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October 8, 2007

VIA FACSIMILE AND FEDEX

Michele Easley, Team Leader
Bureau of Land Management
Kemmerer Field Office
312 Highway 189 North
Kemmerer, WY 83101

Re: Union Telephone Company, Inc.; Comments on Draft Environmental Impact Statement for Kemmerer Resource Management Plan, WY 090-07-1610-DP

Dear Ms. Easley:

Enclosed for filing with the Bureau of Land Management, please find the Comments of Union Telephone Company in response to the "Notice of Availability of the Kemmerer Draft Resource Management Plan Revision and Draft Environmental Impact Statement."

In addition, we request that you please date-stamp the additional copy provided and return it in the attached FedEx envelope.

Thank you for your assistance in this matter.

Very truly yours,

Shirley S. Fujimoto

Attorney for Union Telephone Company

Enclosures

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Before the
United States Department of the Interior
Bureau of Land Management

In the Matter of

Notice of Availability of the Kemmerer Draft Resource Management Plan and Environmental Impact Statement — **WY-090-07-1610-DP**

To: The Kemmerer Field Office

COMMENTS OF UNION TELEPHONE COMPANY

Union Telephone Company ("Union"), through its undersigned counsel, respectfully submits these Comments in response to the *Notice of Availability* in the above-captioned matter,[1] pursuant to section 1610.2 of the Bureau of Land Management's ("BLM") rules.[2] In this *Notice of Availability*, the BLM proposed to prepare a Final Environmental Impact Statement ("EIS") and a revised Resource Management Plan ("RMP") for the Kemmerer Resource Area.[3]

Union commends the BLM for its efforts to update the RMP for the Kemmerer Resource Area. Although the BLM has incorporated piecemeal amendments to this RMP since its adoption in 1986, the BLM should revisit the RMP to ensure that it reflects the nation's evolving priorities and the greater importance of wireless communications in modern life. In particular, Union urges the BLM to revise the RMP to facilitate the availability of federal lands for the siting of wireless communications infrastructure. While Union recognizes that the BLM must balance the management of various land uses, it recommends the adoption of Alternative C and

[1] Notice of Availability of the Kemmerer Draft Resource Management Plan Revision and Draft Environmental Impact Statement, 72 Fed. Reg. 38615 (July 13, 2007) *("Notice of Availability").*

[2] 43 C.F.R. § 1610.2 (2006); *see* 43 U.S.C. § 1712(f) (1986).

[3] In the Federal Register, the Environmental Protection Agency announced that comments were due on October 11, 2007. Environmental Impact Statements; Notice of Availability, 72 Fed. Reg. 38576 (July 13, 2007).

would also support the continuation of the existing management plan, with certain revisions to both Alternatives to promote greater access to BLM-administered lands. Regardless of the alternative selected, the BLM should continue to follow a flexible approach to the siting of wireless communications infrastructure in the Kemmerer Resource Area and, when necessary, designate additional utility corridors and communications site windows.

The adoption of Alternative C would advance numerous federal laws and policies. Specifically, this Alternative would comply with the executive and legislative directives supporting the construction and use of wireless communications infrastructure on federal lands. The siting of communications towers on federal lands also would further federal policies concerning the enhancement of public safety and emergency communications and the expansion of telecommunications services to rural areas. Finally, the siting of wireless communications infrastructure is otherwise consistent with the BLM's management priorities under the Federal Land Policy and Management Act of 1976 ("FLPMA") and the National Environmental Policy Act of 1969 ("NEPA").

I. BACKGROUND

Union was founded in 1914 and has a long-standing history of providing vital telecommunications services in underserved rural areas. Based in Mountain View, Wyoming, Union provides local telephone service to approximately twenty-five rural communities in parts

[4] Under no circumstances, however, should BLM adopt the Alternative B proposal to limit all new communications facilities to Quealy Peak, Medicine Butte, Hickey Mountain, and the BLM Wareyard. U.S. Department of the Interior, Bureau of Land Management, Draft Environmental Impact Statement for the Kemmerer Management Plan 2-22; 4-181; (2007) ^*Kemmerer Draft EIS"*). Alternative B would impose unnecessary design and siting requirements on wireless licensees that could (1) restrict the placement of communications sites; (2) limit future access to sites; (3) create dead zones in wireless coverage; (4) delay the availability of communications service in rural areas; (5) require the siting of communications sites in less-desirable locations or in areas with additional restrictions on accessibility or construction; and (6) increase the cost of deploying wireless communications service. *Id.*

of Wyoming, Colorado, and Utah. In 1990, Union expanded to wireless telecommunications service and now provides, or is licensed to provide, coverage to an area encompassing over 123,611 square miles of mostly rural country. Although Union commenced operations with only eight cell sites, the demand for cellular service has caused this number to multiply to over 200 cell sites located throughout Wyoming, northwestern Colorado, and parts of Utah. Besides basic telephone and cellular service, Union also offers long distance, Internet, and cable television service.

Union has a strong interest in the *Notice of Availability* because the preparation of a Final EIS and revised RMP will determine the availability of BLM-administered lands in the Kemmerer Resource Area for the siting of wireless communications infrastructure. The Kemmerer Resource area is within Union's licensed wireless service area. As depicted on a map of Union's Global System for Mobile Communications ("GSM") home coverage area,[5] Union already provides coverage to portions of this Resource Area. Although Union has constructed or otherwise uses several wireless communications towers in the Kemmerer Resource Area,[6] it will need to construct other towers in this Resource Area in the future. Thus, this proceeding directly impacts Union's existing and proposed operations.

Union Wireless, Union Wireless GSM Home Coverage Map, *available at* http://www.unionwireless.com/pdf/GSMHomeMap.pdf (last visited May 10, 2007) (attached as Exhibit 1). GSM is a state-of-the-art digital wireless communications service, which is used by AT&T and T-Mobile, as well as Union.

For example, Union has constructed communications sites on BLM-administered land in the Kemmerer Resource Area at the Sage Junction and Narrows Communication sites.

[7] With the anticipated growth in recreation and tourism in the Kemmerer Resource Area, including at the Fossil Buttes Museum and various hunting and fishing areas, Union anticipates additional demand for wireless communications.

II. FEDERAL LAW COMPELS BLM TO MAKE THE KEMMERER RESOURCE AREA AVAILABLE FOR THE SITING OF WIRELESS COMMUNICATIONS INFRASTRUCTURE

The BLM has received directives from the President and Congress to implement the nation's strategy for wireless communications. Over the past twelve years, the executive and legislative branches have prodded land management agencies to encourage and facilitate the siting of wireless communications infrastructure on federal property. These directives initially appeared in the mid-1990s in (1) an Executive Memorandum; (2) the Telecommunications Act of 1996; and (3) a General Services Administration Bulletin. The BLM's Washington Office subsequently issued an Instruction Memorandum providing guidance to its field offices on rights-of-way planning. President Bush also issued an Executive Memorandum reiterating the importance of expanding the deployment of telecommunications infrastructure on federal lands.

A. The Executive and Legislative Branches Encourage the Siting of Wireless Communications Infrastructure on Federal Land

On August 10,1995, President Clinton issued an Executive Memorandum directing the BLM and other executive departments and agencies to facilitate the siting of "mobile services antennas" on federal property.[8] Specifically, the Executive Memorandum indicates that "[u]pon request, and to the extent permitted by law and where practicable, executive departments and agencies shall make available Federal Government buildings and lands for the siting of mobile service antennas."[9] The Executive Memorandum predicts that the siting of these antennas on federal property would foster new technologies, stimulate economic growth, and create new

Memorandum of August 10, 1995, Facilitating Access to Federal Property for the Siting of Mobile Services Antennas, 60 Fed. Reg. 42023, 42023 (Aug. 14, 1995).

[9] *Id.*

In the Telecommunications Act of 1996, Congress further attempted to spur the deployment of wireless telecommunications services by directing federal agencies to support the siting of antennas on federal property. Section 704(c) requires "the President or his designee [to] prescribe procedures by which federal departments and agencies may make available . . . property, rights-of-way, and easements under their control" for the siting of wireless communications infrastructure.[11] The Federal Communications Commission's ("FCC") Wireless Telecommunications Bureau interprets this provision as requiring the federal government to help wireless licensees to "get access to *preferred* sites for their facilities."

In response to the Executive Memorandum and the Telecommunications Act, the General Services Administration published a Bulletin in the Federal Register outlining the guiding principles and actions necessary for federal agencies to implement the antenna siting program.[13] The Bulletin notes that "[Requests for the use of property, rights-of-way and easements by telecommunications service providers . . . should be granted, unless there are unavoidable conflicts with the department's or agency's mission, or current or planned use of the property or access to that property."[14] Thus, the GSA's implementation guidelines call for federal departments and agencies, including the BLM, to support the siting of commercial antennas on federal property.

[11] Telecommunications Act of 1996, Pub. L. No. 104-104 § 704(c), 110 Stat. 56, 152 (1996) (codified at 47 U.S.C. § 332 note (2001)); H.R. Rep. No. 104-458 at 207-209 (1996) (Conf. Rep.), *as reprinted in* 1996 U.S.C.C.A.N. 124.

Federal Communications Commission, Wireless Telecommunications Bureau, New National Wireless Tower Siting Policies, Fact Sheet, http://wireless.fcc.gov/siting/factl.html (Apr. 23, 1996) (emphasis added).

[13] Placement of Commercial Antennas on Federal Property, 72 Fed. Reg. 11881 (Mar. 14, 2007). The GSA published prior versions of these policies in March 1996 and June 1997. Placement of Commercial Antennas on Federal Property, 62 Fed. Reg. 32611 (June 16, 1997); Placement of Commercial Antennas on Federal Property, 61 Fed. Reg. 14100 (Mar. 29, 1996).

[14] Placement of Commercial Antennas on Federal Property, 72 Fed. Reg. at 11883.

