

APPENDIX B

UNSUITABILITY CRITERIA FOR THE WEST HAY CREEK LBA TRACT

UNSUITABILITY CRITERIA	GENERAL RECOMMENDATIONS FOR BUFFALO RESOURCE AREA (BLM 1985, 2001), PLATTE RIVER RESOURCE AREA (BLM1985B), AND THE THUNDER BASIN NATIONAL GRASSLAND (USFS 1985, 2002)	FINDINGS FOR THE WEST HAY CREEK TRACT
<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>There are Federal lands located around Gillette, Sheridan, and Wright that were determined to be unsuitable under this criterion. No TBNG lands are included in the West Hay Creek LBA Tract.</p>	<p>None of the federal lands determined to be unsuitable under Criterion 1 are present on the LBA tract; therefore there are no unsuitable findings.</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&UP railroad, the Tri-County 230-Kv transmission line, and State Highway 450 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, the BNSF&UP ROW, and Highway 450 that were found to be unsuitable are not located on the West Hay Creek LBA Tract. There are no unsuitable findings under Criterion 2 for the West Hay Creek LBA Tract.</p>
<p>3. Dwellings, Roads, Cemeteries, and Public 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 Highway 450, Interstate Highway 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.</p>	<p>Wyoming Highway 450, I-90, and the cemetery are not located on the West Hay Creek LBA Tract. No occupied dwellings, other highways/roads, or schools are located on the tract. Therefore, there are no unsuitable findings under Criterion 3 for the West Hay Creek LBA Tract.</p>
<p>4. Wilderness Study Areas. Federal lands designated as wilderness study areas (WSAs) 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>There are no unsuitable findings under Criterion 4 for the LBA tract.</p>
<p>5. Lands with Outstanding Scenic Quality. 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>There are no unsuitable findings under Criterion 5 for the LBA tract.</p>
<p>6. Lands 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>No lands in the general review area are being used for scientific study.</p>	<p>There are no unsuitable findings under Criterion 6 for the LBA tract.</p>
<p>7. Cultural Resources. All publicly or privately owned places which are included in or are eligible for inclusion in the NRHP and an appropriate buffer zone are unsuitable.</p>	<p>On the basis of consultation with SHPO, there were no unsuitable findings under this criterion in the general review area. Continue using the Standard Archeological Stipulation for Cultural Resources.*</p>	<p>There are no unsuitable findings under Criterion 7 for the LBA tract. The Standard Archeological Stipulation for Cultural Resources* should be applied if this tract is leased.</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>There are no unsuitable findings under Criterion 8 for the LBA tract.</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>There is no federally designated critical habitat for threatened or endangered plant or animal species within the general review area.</p>	<p>There are no unsuitable findings under Criterion 9 for the West Hay Creek LBA Tract.</p>
<p>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 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>There are no unsuitable findings under Criterion 10 for the LBA tract.</p>

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11. <i>Bald or Golden Eagle Nests.</i> 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.	Defer suitability decisions and evaluate bald and golden eagle nests on a case by case basis prior to lease issuance. Establish buffer zones around nests after consultation with USFWS.	There are currently no active bald or golden eagle nests or established buffer zones located on the West Hay Creek LBA Tract. There are no unsuitable findings under Criterion 11 for the West Hay Creek LBA Tract.
12. <i>Bald and Golden Eagle Roost and Concentration Areas.</i> 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.	Defer suitability decisions and evaluate bald and golden eagle roost areas case by case before lease issuance. Establish buffer zones after consultation with USFWS.	There are currently no bald or golden eagle roosts or established buffer zones located on the LBA tract. There are no unsuitable findings under Criterion 12.
13. <i>Falcon Nesting Sites and Buffer Zones.</i> 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.	Defer suitability decisions on falcon nesting sites and evaluate case by case basis before lease issuance. Establish buffer zones around nesting sites after consultation with USFWS.	There are no falcon nesting sites on the LBA tract; therefore, there are no unsuitable findings under Criterion 13.
14. <i>Habitat for Migratory Bird Species.</i> Federal lands which are high priority habitat for migratory bird species of high federal interest 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.	Defer suitability decisions on migratory bird habitat and evaluate case by case before lease issuance. Establish buffer zones around nesting sites after consultation with USFWS.	No high priority habitat for migratory bird species of high federal interest has been identified on the LBA tract and adjacent areas. There are no unsuitable findings under Criterion 14.
15. <i>Fish and Wildlife Habitat for Resident Species.</i> 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 will occur.	Defer suitability decisions on grouse leks and evaluate case by case before lease issuance. Establish buffer zones after consultation with USFWS.	There are no active or inactive sage grouse leks on the LBA tract. Two active sharp-tailed grouse leks were identified on lands adjacent to the LBA tract, one within ½ mile. There are no unsuitable findings under Criterion 15.
16. <i>Floodplains.</i> 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.	The BLM and USFS have determined that the identified floodplains could potentially be mined. Therefore, all lands within the general review area are considered suitable.	Site-specific stipulations and resource protection safeguards will be applied if necessary during mining and reclamation planning. There are no unsuitable findings under Criterion 16 for the LBA tract.
17. <i>Municipal Watersheds.</i> Federal lands which have been committed by the surface management agency to use as municipal watersheds shall be considered unsuitable.	There are no designated municipal watersheds in the general review area.	There are no unsuitable findings under Criterion 17 for the LBA tract.
18. <i>National Resource Waters.</i> Federal lands with national resource waters, as identified by states in their water quality management plans, and ¼-mile buffer zones shall be unsuitable.	There are no designated national resource waters within the TBNG review area.	There are no unsuitable findings under Criterion 18 for the LBA tract.
19. <i>Alluvial Valley Floors.</i> 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.	Consider areas determined to contain alluvial valley floors significant to farming as unsuitable. Defer decisions on other AVFs and analyze on a case-by-case basis at the time a lease action is evaluated.	There are no unsuitable findings under Criterion 19 for the LBA tract.
20. <i>State or Indian Tribe Criteria.</i> 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.	There are no criterion proposed by state or Indian tribes that have been approved by the Secretary of the Interior. No tribal lands are located in or near the review area.	There are no unsuitability findings for this criterion on the LBA tract.