# APPENDIX A

# VALIDATION OF UNSUITABILITY CRITERIA FOR WEST ROCKY BUTTE TRACT

Table A-1. Validation of Unsuitability Criteria for West Rocky Butte Tract

| UNSUITABILITY CRITERIA | FINDINGS FROM BUFFALO RESOURCE AREA RMP (BLM, 1985) | VALIDATION FOR WEST ROCKY BUTTE TRACT |
|---|---|---|
| 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 leasing: National Parks, National Wildlife Refuges, National System of Trails, National Wilderness Preservation System, National Forests and federal lands in incorporated cities, towns and villages. | None of the listed federal lands categories are present within the Buffalo Resource Area coal development review area. | Not applicable to West Rocky Butte. |
| 2. Rights of Way and Easements. Federal lands that are within rights of way or easements or within surface leases for residential, commercial, industrial or other public purposes, or for agricultural crop production on federally owned surface are unsuitable for leasing. | Rights of way and buffers for mainline railroads, I-25 and I-90 were declared unsuitable. | None of these rights of way are on the WRB tract, and the area is available for further consideration. |
| 3. Buffer Zones for Rights of Way, Communities, and Buildings. Federal lands within 100 feet of a right of way of a public building, school, church, community or institutional building or public park or within 300 feet of an occupied dwelling. | Within the study area there were 390 acres around dwellings that were considered unsuitable. | None of the occupied dwellings are within 300 feet of the tract, and the tract is therefore available for further consideration. |
| 4. Wilderness Study Areas. Federal lands designated as wilderness study areas are unsuitable while under review for possible wilderness designation. | A portion of the Fortification Creek wilderness study area is within the review area but not near the WRB tract. | There are no unsuitable findings, and the WRB tract is available for further consideration. |
| 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. | No lands on the review area meet the scenic criteria as outlined. | There are no unsuitable findings, and the WRB tract is available for further consideration. |
| 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. | No lands in the review area are under permit except small enclosures being used to gage reclamation success on existing mines. | There are no unsuitable findings, and the WRB tract is available for further consideration. |
| 7. Historic Lands and Sites. All districts, sites, buildings, structures, and objects of historic, architectural, archeological, or cultural significance on federal lands included in or eligible for inclusion in the National Register of Historic Places and an appropriate buffer zone are unsuitable. | On the basis of the consultation with the State Historic Preservation Office, there were no unsuitable findings under this criterion in the review area. No sites in the review area are listed on the National Register for Historic places. | There are no unsuitable findings, and the WRB tract is available for further consideration. |
| 8. Natural Areas. Federal lands designated as natural areas or National Natural Landmarks are unsuitable. | The Dry Creek Petrified Tree Natural Area was identified as unsuitable. This is not on or near the WRB tract. | There are no unsuitable findings, and the WRB tract is available for further consideration. |
| 9. Critical Habitat for Threatened or Endangered Plant and Animal Species. Federally designated critical habitat for T & E plant and animal species, and essential habitat for T & E species are unsuitable. | There is no federally designated critical habitat for T & E plant or animal species within the review area. Prairie dog towns were considered acceptable pending further study. | There are no unsuitable findings, and the WRB tract is available for further consideration. |

Table A-1. Validation of Unsuitability Criteria for West Rocky Butte Tract (continued)

| UNSUITABILITY CRITERIA | FINDINGS FROM BUFFALO RESOURCE AREA RMP (BLM, 1985) | VALIDATION FOR WEST ROCKY BUTTE TRACT |
|---|---|---|
| 10. State Listed 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 T & E shall be considered unsuitable. | Wyoming does not maintain a state list of T & E species of plants or animals. Therefore, this criterion does not apply. | There are no unsuitable findings, and the WRB tract is available for further consideration. |
| 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 eagles will not be disturbed during breeding season or unless golden eagle nests will be moved. | The BLM found numerous eagle nests, and buffer zones were established, and determined that about 116,000 acres are unsuitable under this criterion. | No active eagle nests were found on or near the WRB tract. There are no unsuitable findings, and the WRB tract is available for further consideration. |
| 12. Bald and Golden Eagle Roost and Concentration Areas. Bald and golden eagle roost and concentration areas on federal lands during migration and wintering are unsuitable unless mining can be conducted in such a way as to ensure that eagles shall not be disturbed. | No golden eagle roost or concentration areas occur on the review area. Bald eagle roosts and buffer areas encompassing about 980 acres were declared unsuitable. | None of the bald eagle roosts are on the WRB tract, and the WRB tract is available for further consideration. |
| 13. Federal lands containing an active falcon (excluding kestrel) cliff nesting sites and a suitable buffer zone shall be considered unsuitable. | About 5,700 acres were determined unsuitable because of prairie falcon nests and buffer areas. | None of the sites are on the WRB tract, and the WRB tract is available for further consideration. |
| 14. Habitat for Migratory Bird Species. Federal lands which are high priority habitat for migratory bird species of high federal interest shall be considered unsuitable. | About 460 acres were declared unsuitable due to two active merlin nests. | Neither of the sites is on the WRB tract, and the WRB tract is available for further consideration. |
| 15. Fish and Wildlife Habitat for Resident Species. Federal lands which the surface management agency and state jointly agree are fish and wildlife habitat of resident species of high interest to the state, and which are essential for maintaining these priority wildlife species, shall be considered unsuitable. | About 13,300 acres were declared unsuitable under this criterion. | None of the unsuitable areas are on the WRB tract, and the WRB tract are available for further consideration. |
| 16. Floodplains. Federal lands in riverine, coastal, and special floodplains shall be considered unsuitable unless stipulated methods of mining can be undertaken without substantial threat of loss of life or property. | After consultation with the USGS, it was determined that floodplains can be mined with site specific stipulations and resource protection safeguards to be developed during mining and reclamation planning. Therefore, all lands within the review area are available for further consideration. | There are no unsuitable findings, and the WRB tract is available for further consideration. |
| 17. Municipal Watersheds. Federal lands which have been committed by the surface management agency to use as municipal watersheds shall be considered unsuitable. | There are no municipal watersheds in the review area. | There are no unsuitable findings, and the WRB tract is available for further consideration. |
| 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. | There are no natural resource waters within the review area. | There are no unsuitable findings, and the WRB tract is available for further consideration. |

Table A-1. Validation of Unsuitability Criteria for West Rocky Butte Tract (continued)

| UNSUITABILITY CRITERIA | FINDINGS FROM BUFFALO RESOURCE AREA RMP (BLM, 1985) | VALIDATION FOR WEST ROCKY BUTTE TRACT |
|---|---|---|
| 19. Alluvial Valley Floors. All lands identified by the surface management agency, in consultation with the state, as AVFs where mining would interrupt, discontinue or prelude 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. | Lands along prominent drainages were considered potential AVFs pending a final determination by the state. These lands are placed in an "available pending further study" category and are not considered unsuitable. | Tisdale Creek was included in the potential AVFs. Tisdale Creek is being mined and reclaimed downstream, and it is considered available for further consideration pending a determination during mine permitting. |
| 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. | The state has no applicable criteria and there is no Indian tribe located in or near the planning area. Therefore there is no unsuitability finding. | Various tribal entities were notified during scoping process. None expressed concerns. Thus the WRB tract is available for further consideration. |