B. The BLM Requires Its Field Offices to Facilitate the Siting of Wireless Communications Infrastructure as Part of the Land-Use Planning Process

In 2002, the BLM issued an Instruction Memorandum regarding the incorporation of communications rights-of-way ("ROW") into the land-use planning process.[15] In this Instruction Memorandum, the BLM's Washington Office advises the field offices that "each RMP should consider a general RMP goal statement or ROW corridor decision which emphasizes that BLM will encourage use of the designated ROW corridors and ROW Use Areas *to the extent possible.*"[16] Although the BLM encourages the use of designated ROW corridors, it also requires field offices to consider "site specific needs."[17]

C. President Bush Reiterated the Importance of Deploying Communications Infrastructure on Federal Lands

In 2004, President Bush elaborated on the policy of wireless infrastructure deployment in an Executive Memorandum.[18] Specifically, the Executive Memorandum declares that "a key to widespread broadband deployment is ensuring that broadband providers have timely and cost-effective access to rights-of-way so that they can build out their networks across the Nation."[19] Because these wireless networks "often need to cross large areas of land owned or controlled by the Federal Government," the Administration created a Federal Rights-of-Way Working Group to "identify and recommend changes in Federal policies, procedures, regulations, and practices

U.S. Department of the Interior, Bureau of Land Management, Instruction Memorandum No. 2002-196, ROW Corridors, ROW Use Areas, Land Use Planning (June 25, 2002), *available at* http://www.blm.gov/nhp/efoia/wo/fy02/im2002-196.html.

[16] *Id.* (emphasis added).

[17] *Id.*

[18] Memorandum on Improving Rights-of-Way Management Across Federal Lands To Spur Greater Broadband Deployment, 40 Weekly Comp. Pres. Doc. 696, 697 (Apr. 26, 2004).

that would improve the process of granting rights-of-way for broadband communications networks on lands under Federal jurisdiction."

The Working Group issued a Report with its recommendations to encourage broadband deployment throughout all regions of the nation. The Working Group also sought to "improve access to rights-of-way for other interested stakeholders."[21] Although the Working Group recommended that federal agencies encourage the use of utility corridors whenever practicable, it explicitly "recognize[d] that "utility corridors may not always present the most efficient or cost-effective route for rights-of-way applicants and [that] applicants should retain the flexibility to apply for other routes."[22] The Working Group also advised federal agencies to "give special consideration to potential broadband use for extending service to rural communities."[23] In the Executive Memorandum, President Bush directs executive departments to implement the Working Group's recommendations.[24]

These recommendations will assist Union in deploying wireless broadband and other communications services to rural areas in and around the Kemmerer Resource Area. Although Union currently provides non-broadband data services over Enhanced Data rates for GSM Evolution ("EDGE") and General Packet Radio Service ("GPRS") technologies, it plans to upgrade to a broadband technology, High-Speed Downlink Packet Access ("HSDPA"), in the future. Union also has acquired FCC spectrum licenses for 700 MHz and Advanced Wireless

[19] *Id.*

[21] U.S. Department of Commerce, National Telecommunications and Information Administration, Improving Rights-of-Way Management Across Federal Lands: A Roadmap for Greater Broadband Deployment, *Report by the Federal Rights-of-Way Working Group* at 2, 10 (Apr. 2004), *available at* http://www.ntia.doc.gov/reports/fedrow/FROWReport_4-23-2004.pdf.

[22] *Id.* at 25-26.

[23] *Id.* at 27.

[24] Memorandum on Improving Rights-of-Way Management across Federal Lands to Spur Greater Broadband Deployment, 40 Weekly Comp. Pres. Doc. at 697.

Services frequencies, which authorize Union to provide broadband data services throughout its service area. In rural areas, these services will probably constitute the only cost-effective way for the public to receive broadband services, including Internet access.

III. EMERGENCY COMMUNICATIONS DEPEND ON THE SITING OF WIRELESS COMMUNICATIONS INFRASTRUCTURE ON FEDERAL LANDS

The BLM would advance the national interest in public safety, homeland security, and emergency communications by adopting a Final EIS and revised RMP to facilitate the siting of wireless communications infrastructure in the Kemmerer Resource Area. Although the BLM already considers safety management in its decision-making process, Congress has enacted several statutes emphasizing the deployment of wireless communications infrastructure as a means of enhancing emergency communications. The siting of communications towers on federal land also would respond to requests by private, governmental, and industrial users for improved emergency communications in the Kemmerer Resource Area. Finally, recent events confirm that wireless communications are indispensable in emergency situations, especially in remote areas.

In addition to legislative action, the executive branch has launched several initiatives to develop a secure and robust infrastructure for critical utilities, including telecommunications. *E.g.*, The National Strategy for the Physical Protection of Critical Infrastructures and Key Assets at 47-49 (Feb. 2003). The National Park Service also specifically requires Park Superintendents to "consider the potential benefit of having telephone access to emergency law enforcement and public safety services" when reviewing applications for wireless telecommunications facilities. National Park Service, Management Policies 2006 § 8.6.4.3 (2006), *available at* http://www.nps.gov/policy/MP2006.pdf *("NPS Management Policies"); see* National Park Service, Director's Order #53: Special Park Uses § 10.3 (2000), *available at* http://www.nps.gov/policy/DOrders/DOrder53.html *("NPS Director's Order #53");* National Park Service, Reference Manual to Director's Order #53 Special Park Uses at A5-46 (2000), *available at* http://www.nature.nps.gOv/RefDesk/index.cfm#Executive%200rders *("NPS Reference Manual").*

A. Federal Statutes Encourage the Deployment of Wireless Communications to Enhance Emergency Communications

The BLM should give substantial weight to public safety considerations in its preparation of a Final EIS and revised RMP for the Kemmerer Resource Area. Although the BLM already considers safety issues when ruling on individual right-of-way applications, Congress has enacted several other statutes to encourage and facilitate the deployment of wireless communications infrastructure for public safety purposes. The BLM should incorporate the policies reflected in those statutes into the Final EIS and revised RMP for the Kemmerer Resource Area.

1. Communications Act of 1934

Congress has long emphasized the public safety aspects of wireless communications. Section 1 of the Communications Act of 1934 ("Communications Act") indicates that a purpose of the statute is to "make available, so far as possible, to all the people of the United States . . . a rapid, efficient, Nation-wide . . . wire and radio communication service with adequate facilities . . *.for the purpose of promoting safety of life and property through the use of wire and radio communications."* To achieve this statutory purpose, wireless communications providers will need to install their infrastructure on federal lands.

2. Wireless Communications and Public Safety Act of 1999

This vital national interest was further underscored by the enactment of the Wireless Communications and Public Safety Act of 1999. The purpose of this Act is "to encourage and facilitate the prompt deployment throughout the United States of a seamless, ubiquitous, and

43 U.S.C. § 1763.
47 U.S.C. § 151 (2001) (emphasis added).

reliable end-to-end infrastructure for communications, including wireless communications, to meet the Nation's public safety and other communications needs."

In the legislative history, the House of Representatives found that the traveling public increasingly relies on wireless telephones to "provid[e] themselves with an extra measure of security." The House noted that the traveling public "us[e] these phones to call for help when they need it, to report other drivers' accidents or injuries, and to report erratic or aggressive drivers to authorities before those drivers have an opportunity to injure others." Although the public depends on these wireless phones, the House observed that the existing wireless infrastructure is insufficient. The House found that "in many areas across the country, there are 'holes' or 'dead zones' in the wireless network where a wireless call cannot be transmitted due to the absence of a nearby cellular or personal communications services (PCS) antenna."[32] Even though the House recognized that "the siting of antennas on Federal property will not patch every hole in the wireless network," it asserted that antenna siting on federal lands "will provide coverage to areas where there are few other alternatives."[33] The BLM should facilitate additional siting of communications towers in the Kemmerer Resource Area because this Area lacks any other feasible alternatives to satisfy this statutory mandate.

[28] *Id.* §615 note (b).

[29] H.R. Rep. No. 106-25, at 5 (1999); *see* S. Rep. No. 106-138, at 1 (1999) (noting that many Americans "subscribe to wireless telephone service … for safety reasons, especially when traveling.").

[30] H.R. Rep. No. 106-25, at 5 (1999).

[31] Mat 4.

[32] *Id.*

[33] *Id.* at 6.

3. ENHANCE-911 Act

In 2003, Congress adopted the Ensuring Needed Help Arrives Near Callers Employing 911 Act of 2004 ("ENHANCE 911 Act") to provide federal funding and coordination of wireless 911 deployment.[34] Congress found that "enhanced 911 is a high national priority and it requires Federal leadership, working in cooperation with … numerous organizations dedicated to delivering emergency communications services."

In the legislative history, the House found that "[a]n increasing number of emergency calls are placed from wireless rather than wireline telephones." The House pointed to the millions of wireless customers in the United States, "many of whom witness or experience accidents when they are in reach of their wireless phones but miles from a wireline telephone." The House stated that "[w]ireless phones present the opportunity to drastically reduce emergency response time and save even more lives."[38]

The Honorable Barbara Cubin, the Representative from the State of Wyoming, supported the passage of the ENHANCE 911 Act. In particular, Representative Cubin noted that the Act would "give wireless consumers the safety and peace of mind that wireless E-911 promises."[39] She further stated that "[w]ith over 140 million Americans owning wireless phones today, there

[34] Ensuring Needed Help Arrives Near Callers Employing 911 Act of 2004, Pub. L. No. 108-494 § 102(4), 118 Stat. 3986 (codified at 47 U.S.C. § 942 note (Supp. 2006)).

[35] *Id*

[36] H.R. Rep. No. 108-311, at 4 (2003). As of 2003, the Senate estimated that the public places more than 56 million 911 calls each year from wireless telephones. S. Rep. No. 108-130, at 2 (2003).

[37] H.R. Rep. No. 108-311, at 4 (2003).

