

APPENDIX B

UNSUITABILITY CRITERIA

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Unsuitability Criteria	General Recommendations for Buffalo Resources Area ¹	Findings for General Analysis Area
<p>1. Federal Land Systems. With certain exceptions that do not apply to this tract, all federal lands included in the following systems are unsuitable for mining: National Parks, National Wildlife Refuges, National System of Trails, National Wilderness Preservation System, National Wild and Scenic Rivers, National Recreation Areas, Lands acquired through the Land and Water Conservation Fund, National Forests and Federal lands in incorporated cities, towns and villages.</p>	<p>Portions of federal lands located around Gillette, Sheridan, and Wright were determined to be unsuitable under this criterion.</p>	<p>None of the federal lands determined to be unsuitable under Criterion 1 are present in the general analysis area. Therefore, no unsuitable findings under Criterion 1 apply to the general analysis area.</p>
<p>2. Rights-Of-Way and Easements. Federal lands that are within ROWs or easements or within surface leases for residential, commercial, industrial, or other public purposes, on federally owned surface, are unsuitable for mining.</p>	<p>Portions of the BNSF and UP railroad ROWs, the Tri-County 230-kV transmission line ROW, the Wyoming 450 ROW, and the I-90 ROW were found to be unsuitable under this criterion within the general review area.</p>	<p>The portions of the Tri-County 230-kV transmission line ROW, the Wyoming 450 ROW, the I-90 ROW, and the BNSF and UP railroad ROWs that were determined to be unsuitable are not located within the general analysis area. Therefore, no unsuitable findings under Criterion 2 apply to the general analysis area.</p>
<p>3. Buffer Zones for Rights-Of-Way, Communities, and Buildings. Federal lands within 100 feet of a ROW of a public road or a cemetery; or within 300 feet of any public building, school, church, community or institutional building, or public park; or within 300 feet of an occupied dwelling are unsuitable for mining.</p>	<p>Portions of Wyoming 450, I-90, and one cemetery were found to be unsuitable under this criterion. Decisions were deferred on other highways/roads, occupied dwellings, and one school until an application to lease is filed.</p>	<p>Wyoming 450, I-90, and the cemetery are not located in the general analysis area. No schools are located in the general analysis area. One occupied dwelling is located west of the McGee Road in the BLM study area. Therefore, the area within the 300-foot buffer zone surrounding the occupied dwelling is designated as unsuitable for mining under Criterion 3 and the lease will be stipulated to exclude mining within this area. Portions of the Collins and McGee Roads, both Campbell County roads, are located within the general analysis area. Therefore, the portions of the general analysis area within the Collins and McGee road ROWs and their associated 100-foot buffer zones are designated unsuitable for mining under Criterion 3 and the lease will be stipulated to exclude mining within these areas unless a permit to move the roads is approved by the Campbell County Board of Commissioners.</p>
<p>4. Wilderness Study Areas. Federal lands designated as wilderness study areas are unsuitable for mining while under review for possible wilderness designation.</p>	<p>No lands in the general review area are within a wilderness study area.</p>	<p>No unsuitable findings under Criterion 4 apply to the general analysis area.</p>
<p>5. Scenic Areas. Scenic federal lands designated by visual resource management analysis as Class I (outstanding visual quality or high visual sensitivity) but not currently on National Register of Natural Landmarks are unsuitable.</p>	<p>No lands in the general review area meet the scenic criteria as outlined.</p>	<p>No unsuitable findings under Criterion 5 apply to the general analysis area.</p>

