by BLM that the greater Kings Canyon region does not contain wilderness characteristics that warrant protection under restrictive management proscription.</p>		
C.E. Brooks & Associates, P.C.	G	151	12 The DEIS fails to discuss the traffic related impacts on the alleged wilderness values as a result of US Highway 191, a major highway visible from the Mountain Home and Cold Spring Mountain non-WSA areas. There is also a proposed paved, two lane road over the top of the Mountain Home non-WSA area that BLM also failed to consider.	As part of BLM's wilderness characteristics inventory maintenance, BLM performed a combination of data and on-site reviews. This included specific field inspections, Interdisciplinary team review of data such as range files, County and BLM GIS data, and high-resolution 2006 aerial photographs. The BLM's findings are described in the 1999-2003 wilderness re-inventory documentation, as well as the 2007 wilderness characteristics review process (findings from this review are available on the Vernal Field	

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					Office planning website, and in the Administrative Record). The BLM is confident of high-standard approach used to inventory the public lands and stands by its findings, particularly the findings, which involved wilderness characteristics inventory maintenance. U.S. Highway 191 and the proposed two-lane road are not within any non-WSA lands with wilderness characteristics.	
C.E. Brooks & Associates, P.C.	G	151	17	This conclusion is supported in the wilderness characteristics review worksheets which show that BLM did not correctly apply wilderness criteria to these non-WSA area. BLM consistently looked to the existence of "opportunities" for solitude, and primitive and unconfined recreation, as opposed to outstanding opportunities for solitude and outstanding opportunities for primitive and unconfined recreation. 16 U.S.C. Section 1131 (c), BLM Handbook H1601-1 at App. Co, p. 12; 2005 DRMP/DEIS at GL-18.	<p>The BLM did properly review wilderness characteristics on non-WSA lands.</p> <p>The FLPMA directs BLM to manage public lands for multiple use and sustained yield (Section 102(a)(7)). As a multiple-use agency, the BLM is required to implement laws, regulations and policies for many different and often competing land uses and to resolve conflicts and prescribe land uses through its land use plans. The BLM's Land Use Planning Handbook requires that specific decisions be made for each resource and use (See, Appendix C, and Land Use Planning Handbook "H-1601-1"). Specific decisions must be included in each of the alternatives analyzed during development of the land use plan. As each alternative is formulated, each program decision is overlaid with other program decisions and inconsistent decisions are identified and modified so that ultimately a compatible mix of uses and management prescriptions result.</p> <p>As part of BLM's wilderness characteristics inventory maintenance, BLM performed a combination of data and on-site reviews. This included specific field inspections, Interdisciplinary team review of data such as range files, County and BLM GIS data, and high-resolution 2006 aerial photographs. The BLM's findings are described in the 1999-2003 wilderness reinventory documentation, as well</p>	

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					<p>as the 2007 wilderness characteristics review process (findings from this review are available on the Vernal Field Office planning website, and in the Administrative Record). The BLM is confident of high-standard approach used to inventory the public lands and stands by its findings, particularly the findings, which involved wilderness characteristics inventory maintenance.</p> <p>The BLM examined about 411,682 acres of lands proposed in the Red Rock Wilderness Act; described in the 1999-2003 BLM wilderness reinventory documentation; and, public nominated areas for the existence of wilderness characteristics. The BLM found that 277,596 acres of these lands contained wilderness characteristics and are proposed for protective management in Alternative E. The remaining 134,086 acres did not have wilderness characteristics.</p>	

Wild and Scenic River Designations

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Duchesne County Commission	G	10	27	Page 4-85, Section 4.14.1.3.6, last paragraph: Would this statement hold true if the White River were designated Wild and Scenic?	<p>The last paragraph in section 4.14.1.3.6 states:</p> <p>Neither Alternative B nor D – No Action would designate the White River corridor as an ACEC. Accordingly, they would result in greater adverse impacts to the previously described resources along the corridor. However, they would also have fewer restrictions to oil and gas development and OHV use.</p> <p>Commentor does not give specific portion of the paragraph that he/she wants to know specifics about.</p> <p>If the commentor is asking if WSR designation would provide protection the White River, it should be noted that the BLM does not designate Wild and Scenic rivers, it only identifies, finds eligible or non-eligible and recommends as suitable to congress specific river segments.</p> <p>However, management prescriptions for the White River would add additional protections to the White River should it be found suitable as part of the Record Of Decision. It would , however, be subject to Valid Existing Rights.</p>	
Daggett County	G	11	6	Daggett County's well thought out and documented position is that no river segments in the Vernal Field Office planning area should be recommended as suitable for designation in the Wild & Scenic River system on BLM lands. Moreover, Daggett County believes that BLM's process by which it attempted to study Wild & Scenic River suitability is procedurally flawed by its failure to follow NEPA procedures and Wild and Scenic guidelines for determining suitability. Additionally it failed to address and fully consider the impact on the Colorado River Compact.	<p>Appendix J of the DRMP/DEIS details the steps undertaken in the eligibility review process including the identification of outstandingly remarkable values as well as the Suitability Considerations by eligible river segments. The BLM complied with all applicable Federal laws, regulations, and policies in the Wild and Scenic Rivers Study Process.</p> <p>The BLM is aware that there are specific State laws relevant to aspects of public land management that are discrete from, and independent of, Federal law. However,</p>	