[38] *Id*

E-911 Implementation Act of 2003: Hearing on H.R. 2898 Before the Subcomm. on Telecommunications and the Internet of the H. Comm. on Energy and Commerce, 108th Cong. 7 (2003) (statement of Rep. Barbara Cubin, Member, Subcomm. on Telecommunications and the Internet of the H. Comm. on Energy and Commerce).

is no question that the deployment of wireless E-911 is a pressing priority and part of the foundation of homeland security."[40]

Union has committed to the deployment of emergency communications throughout its service area. The FCC has stated that "the public interest demands that carriers and technology providers strive to ensure that when wireless callers dial 911, emergency responders are provided with location information that enables them to reach the site of the emergency as quickly as possible."[41] Furthermore, the FCC has warned that "inadequate location information can result in a loss of life that might otherwise have been prevented."[42] To provide these communications, however, Union will need to construct wireless communications infrastructure. Thus, the BLM should prepare a Final EIS and revised RMP to encourage and facilitate the siting of this infrastructure on federal lands in the Kemmerer Resource Area.

B. The Siting of Communications Towers on Federal Land Responds to Public Requests for Emergency Communications

The BLM would enhance public safety and emergency communications if it prepared a Final EIS and revised RMP to facilitate the siting of wireless communications infrastructure in the Kemmerer Resource Area. Although Union offers commercial service in Wyoming, Utah, and Colorado, its subscribers expect to receive access to emergency communications as part of this service. As explained below, Union needs to construct and use wireless communications

[41] Wireless E911 Location Accuracy Requirements, PS Docket No. 07-114, *Notice of Proposed Rulemaking*, 22 FCC Red 10609, 10612 f 6 (2007) ("£977 *NPRM*").

[42] Mat 10612,15.

[4] *Id.* Because network-based location systems such as Union's generally require a caller's signal to be detectable by more than one cell site in order to determine the caller's precise location, the BLM must give significant weight to the public safety benefit resulting from a tower's ability to provide increased location accuracy for E911 calls in deciding whether to permit the construction of a communications tower on BLM-administered land.

infrastructure on BLM-administered land throughout its service area, including the Kemmerer Resource Area, to ensure the availability of such emergency communications.

Union has received many requests to enhance its system coverage. For example, wireless telephone subscribers have long complained to Union about the lack of coverage in certain parts of its service area, especially parts in and adjacent to BLM-administered lands. These subscribers consist of Union's own customers, including hunters and local residents, as well as customers of other carriers who rely on Union for roaming coverage. In particular, residents living on the edges of town and in outskirt areas have complained to Union about the lack of coverage and the need for improved emergency communications.

In addition, Union has received requests for improved coverage from local and federal governmental and public safety agencies in its service area. While these governmental agencies want residents in their jurisdictions to have access to wireless communications during emergencies, many of these agencies also have had to rely on Union's network for their own communications in certain emergency situations. As discussed below, even the BLM, National Park Service, and Forest Service have contacted Union to request the provision of communications services during range fires and other emergencies.

Business users also have asked Union to establish a sound wireless network for emergency communications. In particular, Union provides wireless communications service to

[44] In a separate proceeding, the Board of Fremont County (Wyoming) Commissioners stated that:

> [W]e believe the people who feel poor or non-existent cell coverage is a "minor inconvenience" compared to a possible intrusion on the scenic values have never been in a life threatening situation between Lander and Rawlins, especially along the area from Beaver Rim to Jeffrey City. It is our position that public safety takes higher priority than occasional visual enjoyment, especially in this situation.

Letter from Douglas L. Thompson, Vice-Chairman, Board of Fremont County Commissioners, to Bob Ross, Field Manager, Lander Field Office, BLM (Nov. 1, 2006).

many companies that work, travel, and commute in the Kemmerer Resource Area. These wireless subscribers include energy-related companies that rely on Union to provide service for their employees and subcontractors. The BLM estimated that the number of active oil and gas fields in the Kemmerer Resource Area is expected to increase from 40 at the end of 2001 to 1,200 within the next 20 years.[45] Accordingly, Union expects that there will be additional demand for wireless communications in the Kemmerer Resource Area. Energy companies require wireless communications for access to emergency 911 services when working in remote areas and, without this service, will not commence operations. In addition, the Kemmerer Sheriffs Department and Union Pacific share Union's communication facilities at the Sage Junction and the Narrow Communication sites.

With the BLM's recent decision to authorize development of 1.35 trillion cubic feet of natural gas for the Atlantic Rim Coalbed Natural Gas Project,[47] Union expects that there will be additional demand for wireless communications in the Kemmerer Resource Area. For example, Union provides wireless communications to a Coalbed methane coalition that seeks to locate communications towers and transmitting equipment throughout the new energy resource development areas in Wyoming for emergency services, vendor and transportation logistics, traffic and personnel control, search and rescue, and fire and toxic release notice. This coalition

U.S. Department of the Interior, Bureau of Land Management, Summary of the Management Situation Analysis, Kemmerer Field Office Planning Area 25 (2003) *^Kemmerer MSA")*.

Although energy companies use land mobile radio services, they have found that Union's wireless services are more reliable for emergency communications.

[47] *See generally* U.S. Department of Interior, Bureau of Land Management, Wyoming State Office, Record of Decision Environmental Impact Statement for the Atlantic Rim Natural Gas Field Development Project, Carbon County, Wyoming (2007), *available at* http://www.blm/gov/style/medialib/wy/nepa/rfodocs/atlantic_rim/rod.Par.46558.File.dat/ROD.pdf ("Atlantic Rim Record of Decision").

is adamant that effective, efficient wireless communications systems be the cornerstone of each of these areas.

Although Union has attempted to accommodate these requests, its capacity and terrain coverage are not sufficient to provide the necessary level of emergency communications services required by subscribers outside of populated areas. For example, residents of the community of Twin Creek in the Kemmerer Resource Area have expressed the need for cellular service. These dead zones raise public safety concerns regarding the lack of access to emergency communications arising from accidents, range fires, medical emergencies, and winter storm conditions. To provide the capacity and terrain coverage necessary to make emergency communications available in these and other areas, Union will need to construct wireless communications infrastructure on BLM-administered land in the Kemmerer Resource Area.

C. Wireless Communications Are Indispensable in Emergency Situations

Wireless communications often are the difference between life and death in remote areas of the United States. As discussed below, Union cooperates extensively with local and federal public safety agencies to provide critical emergency communications in rural areas. Individual subscribers also rely on Union's wireless communications service in emergency situations. Wireless communications have undeniably contributed to fire management operations and the rescue of lost or injured individuals on federal lands.

1. Union Cooperates with Public Safety Agencies

Union cooperates extensively with local and federal public safety agencies during emergencies. For example, at the request of the BLM and Forest Service, Union erected a wireless communications tower to provide emergency communications during the Mustang

Ridge Fire, which was the most destructive of the 2002 fire season. In addition, the National Park Service asked Union to provide emergency wireless facilities during a fire at Yellowstone National Park. Union also has applied to join the Wyoming State Emergency Response Commission, as well as the Local Emergency Preparedness Committee for Uinta County.

Union also assists local law enforcement whenever possible. For example, Union provided wireless communications service for a missing-person search in Jackson County, Colorado. Furthermore, Union has held conversations with law enforcement officials in its service area regarding interest in increased coverage for use in search and rescue missions, as well as with fire fighting. Sublette County, Wyoming also has asked Union to provide enhanced 911 service, which would "improve the effectiveness and reliability of wireless 911 service by providing 911 dispatchers with additional information on wireless 911 calls."[49]

2. Individual Subscribers Rely on Union's Wireless Communications during Emergencies

Union also provides emergency wireless communications to individual subscribers. Although Union cannot know exactly how many people have relied on its service during emergencies, it is aware of at least one instance in which its wireless coverage helped save someone's life.[50] In September 2004, local and federal public safety agencies responded to a

Susan Whitney, *Order May Have Aided Utah Fire*, Deseret (Salt Lake City) News, Apr. 4, 2003.

[49] Federal Communications Commission, Enhanced 911 - Wireless Services, http://www.fcc.gov/911/enhanced/ (Feb. 27, 2006). In 1996, the FCC mandated a two-phase implementation for wireless carriers. Under Phase I, carriers must report the telephone number and location of the cell tower that received the 911 call. 47 C.F.R. § 20.18(d) (2006). Under Phase II, carriers must provide location information to within 50 to 300 meters, depending on the type of technology. *Id.* § 20.18(e), (h).

[50] *E.g.*, Tamera Manzanares, *Resident Injured with Arrow: 18-Year-Old Flown to Denver after Stepping on Hunting Arrow*, Steamboat Pilot & Today (Steamboat Springs, CO), Sept. 27, 2004; *see* David Mirhadi, *The Whole Town's Talking: Saved by the Cell: Cody Woman Lucky to Be*

(continued...)

request for emergency medical assistance involving a bowhunter who had seriously injured himself by puncturing his leg with an arrow near Steamboat Springs, Colorado.[51] A fellow bowhunter used his wireless telephone to call the injured hunter's father who, in turn, called 911.[52] The emergency dispatcher directed the uninjured bowhunter to meet paramedics at the nearest road to expedite the rescue effort.[53] The uninjured hunter "was thankful for the cell phone he had bought just several days before the accident… to ensure he'd have reception in remote areas."[5

3. Wireless Communications Provide Invaluable Assistance to Federal Agencies

Wireless communications have contributed to fire management operations and to search and rescue missions on federal lands within Union's service area. For example, the staff of the Upper Colorado River Interagency Fire Management Unit rely on commercial wireless service." The National Park Service ("NPS") has frequently mentioned the importance of wireless communications to the rescue of lost or injured individuals at Grand Teton National Park.

Alive after Harrowing Trip, Casper Star-Tribune, Nov. 14, 2006 (reporting that a woman placed a cell phone call to request emergency assistance after wrecking her car).

[51] *E.g.*, Tamera Manzanares, *Resident Injured with Arrow: 18-Year-Old Flown to Denver after Stepping on Hunting Arrow*, Steamboat Pilot & Today (Steamboat Springs, CO), Sept. 27, 2004.