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<p>6. Land Used for Scientific Study. Federal lands under permit by the surface management agency and being used for scientific studies involving food or fiber production, natural resources, or technology demonstrations and experiments are unsuitable for the duration of the study except where mining would not jeopardize the purpose of the study.</p>	<p>Two vegetation monitoring study sites on the Thunder Basin National Grassland (NE¼ of Sec. 1, T.41N., R.71W. and NW¼ NW¼ of Sec. 30, T.41N., R.69W.), and the Hoe Creek Site (Sec. 7, T.47N., R.72W.) were found to be unsuitable under this criterion.</p>	<p>The vegetation monitoring sites and the Hoe Creek site are not located in the general analysis area. Therefore, no unsuitable findings under Criterion 6 apply to the general analysis area.</p>
<p>7. Cultural Resources. All publicly or privately owned places which are included in or are eligible for inclusion in the National Register of Historic Places and an appropriate buffer zone are unsuitable.</p>	<p>On the basis of the consultation with the State Historic Preservation Office, there are sites within the general review area that are listed in the National Register of Historic Places. Continue using the "Standard Archeological Stipulation" on all new coal leases.</p>	<p>No unsuitable findings under Criterion 7 apply to the general analysis area. The "Standard Archeological Stipulation" should be applied if a lease is issued.</p>
<p>8. Natural Areas. Federal lands designated as natural areas or National Natural Landmarks are unsuitable.</p>	<p>No lands in the general review area are designated as natural areas or as National Natural Landmarks.</p>	<p>No unsuitable findings under Criterion 8 apply to the general analysis area.</p>
<p>9. Critical Habitat for Threatened or Endangered Plant and Animal Species. Federally designated critical habitat for threatened or endangered plant and animal species, and scientifically documented essential habitat for threatened or endangered species are unsuitable.</p>	<p>No federally designated critical habitat for threatened or endangered plant or animal species is present within the general review area.</p>	<p>No unsuitable findings under Criterion 9 apply to the general analysis area.</p>
<p>10. State Listed Threatened or Endangered Species. Federal lands containing habitat determined to be critical or essential for plant or animal species listed by a state pursuant to state law as threatened or endangered shall be considered unsuitable.</p>	<p>Wyoming does not maintain a state list of threatened or endangered species of plants or animals. Therefore, this criterion does not apply.</p>	<p>No unsuitable findings under Criterion 10 apply to the general analysis area.</p>
<p>11. Bald or Golden Eagle Nests. An active bald or golden eagle nest and appropriate buffer zone are unsuitable unless the lease can be conditioned so that eagles will not be disturbed during breeding season or unless golden eagle nests will be moved.</p>	<p>Defer suitability decisions and evaluate bald and golden eagle nests on a case by case basis at the time of leasing. Establish buffer zones around nests during mining and reclamation planning after consultation with USFWS.</p>	<p>No bald or golden eagle nests (active or inactive) are in the general analysis area. Evaluate suitability prior to lease issuance during consultation with the USFWS.</p>
<p>12. Bald and Golden Eagle Roost and Concentration Areas. Bald and golden eagle roost and concentration areas on federal lands used during migration and wintering are unsuitable unless mining can be conducted in such a way as to ensure that eagles shall not be adversely disturbed.</p>	<p>Defer suitability decisions and evaluate bald and golden eagle roost areas on a case by case basis prior to lease issuance. Establish buffer zones after consultation with USFWS.</p>	<p>No identified roost sites are within the general analysis area. Evaluate suitability prior to lease issuance during consultation with the USFWS.</p>