Wild and Scenic River Designations

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				<p>In 1922 the Colorado River Compact granted the liberal right of impoundment on rivers and streams that constitute part of the Colorado drainage system. The Wild & Scenic Rivers Act expressly provided that no pre-existing rights shall be impinged, etc. Therefore, BLM should conclude that no proposed segment in Daggett County is suitable for designation, for the additional reason that precipitations on impoundment that accompany designation would violate the pre-existing rights of impoundment granted under the 1922 Colorado River Compact. Furthermore, it is obvious BLM failed to consider for NEPA purposes, the impact of a suitability designation on the pre-existing right of impoundment provided under the 1922 Colorado River Compact. Daggett County cannot support a position recommending any river segment in Daggett County as suitable.</p>	<p>BLM is bound by Federal law. As a consequence, there may be inconsistencies that cannot be reconciled. The FLPMA requires that BLM's land use plans be consistent with State and local plans "to the extent practical" where State and local plans conflict with Federal law there will be an inconsistency that cannot be resolved. The BLM will identify these conflicts in the FEIS/PRMP so that the State and local governments have a complete understanding of the impacts of the PRMP on State and local management options.</p> <p>The WSR Act states within the wild, scenic and recreational definitions that they are subject to valid existing rights. 0</p>	
State of Utah	G	189	2	<p>The state is also concerned about suitability findings for those streams where there are significant water diversions upstream of the subject reach, most of which are for irrigation. This is particularly true for the Green and White river drainages. While federal reserved water rights are traditionally not asserted prior to designation, those stream reaches found suitable are managed as if they were designated. This "managed-as-if-designated" approach has the unfortunate and inaccurate potential to cause managers to believe a de facto federal reserved water right exists for those reaches, and thereby to impact the future management and utilization of valid existing water rights above, below and even within, the reaches. The state strongly believes that the suitability determination phase is the proper time to begin negotiations concerning the extent of any future federal reserved water rights, and requests the BLM to do so as</p>	<p>According to the "Wild and Scenic River Review in the State of Utah Process and Criteria for Interagency Use" (July 1996), Congress has allowed for the existence of some human modification of a riverway, the presence of impoundments or major dams above or below a segment under review (including those that may regulate the flow regime through the segment). The existence of minor dams, diversion structures, and rip-rap within the segment shall not by themselves render a reach ineligible. Barring congressional action, there is no effect on water rights or in-stream flows related to suitability findings made in a land use plan decision. Even if Congress were to designate rivers into the National Wild and Scenic Rivers System, any such designation would have no effect on existing water rights. Section 13(b) of the Wild and Scenic River Act states that jurisdiction over waters is determined by established principles of law. In Utah, the State has</p>	

Wild and Scenic River Designations

Individual / Organization	Commenter Type, Record ID, & Comment Number			Comment Text	Response to Comment	Doc Mod
				<p>the Final Vernal RMP is prepared. As a minimum, the State Engineer requests the BLM catalog all valid, existing water rights which may be affected by designation as part of the Final EIS.</p>	<p>jurisdiction over water. Although the Wild and Scenic Rivers Act implies a Federal reserved water right for designated rivers, it does not require or specify any amount, and as noted above, confirms that Utah has jurisdiction over water rights. The BLM would be required to adjudicate the water right, in the same manner as any other entity, by application through State processes. Thus, for congressionally designated rivers, the BLM may assert a Federal reserved water right for appurtenant and unappropriated water with a priority date as of the date of designation (junior to all existing rights), but only in the minimum amount necessary to fulfill the primary purpose of the reservation.</p> <p>Based on the information given in this response, the BLM declines to provide the requested catalog of affected valid existing water rights, as the federal water right would be junior to the valid existing rights, and therefore have no affect on them.</p>	
<p>Uintah County</p>	<p>G</p>	<p>190</p>	<p>5</p>	<p>The Wild & Scenic Rivers Act expressly provided that no pre-existing rights shall be impinged, etc. Therefore, BLM should conclude that no proposed segment in Uintah County is suitable for designation, for the addition reason that prohibitions on impoundment that accompany designations would violate the pre-existing rights of impoundment granted under the 1922 Colorado River Compact.</p>	<p>Barring congressional action, there is no effect on water rights or in-stream flows related to suitability findings made in a land use plan decision. Even if Congress were to designate rivers into the National Wild and Scenic Rivers System, any such designation would have no effect on existing water rights. Section 13(b) of the Wild and Scenic River Act states that jurisdiction over waters is determined by established principles of law. In Utah, the State has jurisdiction over water. Although the Wild and Scenic Rivers Act implies a Federal reserved water right for designated rivers, it does not require or specify any amount, and as noted above, confirms that Utah has jurisdiction over water rights. The BLM would be required to adjudicate the water right, in the same manner as any other entity, by application through State processes. Thus,</p>	

Wild and Scenic River Designations

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