[52] *Id.*

[53] *Id.*

[54] *Id.*

[55] U.S. Department of Interior, Bureau of Land Management, Glenwood Springs Field Office, Fire Management Plan: Wildland Fire Management & Prescriptive Vegetation Treatment Guidance 18 (2004), available at http://www.co.blm.gov/gsra/documents/2004FMPSECTION0TABLEOFCONTENTS.pdf *("Glenwood Springs Fire Management Plan")*. The BLM has also indicated the importance of wireless communications in other fire management plans. *E.g.*, U.S. Department of the Interior , Bureau of Land Management, Wyoming Northern Fire Zone, Fire Management Plan, 45, 59, 60 (2004), *available at* http://www.blm.gov/style/medialib/blm/wy/fire/fmpdocs.Par. 1369.File.dat/0112004northern.pdf.

In August 2006, NPS rangers responded to at least two 911 cell phone calls requesting emergency medical assistance for life-threatening injuries.[56] In one instance, two septuagenarian horseback riders placed a 911 cell phone call after being bucked off their horses in Granite Canyon. When rangers arrived at the scene, one of the riders "was experiencing serious respiratory difficulties, and his condition was deteriorating quickly."[58] The cell phone call enabled rangers to locate the riders quickly, provide emergency assistance, and evacuate them by helicopter.[59] Cell phone calls also have helped NPS rangers rescue lost or non-critically injured snowboarders, snowshoers, skiers, bicyclists, and climbers.[60]

The NPS has not identified the wireless telecommunications provider that carried these emergency calls in the Grand Teton National Park. Based on the coverage map, attached as

Press Release, U.S. Department of the Interior, National Park Service, Bicyclist Seriously Injured While Riding Near Jenny Lake in Grand Teton National Park (Aug. 17, 2006), http://www.nps.gov/archive/grte/news/2006/06-47.pdf; Press Release, U.S. Department of the Interior, National Park Service, Rangers Evacuate Injured Horseback Riders by Helicopter from Granite Canyon in Grand Teton National Park (Aug. 8, 2006), http://www.nps.gov/archive/grte/news/2006/06-44.pdf.

[57] Press Release, U.S. Department of the Interior, National Park Service, Rangers Evacuate Injured Horseback Riders by Helicopter from Granite Canyon in Grand Teton National Park (Aug. 8, 2006), http://www.nps.gov/archive/grte/news/2006/06-44.pdf.

[58] *Id.*

[59] *Id*

[60] *E.g.*, Press Release, U.S. Department of the Interior, National Park Service, Out-of-Bounds Snowboarder Rescued from Granite Canyon (Mar. 1, 2007), http://www.nps.gov/archive/grte/news/2007/07-05.pdf; Press Release, U.S. Department of the Interior, National Park Service, Cyclist Collides with Parked Van on Highway 26/89/191 (July 11, 2006), http://www.nps.gov/archive/grte/news/2006/06-33.pdf; Press Release, U.S. Department of the Interior, National Park Service, Injured Climber Rescued from Garnet Canyon (Mar. 3, 2006), http://www.nps.gov/archive/grte/news/2006/06-10.pdf; Press Release, U.S. Department of the Interior, National Park Service, Search and Rescue Conducted for Lost Skiers in Teton Backcountry (Feb. 24, 2006), http://www.nps.gov/archive/grte/news/2006/06-08.pdf; Press Release, U.S. Department of the Interior, National Park Service, Injured Backcountry Skier Rescued Near Taggart Lake (Feb. 22, 2006), http://www.nps.gov/archive/grte/news/2006/06-07.pdf; Press Release, U.S. Department of the Interior, National Park Service, Search Conducted for Lost Snowshoer in Granite Canyon (Feb. 13, 2006), http://www.nps.gov/archive/grte/news/2006/06-05.pdf.

Exhibit 1, Union's wireless network covers portions of this Park. Thus, Union may have provided invaluable assistance in these or similar search and rescue operations.

Even though some federal lands have reasonably good cell phone coverage, they typically do not have enough communications towers to eliminate all dead zones within their boundaries. For example, in the Grand Teton National Park, the NPS has reported that some injured recreationalists or their companions have had to trek great distances through the Park to find a spot with adequate coverage to place a 911 call for medical assistance.[61] Thus, the siting of wireless communications infrastructure is necessary to protect safety of life and property on federal lands, including BLM-administered lands in the Kemmerer Resource Area.

IV. THE SITING OF WIRELESS COMMUNICATIONS INFRASTRUCTURE ON FEDERAL LANDS WOULD PROMOTE THE DEPLOYMENT OF SERVICE TO RURAL AREAS

The BLM also should encourage and facilitate the siting of wireless communications infrastructure on federal lands because it would advance significant public policy goals. As mentioned above, a purpose of the Communications Act is to promote "communication by wire and radio so as to make available . . . to all the people of the United States,... a rapid, efficient, Nation-wide, and world-wide wire and radio communication service." The siting of wireless communications infrastructure also would coincide with the efforts of other federal agencies to promote the deployment of telecommunications in rural areas.

The BLM should prepare a Final EIS and revised RMP for the Kemmerer Resource Area to assist other federal and state entities in meeting their statutory mandates and regulatory

[61] *E.g.*, Press Release, U.S. Department of the Interior, National Park Service, Park Rangers Rescue Injured Climber from Garnet Canyon (July 23, 2006), http://www.nps.gov/archive/grte/news/2006/06-37.pdf; Press Release, U.S. Department of the Interior, National Park Service, Injured Climber Flown from Death Canyon (July 11, 2006), http://www.nps.gov/archive/grte/news/2006/06-34.pdf.

[62] 47 U.S.C. § 151.

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policies. For example, the FCC must promote the availability of wireless communications in rural areas under the Communications Act. The FCC has stated that" wireless services have advanced to the point where many people rely on them for communications wherever they may be, whether at home or in the workplace, indoors or outdoors, or in an urban, suburban or rural area."[64] In the Telecommunications Act of 1996, which revised the Communications Act, Congress also required the FCC to implement a federal Universal Service Fund to promote connectivity in rural areas through financial incentives to institutions that provide telecommunications and information services.[65] In addition, the FCC has adopted several measures "to promote access to spectrum and facilitate capital formation for entities seeking to serve rural areas or improve service in rural areas."[66] The FCC also has initiated other programs to increase access to communications in rural areas.[67]

Several other federal agencies also have offered discounts and other incentives for the development of telecommunications infrastructure. In particular, the U.S. Department of Agriculture ("USDA") has created a Distance Learning and Telemedicine Loan and Grant

[64] *E911 NPRM*, FCC 07-108 19.

[65] 47 U.S.C. § 254. The Telecommunications Act of 1996 also authorized the creation of the Telecommunications Development Fund as a venture capital corporation that seeks to increase the emergence of telecommunications businesses by providing capital and management expertise to entrepreneurs. *Id.* § 614.

In re Facilitating the Provision of Spectrum-Based Services to Rural Areas and Promoting Opportunities for Rural Telephone Companies to Provide Spectrum-Based Services, WT Docket Nos. 02-381, 01-14, 03-202, *Report and Order and Further Notice of Proposed Rule Making*, 19 FCC Red 19078, 19080 \ 1 (2004).

E.g., Federal Communications Commission, Consumer & Governmental Affairs Bureau, Lands of Opportunity: Bringing Telecommunications Services to Rural Communities (2006), *available at* http://www.fcc.gov/indians/opportunity.pdf; *see* Federal Communications Commission, Consumer & Governmental Affairs Bureau, Telecommunications Service in Rural America, http://www.fcc.gOv/cgb/rural/welcome.html#facts (Mar. 9, 2007) (listing documents related to the FCC's efforts to promote the deployment of telecommunications and information services in rural areas).

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Program,[68] a Community Connect Grant Program,[69] a Rural Broadband Access Loan and Loan Guarantee Program,[70] an Expedited Telecommunications Loan and Loan Guarantee Program,[71] and a Rural Business Enterprise Grant Program.[72] The USDA also has entered into a partnership with the FCC and private industry, known as the Federal Rural Wireless Outreach Initiative, "to encourage greater access and deployment of wireless services to enhance economic development throughout rural America."[73] Other federal initiatives include, or have included, (1) the National Telecommunications and Information Administration's initiative for the planning and construction of public telecommunications facilities;[74] (2) the U.S. Department of Education's

[68] U.S. Department of Agriculture, Distance Learning and Telemedicine Program, http://www.usda.gov/rus/telecom/dlt/dlt.htm (last visited Apr. 8, 2007); *see* 7 C.F.R. §§ 1703.100-1703.147(2006).

[69] U.S. Department of Agriculture, Rural Development Community Connect Grant Program, http://www.usda.gov/rus/telecom/commconnect.htm (last visited Apr. 8, 2007); *see* 7 C.F.R. pt. 1739.

[70] U.S. Department of Agriculture, Rural Development Broadband Loan and Loan Guarantee Program, http://www.usda.gov/rus/telecom/broadband.htm (last visited Apr. 8, 2007); *see* Farm Security and Rural Investment Act of 2002, Pub. L. 107-171, 116 Stat. 134, 415-418 § 6103 (2002) (codified at 7 U.S.C. § 950bb (Supp. 2006)); 7 C.F.R. pt. 1738.

[71] U.S. Department of Agriculture, Expedited Telecommunications Loan and Loan Guarantee Program, http://www.usda.gov/rus/telecom/documents/epedited-loanprocessing-app-guide.pdf (last visited Apr. 8, 2007); *see* 7 C.F.R. pts. 1735, 1737.

[72] U.S. Department of Agriculture, Rural Business Enterprise Grants, http://www.rurdev.usda.gov/rbs/busp/rbeg.htm (last visited Apr. 8, 2007).

[73] U.S. Department of Agriculture, Joint Federal Rural Wireless Outreach Initiative, http://www.usda.gov/rus/jointoutreach/ (last visited Apr. 8, 2007).