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<p>13. Falcon Nesting Sites and Buffer Zones. Federal lands containing active falcon (excluding kestrel) cliff nesting sites and a suitable buffer zone shall be considered unsuitable unless mining can be conducted in such a way as to ensure the falcons will not be adversely affected.</p>	<p>Defer suitability decisions on falcon nesting sites and evaluate on a case by case basis prior to lease issuance. Establish buffer zones around nesting sites after consultation with USFWS.</p>	<p>No falcon nesting sites have been identified within the general analysis area. No unsuitable findings under Criterion 13 apply to the general analysis area.</p>
<p>14. Habitat for Migratory Bird Species. Federal lands which are high priority habitat for migratory bird species of management concern in Wyoming shall be considered unsuitable unless mining can be conducted in such a way as to ensure that migratory bird habitat will not be adversely affected during the period it is in use.</p>	<p>Defer suitability decisions on high priority habitat for migratory bird species of management concern in Wyoming and evaluate on a case by case basis prior to lease issuance. Establish buffer zones for nesting areas during mining and reclamation planning after consultation with USFWS.</p>	<p>Evaluate suitability during consultation with the USFWS.</p>
<p>15. Fish and Wildlife Habitat for Resident Species. Federal lands which the surface management agency and state jointly agree are fish, wildlife and plant habitat of resident species of high interest to the state, and which are essential for maintaining these priority wildlife species, shall be considered unsuitable unless mining can be conducted in such a way as to ensure no long-term impact on the species being provided will occur.</p>	<p>Defer suitability decisions on grouse leks and evaluate on a case by case basis prior to lease issuance. Establish buffer zones after consultation with Wyoming Game & Fish Department.</p>	<p>No sage-grouse leks are present in the general analysis area. One abandoned and two occupied sage-grouse leks are within 3 miles of the general analysis area. Evaluate this criterion prior to lease issuance. Establish buffer zones during mining and reclamation planning after consultation with the Wyoming Game & Fish Department.</p>
<p>16. Floodplains. Federal lands in riverine, coastal, and special floodplains shall be considered unsuitable where it is determined that mining could not be undertaken without substantial threat of loss of life or property.</p>	<p>The BLM and United States Department of Agriculture-Forest Service have determined that the identified floodplains in the general review area could potentially be mined. Therefore, all lands within the general review area are considered suitable.</p>	<p>Site-specific stipulations and resource protection safeguards will be applied if necessary during mining and reclamation planning. No unsuitable findings under Criterion 16 apply to the general analysis area.</p>
<p>17. Municipal Watersheds. Federal lands which have been committed by the surface management agency to use as municipal watersheds shall be considered unsuitable.</p>	<p>No designated municipal watersheds are present in the general review area.</p>	<p>No unsuitable findings under Criterion 17 apply to the general analysis area.</p>
<p>18. National Resource Waters. Federal lands with national resource waters, as identified by states in their water quality management plans, and 1/4-mile buffer zones shall be unsuitable.</p>	<p>No designated national resource waters are present within the general review area.</p>	<p>No unsuitable findings under Criterion 18 apply to the general analysis area.</p>

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<p>19. Alluvial Valley Floors. Federal lands identified by the surface management agency, in consultation with the state, as AVFs where mining would interrupt, discontinue or preclude farming, are unsuitable. Additionally, when mining federal lands outside an AVF would materially damage the quality or quantity of water in surface or underground water systems that would supply AVFs, the land shall be considered unsuitable.</p>	<p>Consider areas determined to contain AVFs significant to farming as unsuitable. Defer decisions on other AVFs and analyze on a case-by-case basis prior to lease issuance.</p>	<p>No AVFs or potential AVFs have been identified in the general analysis area with characteristics indicating potential significance to farming. No unsuitable findings under Criterion 19 apply to the general analysis area.</p>
<p>20. State or Indian Tribe Criteria. Federal lands to which is applicable a criterion proposed by the state or Indian tribe located in the planning area and adopted by rulemaking by the Secretary are unsuitable.</p>	<p>No criterion proposed by state or Indian tribes have been approved by the Secretary of the Interior. No tribal lands are located in or near the general review area.</p>	<p>No unsuitability findings under Criterion 20 apply to the general analysis area.</p>

BNSF = Burlington Northern Santa Fe Railroad; UP = Union Pacific Railroad; ROW = right of way; Wyoming 450 = Wyoming Highway 450; I-90 = Interstate Highway 90; BLM = U.S. Bureau of Land Management; USFWS = United States Fish and Wildlife Service; AVF = alluvial valley floor; kV = kilovolt

¹ BLM 1985. Buffalo Resource Area Resource Management Plan Environmental Impact Statement. Casper, Wyoming.

BLM 2001. Approved Resource Management Plan for Public Lands Administered by the Bureau of Land Management Buffalo Field Office. Buffalo, WY. Available: <<http://www.wy.blm.gov>>.