[74] U.S. Department of Commerce, National Telecommunications and Information Administration, Public Telecommunications Facilities Program, http://www.ntia.doc.gov/ptfp/ (last visited Apr. 8, 2007).

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initiative on community technology centers; and (3) the U.S. Department of Health and Human Services's initiative on rural telemedicine grants.

The Wyoming Rural Development Council ("WRDC") has also indicated its support for the siting of wireless communications infrastructure. The WRDC is "a collaborative public/private partnership" consisting of private sector organizations, non-profit organizations, and local, state, and federal governmental entities.[77] The goals of the WRDC are to (1) assist rural communities in visioning and strategic planning; (2) assist communities in finding and obtaining grants for rural projects, (3) serve as a neutral forum for identification and resolution of multi-jurisdictional issues; and (4) promote the understanding of the needs, values, and contributions of rural communities. In a recent meeting, the WRDC Chairperson announced that another goal was to "facilitate" the deployment of wireless communications to rural towns and areas in Wyoming to promote economic growth, medical care, education, and security.

These initiatives and programs are limited in the degree to which they can advance the deployment of telecommunications and broadband services to rural areas. In particular, wireless providers often need to site communications infrastructure on federal lands to ensure that rural areas receive access to mobile wireless services. Union also requires access to federal lands to install infrastructure for its fixed wireless, or tellular, communications service. Union provides tellular service to residents living on Commissionary Ridge. Thus, the BLM should prepare a

[75] U.S. Department of Education, Community Technology Centers, http://www.ed.gov/programs/comtechcenters/index.html (last modified Sept. 5, 2006).

[76] U.S. Department of Health and Human Services, Health Resources and Services Administration, Fiscal Year 2007 Justification of Estimates for Appropriations Committee, http://www.hrsa.gov/about/budgetjustification07/Telehealth.htm (last visited Aug. 29, 2007).

[77] Wyoming Rural Development Council, Resource Team Report for the Converse County Assessment 1 (2006), *available at* http://www.candowyoming.com/CONVERSE%20COUNTY%20FrNAL%20REPORT.pdf.

Final EIS and revised RMP to facilitate the deployment of wireless communications infrastructure to permit the provision of these much-needed telecommunications and broadband services.

V. THE SITING OF COMMUNICATIONS TOWERS ON FEDERAL LANDS IS CONSISTENT WITH THE BLM'S MANAGEMENT PRIORITIES

The BLM should prepare a Final EIS and revised RMP for the Kemmerer Resource Area to facilitate the siting of wireless communications infrastructure on federal lands because it would further the statutory and regulatory goals of land-use planning. Although the BLM must balance the management of various land uses in the Kemmerer Resource Area, the siting of wireless communications infrastructure would (1) be consistent with the existing RMP; (2) not compromise public resources; (3) support other uses of federal lands; (4) correspond to the policies of other governmental entities; and (5) benefit the local economy and the use of adjacent non-federal areas.

A. The BLM Should Continue to Allow the Siting of Wireless Communications Infrastructure throughout the Kemmerer Resource Area

The BLM currently allows the siting of wireless communications infrastructure in a large percentage of the Kemmerer Resource Area. In the RMP revision materials, the BLM requested comment on future developments in the siting of wireless communications facilities. The BLM noted that "[technological advancements also have brought new demands for public land, largely related to wind and solar energy and telecommunications *(e.g.*, cellular and fiber

U.S. Department of the Interior, Bureau of Land Management, Scoping Report for the Kemmerer Field Office Planning Area 21 (2004) *("Scoping Report")* (The utility and communications corridor section of the RMP revision will include a discussion of power and power lines, fiber optic lines, rights-of-way, canals, ditches, and cell phone towers.").

optic)." Accordingly, the BLM stated that "[m]anagement actions for ROW and corridors include meeting the anticipated needs for … telecommunication."[81]

In the existing Kemmerer RMP, the BLM grants rights-of-way for communications infrastructure on a case-by-case basis throughout most of the Resource Area, provided the infrastructure would not interfere with other management objectives. There are more than 1,600 ROWs in the Kemmerer Resource Area. Specifically, there are three major communications sites in the Kemmerer Resource Area, each with more than three users.[84] In addition to these three sites, there are 24 other communications sites located in the Kemmerer Resource Area. The BLM did not designate any ROW corridors in the Kemmerer RMP, and stated that decisions regarding ROW corridors and communications sites are made on a case-by-case basis. The BLM noted that ROW were typically "established in the least environmentally damaging areas and following de facto utility and travel systems, but these are not necessarily located in preferred locations."

The Draft RMP/EIS indicates that the BLM has not identified any specific areas of the Kemmerer Resource Area that are unavailable or restricted for the placement of communications sites. In particular, Alternative A (continuation of the existing RMP) does not establish any ROW exclusion areas and would not preclude the placement of ROWs within archeological and

[80] *Kemmerer Draft EIS* at 3-116.

[81] *Id.*

U.S. Department of the Interior, Bureau of Land Management, Kemmerer Resource Management Plan and Record of Decision 44 (1988), *available at* http://www.blm.gov/rmp/WY/Kemmerer/rmp.pdf *^Kemmerer RMP"),*

[83] *Kemmerer Draft EIS* at 3-114.

[84] M at 3-115.

[85] *Id.*

[86] M at 2-17; 4-180.

[87] M at 3-115.

cultural sites. As such, the BLM stated that the "placement of communications sites is limited only by constraints presented by avoidance and exclusion areas for other resources, including renewable energy projects."[88] Therefore, the BLM has not identified any specific portions of the Kemmerer Resource Area as potentially unsuitable or sensitive for wireless communications infrastructure and generally provides applicants with substantial flexibility for their siting activities.

In the Final EIS and revised RMP, the BLM should continue to leave most of the Kemmerer Resource Area open for wireless communications infrastructure. Specifically, the BLM should adopt Alternative C because it would allow the siting of wireless communications infrastructure on a large percentage of BLM-administered land, while adopting fewer restrictions on the types of uses and facilities. Based on the description in the Kemmerer Draft RMP/EIS, Alternative C is consistent with the executive and legislative directives that require the BLM to make federal land available for the siting of wireless communications infrastructure. Union would also support Alternative A, with revisions to designate specific communications sites and ROWs. These Alternatives also promote the federal policies favoring emergency communications and the deployment of telecommunication to rural areas.

The BLM also should retain a flexible approach for the siting of wireless communications infrastructure because of the inherent limitations of utility corridors. In particular, the BLM should be aware that utility corridors often are not traditionally designed to accommodate the type of infrastructure necessary to provide modern wireless telephone operations. For example, existing corridors are typically used for the siting of point-to-point microwave systems, which have different technical and operational requirements than mobile

M at 4-180.

wireless systems. The use of these existing corridors frequently results in dead zones within a wireless network.

By contrast, the BLM should not adopt Alternative B. Alternative B would designate 452,208 acres, or approximately 28 percent, of the Kemmerer Resource Area as ROW exclusion areas and would allow ROW corridors only within 81,462 acres, or approximately five percent, of the Kemmerer Resource Area.[89] Furthermore, Alternative B would limit new communications sites to Quealy Peak, Medicine Butte, Hickey Mountain, and the BLM Wareyard.[90] Therefore, Alternative B unnecessarily restricts the placement of communications sites in direct contradiction of the federal directives and policies.[91] As discussed above, numerous energy companies have continually expressed their need for Union to establish a sound communications network in the Kemmerer Resource Area.

Thus, regardless of the alternative selected, the BLM should continue to allow for a flexible approach to the siting of wireless communications infrastructure in the Kemmerer Resource Area and, when necessary, designate additional utility corridors and communications site windows.

B. The BLM May Authorize the Siting of Wireless Communications Infrastructure without Compromising Public Resources

The BLM could protect public resources while continuing to permit the siting of wireless communications infrastructure in the Kemmerer Resource Area. In the preparation of a revised RMP, section 202 of the FLPMA requires the BLM to "use and observe the principles of multiple use and sustained yield set forth in this and other applicable law."[92] The term "multiple

[89] Mat4-181.

[90] *Id.*

[91] Mat 2-165, 2-166.

[92] 43 U.S.C. § 1712(c)(1).

use" refers to "the management of the public lands and their various resource values so that they are utilized in the combination that will best meet the present and future needs of the American people," including wildlife and historical values.

The siting of wireless communications infrastructure would not have an adverse impact on environmental or cultural resources in the Kemmerer Resource Area. As discussed above, the BLM allows the routine siting of wireless communications infrastructure in this Resource Area. The BLM reviews applications for wireless communications infrastructure on a case-by-case basis and, even in areas otherwise identified as unsuitable for surface disturbance or occupancy, allows rights-of-way if they are located in areas with a high potential for reclamation, would have impacts that would be temporary in nature, and would be compatible with the resource values being protected.[94]

The BLM should continue to evaluate applications for wireless communications infrastructure on a case-by-case basis rather than adopting blanket prohibitions. Although Alternative C would allow case-by-case review of communications site proposals, Alternatives B and D appear to preclude the siting of wireless communications infrastructure in exclusion areas. The BLM should allow wireless providers to conduct studies demonstrating that their proposed wireless communications infrastructure would not interfere with public resources throughout the Kemmerer Resource Area, including in exclusion areas, due to minimal surface disturbance, the absence of continued human presence, or other mitigating factors.[95]

[93] *Id.* § 1702(c); *see* 43 C.F.R. § 1601.0-5(i).

[94] *Kemmerer Draft EIS* at 2-27.

[95] For example, when applying for a right-of-way in the Ross Butte Area in the Pinedale Resource Area, Union engaged the services of third-party consultants to conduct field studies of various proposed communications sites. These consultants collaborated with the BLM and Indian tribes to identify any potential environmental or cultural concerns and to modify the site, as needed, to mitigate those concerns. Eventually, the third-party consultants determined that

(continued...)

C. The Siting of Wireless Communications Infrastructure Would Support Other Uses of Federal Lands

The BLM would satisfy the management requirements of the FLPMA by permitting the siting of wireless communications infrastructure on federal lands. As mentioned above, section 202 of the FLPMA requires the BLM to "use and observe the principles of multiple use and sustained yield" in the revision of RMPs.[96] The term "multiple use" includes recreation, grazing, mineral extraction, and timber extraction, among others.[97]

The siting of wireless communications infrastructure would support and enhance these uses of BLM-administered lands. Wireless communications are essential to resource-extraction activities, such as mineral extraction, grazing, logging, and recreation. As mentioned above, energy and energy-support companies have repeatedly asked Union to establish a sound wireless network for their emergency communications. These companies also rely on Union's wireless communications services for their day-to-day operations, such as the flow of materials and delivery of progress reports. Energy and energy-support companies would like to receive wireless broadband communications, such as e-mail and other data applications.

Wireless communications are also critical to the transmission of emergency communications. As discussed above, the traveling public has come to rely on wireless phones for emergency 911 calls. These communications are also indispensable to fire management operations, as well as search and rescue missions involving lost or injured recreationalists on or near federal lands.

sites could be located on Ross Butte without having any impact either on threatened or endangered species or on cultural sites.

[96] 43 U.S.C. § 1712(c)(1).

[97] *Id.* § 1702(c); 43 C.F.R. § 1601.0-5(i).

Other BLM Field Offices have likewise concluded that the siting of wireless communications infrastructure would support and enhance multiple uses of BLM-administered lands. For example, in the Kremmling (Colorado) Resource Management Plan, the BLM found that utility and communication facility management "truly supports] the day-to-day administration of other resource area programs." The BLM further noted that "communication facility authorization provides a service to all administrative program functions [,] as well as interagency and community needs." Thus, the siting of wireless communications infrastructure advances the BLM's statutory mission under the FLPMA.

D. The Final EIS and Revised RMP for the Kemmerer Resource Area Should Complement the Policies of Other Governmental Entities

The BLM should ensure that the Final EIS and revised RMP for the Kemmerer Resource Area are consistent with the policies of other governmental entities. Section 202 of the FLPMA requires the BLM to "coordinate the land use inventory, planning, and management… with the land use planning and management programs of other Federal departments and agencies and of the States and local governments."[100] In its FLPMA regulations and Handbook, the BLM commits to avoiding inconsistencies with the resource-related plans, policies, and programs of other governmental entities.[101] Sections 101 and 102 of the National Environmental Policy Act

U.S. Department of the Interior, Bureau of Land Management, Kremmling Resource Management Plan Record of Decision 15 (1984), *available at* http://www.co.blm.gov/nepa/raipdocs/kfodocs/Kremmling/KRRMRD/KRRMRD.pdf.

[99] *Id*

[100] 43 U.S.C. § 1712(c)(9).

[101] 43 C.F.R. §§ 1610.3-1, 1610.3-2, 1610.4-4(e); U.S. Department of the Interior, Bureau of Land Management, Land Use Planning Handbook, BLM Handbook H-1601-1 at 5-9 (2005), *available at* http://www.blm.gov/nhp/200/wo210/landuse_hb.pdf.

similarly require the BLM to prepare analyses and documentation "in cooperation with State and local governments" and other agencies with jurisdiction by law or special expertise.[109]

To comply with these statutory requirements, the BLM should join other federal agencies in implementing the national policy toward the deployment of wireless communications infrastructure on federal lands.[103] For example, the National Park Service requires Park Superintendents to "consider the potential benefit of having telephone access to emergency law enforcement and public safety services," underlining the importance of public safety and emergency communications on and adjacent to federal lands. Park superintendents also must "consider whether the proposal would cause *unavoidable conflict* with the park's mission," indicating that the National Park Service would prohibit only those wireless communications towers that are incapable of mitigating potential harm.

The BLM also should coordinate its Final EIS and revised RMP for the Kemmerer Resource Area with local governments. As discussed above, Union has received requests for improved coverage, emergency communications, and enhanced 911 service from local governmental entities in several portions of its service area.

[W1] 42 U.S.C. §§ 4331(a), 4332(2) (2003); *see* 40 C.F.R. §§ 1501.6, 1508.5 (2006).

[103] Although the FCC and the USDA are not traditional federal land use agencies, the BLM should consider their efforts to promote the deployment of telecommunications infrastructure to rural areas.

[104] *NPS Management Policies* 1 8.6.4.3; *see NPS Director's Order #53* § 10.3 (stating that park superintendents must consider the visiting public's telephonic access to emergency law enforcement and public safety services when reviewing applications for wireless telecommunications facilities); *NPS Reference Manual* at A5-46.

[105] *NPS Management Policies* § 8.6.4.3 (emphasis added).

E. **The Siting of Communications Towers Would Benefit the Local Economy and the Use of Adjacent Non-Federal Areas**

The BLM should provide more opportunities to site wireless communications infrastructure on federal lands because it would improve the local economy and the uses of adjacent areas. Although the BLM must weigh various principles of resource management in its preparation of an RMP, section 1601.0-8 of the BLM's rules also requires the consideration of "the impact on local economies and uses of adjacent or nearby non-Federal lands."[106]

The executive and legislative branches have already concluded that the siting of wireless communications infrastructure would benefit the local economy. For example, when President Clinton issued an Executive Memorandum directing executive departments and agencies to facilitate the siting of "mobile services antennas" on federal property, he stated that "the Federal Government shall encourage the efficient and timely implementation of. . . new technologies *and the concomitant infrastructure buildout* as a means of stimulating economic growth and creating new jobs."[107] In addition, Congress required federal agencies to make property available for the siting of wireless telecommunications facilities in the Telecommunications Act of 1996, which has the express purpose of "promot[ing] competition and reducing] regulation in order to secure lower prices and higher quality services for American telecommunications consumers and encourage the rapid deployment of new telecommunications technologies."[108]

In Union's service area, the siting of wireless communications infrastructure would benefit the local economy.[109] As mentioned above, Union provides wireless communications

[106] 43C.F.R. § 1601.0-8.

[107] Memorandum of August 10, 1995, Facilitating Access to Federal Property for the Siting of Mobile Services Antennas, 60 Fed. Reg. 42023, 42023 (Aug. 14, 1995).

[108] Telecommunications Act of 1996, Pub. L. No. 104-104, Preamble, 110 Stat. 56, 56 (1996).

[1] In the Glenwood Springs Resource Area, the BLM observed that the "[designation of zones to guide placement of utility and communication facilities could have beneficial economic

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service to many companies, including energy-related companies, that work, travel, and commute in the Kemmerer Resource Area. Union's subscribers include a number of oil and gas companies, as well as several oil field services companies. Wireless infrastructure would help ensure that these companies have adequate service for their day-to-day and emergency communications. These companies generate substantial revenue and jobs for the local economy. The BLM noted that "the mining and energy industry continues to be an economic mainstay and provides many relatively high-paying jobs, as well as critical tax revenues, for state and local services."[110] The BLM also stated that "[e]conomic activities on BLM-administered land and mineral estate contribute to the fiscal well-being of local governments, as well as to state and federal governments."

Furthermore, wireless infrastructure would support the growing recreation and tourism aspects of the local economy. The BLM observed that "recreation activities also contribute to the region's economy" and that travel and tourism spending generally, adjusted for inflation, has increased recently in Lincoln, Sweetwater, and Uinta counties.[112] The BLM also found that "[d]irect expenditures including visitor spending on lodging, food and groceries, gasoline, motor vehicle repairs and service, outfitters and guides, access fees, entertainment, souvenirs, equipment, and other categories."[111] As discussed above, recreationalists and other visitors

impacts by reducing administrative and processing time and costs for both BLM and applicants." U.S. Department of the Interior, Bureau of Land Management, Final Environmental Impact Statement on the Glenwood Springs Resource Management Plan 136 (1983), *available at* http://www.co.blm.gov/nepa/rmpdocs/gsfodocs/Glenwood_Springs/GSFRMP/GSFRMP.pdf *("Final Glenwood Springs EIS")*.

[110] *Kemmerer Draft EIS* at 3-249.

[111] M at 3-169.

[112] Mat3-160.

require wireless telephone access to ensure their safety. Union already provides service to many recreationalists in the Kemmerer Resource Area, including hunters and hunting guides. As discussed above, the Kemmerer Sheriffs Department shares Union's communication facilities at the Sage Junction and the Narrow Communications sites. Union anticipates that an increase in recreation and tourism will require greater wireless communication coverage in Kemmerer Resource Area.

Finally, the BLM should follow a flexible siting policy to expand wireless communications service to rural areas. As mentioned above, over the next few years, Union will need to install wireless communications infrastructure on BLM-administered lands to resolve various coverage gaps outside of populated areas in the Kemmerer Resource Area.

VI. CONCLUSION

Union supports the preparation of a Final EIS and revised RMP for the Kemmerer Resource Area to facilitate the availability of federal lands for the siting of wireless communications towers in utility corridors and elsewhere. As discussed above, this proposal would (1) comply with numerous executive and legislative directives supporting the construction and use of wireless communications towers on federal lands; (2) enhance public safety and emergency communications; (3) promote the deployment of telecommunications to rural areas; and (4) be consistent with the management priorities of the BLM.

WHEREFORE, THE PREMISES CONSIDERED, Union respectfully requests that the BLM consider these Comments and proceed in a manner consistent with the views expressed Herein.

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Specifically, in preparing a Final EIS and revised RMP for the Kemmerer Resource Area, the BLM should conclude that:

1. Wireless communications play an increasingly critical role in day-to-day aspects of modern life, particularly in rural areas and in support of recognized uses of BLM-administered lands;

2. The siting of wireless communications infrastructure is essential to provide the public with telephonic access to emergency law enforcement and other public safety services in areas on and adjacent to BLM-administered lands;

3. The siting of wireless communications infrastructure would ensure the availability of wireless communications in rural areas;

4. The siting of wireless communications infrastructure would improve the local economy and the uses of adjacent areas, stimulating economic development and creating new jobs;

5. Wireless providers should have the flexibility to site their wireless communications infrastructure outside of designated utility corridors;

6. When necessary, the designation of utility corridors and ROW development sites would facilitate the siting of wireless communications infrastructure.

Respectfully submitted,

UNION TELEPHONE COMPANY

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Dated: October 9, 2007

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EXHIBIT 1

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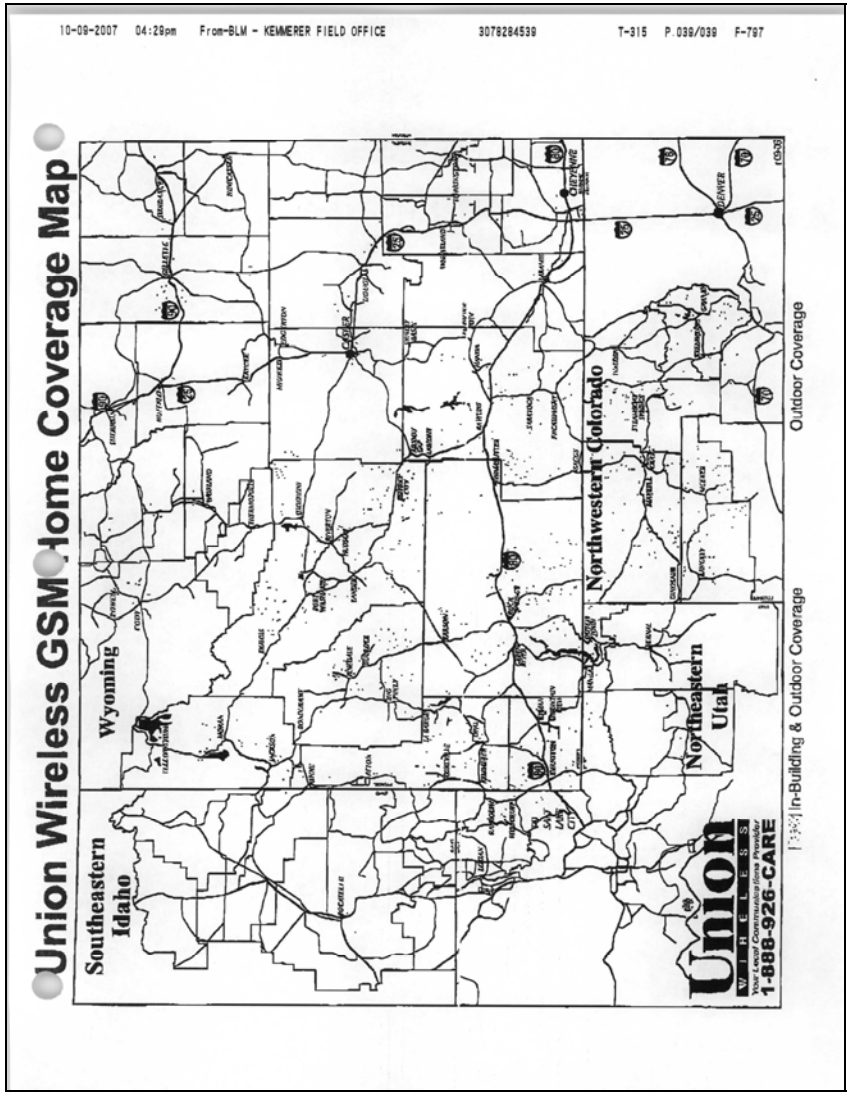

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RE: Kemmerer Draft RMP/EIS

Dear Michele,

Ramsey Bentley, Energy Resource Specialist at the Wyoming State Geological Survey, has the following comments on the Kemmerer Draft RMP/EIS.

Leasable Minerals - Oil and Gas

Section 3.2.2 of Chapter 3 Affected Environment - page 3-22 - paragraph 1 states that about one-third of the potential federal natural gas resources are off limits, with about 1 percent administratively unavailable. There is no further information on where these resources are, or a reference to follow for further information. This is a large percentage and needs further clarification. If these resources are not constrained administratively, then the reason for being constrained needs to be explained.

Maps 8 through 11 - Mineral Resources Leasable - under the various alternatives. These maps indicate that leasing decisions were made in this RMP for minerals administered by the US Forest Service, particularly in Lincoln County. Only those lands that are BLM administered should be shown as having a leasing decision made under this document. In addition, these maps are difficult to read and to compare to one another. It is very difficult to understand the variation in leasing constraints between the different alternatives.

A reasonably foreseeable development scenario (RFD) for oil and gas development in the planning area is mentioned in paragraphs 3 and 4 on page 3-23. The reference for this information is a document referred to as BLM 2006b that appears to be available at the Kemmerer Field Office, but could not be located online. It would be very useful to have this information in this RMP.

Geologic Hazards

No reference is made to geologic hazards in the document. Lincoln and Uinta Counties have some of the highest concentrations of landslide and landslide prone areas in the state of Wyoming. Geologic hazards data is readily available from the Wyoming State Geological Survey.

Serving Wyoming Since 1933

Sincerely,

Joan Binder
/Executive Assistant

Cc: Donald Surdam, Director/State Geologist, Wyoming State Geological Survey
Rainsey Bentley, Energy Resource Specialist, Wyoming State Geological Survey
Governor's Planning Office

Serving Wyoming Since 1933

Public Response Document 00019

00019

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October 9, 2007

Kemmerer RMP & EIS
Bureau of Land Management
Kemmerer Field Office
312 Hwy 189N
Kemmerer, WY 83101-9711

Copy by Facsimile: (307) 828-4539
Original by U.S. Mail

Attn: Mary Jo Rugwell, Field Manager

Cattle Permittees Uinta Livestock Grazing Partnership, a Limited Partnership, Bell Butte Grazing Partnership, a Limited Partnership, Bear River Land & Grazing Co., a Corporation, and their Partners and Shareholders, which Partners and Shareholders are also cattle permittees in their own right, are all authorized to graze cattle in the Cumberland Uinta and Rock House Grazing Allotments, and the Crockers Point and the South Blazon Gap Pastures of the Cumberland Flats Grazing Allotment and submit the following comments and suggestions relative to the Draft Kemmerer RMP and EIS. Our review of this document identified several areas of concern. Several of these warrant changes to the document.

In general, Alternative B is exceedingly prejudicial against resource use and reduces livestock grazing to a secondary permissive activity if there are no conflicts with other resource values (ie.- wildlife, sensitive plants, scenic or visual landscapes). Alternative B also proposes to continue to allow grazing under the currently authorized 224 allotments but only if such grazing does not conflict with other values. Alternative B would also create a multitude of "special management areas" with special restrictions on resource use. This alternative is untenable for energy development or livestock grazing.

BLM's preferred alternative D maintains livestock grazing on 224 existing allotments with much the same status as the current situation. Grazing would be managed under the range standards and guidelines with mostly the same conditions and restrictions as we operate under today.

The following are some specific comments that raise issues of concern relative to grazing:

Pg 2-22: 2nd paragraph- Alternative B precludes activation of suspended AUMs and allows no temporary non-renewable grazing permits (TNR). This is contrary to the current CFR grazing regulations (4130.4&4130.6-2). Activation of suspended AUMs or issuance of TNR should be based on availability of forage.

Pag 2-50 & 2-52, Table 2-3: Biological Resources: Goals and Objectives.
There are 8 goals and 35 objectives for fish and wildlife. Many are redundant. Is the BLM attempting to impress or outdo the Fish & Wildlife Service or Wyoming F & G? No other category of resource even approaches this number of goals and objectives.

Pg 2-51 Objective BR-8.1: "manage habitat to support WG&FD in attainment of their big game herd unit objectives...."
This is analogous to the BLM having an objective to manage grazing allotments to support permittee objectives for livestock numbers. WG&FD herd objectives are not sacred and must be balanced with habitat capability and other uses. BLM should have some responsibility for review and oversight on all herd objectives.

Pg 2-57 Table 2-3 Item 4020 Alternative D: This statement on riparian area management should include a caveat at the very end as follows: "within the ecological potential of the site". Not all riparian areas have the potential to support willows, for example, even though willows might benefit willow flycatchers.

Pg 3-117, Cumberland/Uinta Allotment: This statement regarding 20% of annual plant growth allocated to livestock on the Cumberland/Uinta allotment is correct but this statement is also true for all other grazing allotments in the planning area. The only exception would be allotments that are entirely meadowland and I do not believe there are any. This statement should be part of the sentence on page 107, line 29.

Pg 4-150: 1st paragraph, last sentence and last paragraph, last sentence: The conclusion that Alternative B would have less adverse impacts from invasive weeds than Alternative D is false. Alternative B would prohibit aerial application of herbicides within 1/2 mile and hand applications within 1/4 mile of wetlands and riparian areas. This failure to treat invasive weeds in riparian areas would be a monumental disaster. Most of the noxious and invasive weed problems in the planning area are encroaching on riparian/wetlands areas.

Pg 4-188: middle of 3rd paragraph: Livestock water developments on BLM lands must consider potential adverse consequences of "water depletion". Livestock water developments do not change the amount of water livestock consume. Whether livestock drink directly from a spring or stream or whether they drink that spring/stream water from a developed trough does not change the volume of water consumed by livestock, only the location. Removal of watering locations away from springs or streams provides many benefits to the riparian systems.

Pg 4-210, Table 4-13: Alternative B creates many new special designation management areas within the Kemmerer planning unit. Each of these designations carries additional restrictions and prohibitions on resource use beyond what is already in effect. These are nothing more than a back-door attempt to prevent productive use of natural resources found on these lands and gridlock the agency's ability to effectively manage.

The Livestock permittees on the grazing allotments above set forth in Paragraph 1, on Page 1, find Alternative B untenable as it is little more than a prescription for eliminating productive uses

2

of natural resources and would gridlock the agency's ability to effectively manage. We would support Alternative A or D and trust that the foregoing comments will be fully reviewed and considered prior to the final completion of the said Draft Kemmerer RMP & EIS.

Respectfully submitted,

Edward M. Bown
Attorney for Cattle Permittees above

EMB/mvk
cc: J. Wayne Burkhardt
Ranges West

uinta/BLM comments to RMP & EIS

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Public Response Document 00020

00020

Alliance for Historic Wyoming

Dedicated to preserving our unique and irreplaceable historic & prehistoric resources

2 October 2007

Kemmerer RMP and EIS
Bureau of Land Management
Kemmerer Field Office
312 Highway 189 N
Kemmerer, WY 83101-9711

Dear Friends:

Thank you for the opportunity to comment on the Kemmerer RMP and EIS. These comments should be considered the formal comments of the Alliance for Historic Wyoming. As you may know, the Alliance for Historic Wyoming (AHW) was incorporated as a Wyoming nonprofit in late 2005 to provide a statewide voice for historic preservation in Wyoming. We work to assist citizens concerned about the preservation, protection, and enhancement of Wyoming's irreplaceable historic and cultural resources in becoming more involved with the public processes affecting those resources, especially when the affected resources are located on public lands. In this capacity, AHW represents a broad coalition of average citizens brought together by our deep appreciation for the unique resources located on our vast public lands and the special opportunities they afford us to experience our common history. As you go forward with this planning process, we would ask you to include the Alliance for Historic Wyoming as an interested party for any and all Section 106 consultations. Please use the contact information contained below to keep AHW apprised of all future developments.

After a careful review of the RMP and EIS, the Alliance for Historic Wyoming must express their support for Alternative B as the only alternative that provides what we consider to be adequate protections for the most significant cultural resources under the supervision of the Kemmerer BLM office - the combined trail corridors of the Oregon, California, and Pony Express National Historic Trails and the Fossil Basin. We also appreciate the addition of several new ACECs and MAs in Alternative B and believe that it is far superior in its management objectives, especially in regards to habitat fragmentation and restrictions on OHV use, wind-energy development, and leasing for oil and gas and other solid leasable minerals.

Our support for Alternative B is especially influenced by the provisions for protection of the trails viewshed, as we believe the viewshed envisioned by Preferred Alternative D is needlessly limited. We note that the 44,152 acres set aside for viewshed in Alternative D is exactly the same as that envisioned by Alternative C, which has been designated by the RMP and EIS as the "industry alternative." We do not believe that a 1/4 mile for high management level segments of the trail

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and a mere 100 feet for low management level trail segments can possibly provide protection to match the value of the resource under consideration. We have never seen such restrictive viewshed boundaries implemented by any other BLM office in Wyoming and are deeply concerned that the Kemmerer office, which has the responsibility to protect some of the most evocative of trail segments in the state, is advocating adoption of such a severely restrictive standard. We would strongly encourage you to reconsider these viewshed boundaries and if, after receipt of all public comments, you decide to go forward with the preferred alternative, we strongly urge you to increase the level of viewshed protection currently envisioned in this document. The buffers currently specified in Alternative D, if adopted, cannot help but contribute to severe degradation of this irreplaceable national cultural resource. Such a loss would be tragic not only for the Kemmerer community and the state of Wyoming but for the nation and, indeed, the world. As heritage tourism continues to expand, the Kemmerer area can expect more and more visitors to the beautiful remnants of the NHTs that you oversee. If, however, your management plan has allowed these areas to be severely degraded by nearby development, the Kemmerer area will not benefit from this source of economic diversity. It takes a very short time for the trails community to get the word about where the trail is worth visiting and where it has been so badly degraded as to be no longer worth the effort. Since the area of trails outside Kemmerer is not as easily accessible as many portions of the trail, degradation through loss of viewshed will quickly discourage visitors.

We believe that, considering the very restrictive viewshed boundaries advocated by preferred alternative D, only alternative B is capable of accomplishing the management objectives set forth by BLM Manual 8100 to "manage the lands and cultural resources so that these uses and values are not diminished, but rather are maintained and enhanced" and to "protect and preserve in place representative examples of the full array of cultural resources on public lands for the benefit of scientific and public use by present and future generations." (emphasis added.)

In addition to our concerns about viewshed protections, AHW is concerned by the new terminology that has appeared in this RMP/EIS concerning "high/medium/low management level" designations for trail segments. Despite a thorough examination of the document, I could nowhere find these terms specifically explained with the terms of the management prescribed by each set out. Again, as with your suggested viewshed buffers, these are terms that we have not seen applied by any other BLM office in Wyoming, despite the fact that we pay especially close attention to trails management in all of the Wyoming BLM offices. We believe it is absolutely essential that any final document lay out in specific detail the criteria you have used to designate these segments.

On p. 270 of RMP/EIS, you state: "all of the NHT variants in the planning area have been assessed in terms of their conditions that reflect qualities of integrity. Defined segments are classified for high, moderate, and low management levels appropriate to their conditions and degrees of integrity, as specified below." In reading this, I expected to find a much fuller discussion of the criteria used to classify these segments along with a full examination of which segments have been classified in each category. However, what followed did not live up to that introduction, especially considering that, with this document, the Kemmerer Field Office is introducing totally new terminology to the field of trails management.

For instance, we find it quite confusing that, in discussing the high management segments, you specify that (p. 271) "Management objectives are designed to protect the physical trail traces,

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associated sites and landmarks from adverse effects, and to preserve the settings to retain their integrity at distances **up to 3 miles on each side of the trails."** (emphasis added) We do not understand how that is consistent with your recommendation for a 1/4 mile viewshed buffer for high management level trail segments in Alternative D. How can 1/4 mile on either side of the trail translate into "up to 3 miles on each side of the trails"? In context, this "up to 3 miles" seems to be nice language with absolutely no relationship to reality.

We are also concerned with the language (p. 271) that states: "Specific projects must consider effects in trail settings that retain their historic integrity **beyond the distances specified in the management objectives of the Preferred Alternative."** (emphasis added) We would like to assume that this explains the contradiction between the 1/4 mile buffer and the supposed 3 mile buffer. But then you say nothing about how this additional consideration will occur. Is this to be accomplished through MOAs utilizing the Section 106 processes? If that is your intention, we would suggest that that should be more clearly laid out. Additionally, how will these "specific projects" that require maintenance of integrity beyond the distances specified be determined? Again, we would like to see much more detail regarding the exact processes the Kemmerer Field Office is planning to use to trigger these higher levels of protection. Otherwise, we fear that this nice language will be empty when it comes to actual on-the-ground implementation.

We would commend to the KFO this language from BLM 1986b: "BLM managers are directed to maintain the scenic/historic integrity of historic sites and cross-country segments on public lands, to avoid destruction of trail resources, to mitigate unavoidable impacts, to **accord the trails a priority status** in the land use planning process, and **generally extend to the trails the type of protection afforded to other nationally significant historic sites."** (emphasis added) At the moment, unfortunately, AHW does not feel that Preferred Alternative D carries out this mandate.

Lastly, as regards these new management levels, nowhere in the document did we find any listing of trail segments by these categories. Only in the maps - which, by their nature in this small format, are extremely limited in the amount and quality of information they can provide - did we find anything that began to provide exact information about which areas of the trails you have classified as high, medium, and low management segments. We would like to see an appendix added to any final document that would provide specific information about which segments have been classified as high, medium, and low management segments and why. We believe it is especially important to provide this sort of detailed classification at this point in the process so that, as time goes on, people can refer back to this document to ensure that what AHW would refer to as "creeping degradation" has not been allowed to occur. It has been a continuing concern of AHWs that, in the process of classifying segments of NHTs as being of low quality, the BLM field offices are automatically jeopardizing those segments that abut the low quality segments. We fear that, without some specific boundaries to refer back to, five or ten years from now, those low management segments will have bled over into the medium management segments adjoining them while the medium management segments bleed into the high management segments. This is the inevitable result if wholesale development is allowed to occur along those segments considered too degraded to be worthy of protection. Unfortunately, when dealing with a resource where viewshed constitutes a large part of the resource, any intrusion on that viewshed - even one in the far distance - can, and, in the past, has been used to justify continuing degradaton. Thus, a full exposition of what segments now constitute high, medium, and low management segments is essential to future preservation efforts. We agree with the BLM

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that "(h)istoric trails are among the most difficult resources to manage because of 'their varying degrees of preservation and diverse range of environmental settings' (BLM 1986a)." This, however, simply requires us to work harder and cannot be used as an excuse to simply classify segments in such a way as to allow the desired development objectives. We owe it to future generations to do the hard work now to protect these precious resources for the enjoyment of those who will follow us.

We also note that only Alternative B calls for the BLM to "develop and enhance significant segments and sites by installing directional signs to trail segments from main roads, trail markers at trail traces, and interpretive signs. Acquire legal access for public visitation to trail segments. Develop a stewardship program to lead trail tours, monitor sites, and generally assist with management." These efforts would seem to be well within the BLM's mandate to "maintain and enhance" these resources, as mandated by BLM Manual 8100. Therefore, we would encourage the BLM to incorporate these requirements into any final RMP.

Other concerns that AHW has with the RMP/EIS includes the fact that Alternative D calls for the Kemmerer Field Office to "incorporate the national energy plan into KFO land use planning ... (and) support national energy plans regarding development of renewable energy sources." (p. 169) We in Wyoming are well aware of what this means in practice, having seen the results of incorporating the national energy plan as a primary land use policy in the Pinedale and Rawlins Field Offices. This has led to wholesale industrialization of huge swaths of public lands administered by both those offices. In addition, it has led to a proliferation of lawsuits, resulting in delays in the implementation of any policies. Wyomingites have seen thousands of acres of their public lands subjugated to energy interests. While many will tout the economic benefits these policies have brought to our state, others will point to the cultural, social, and human costs that accompany such policies. Moreover, anyone who has lived in Wyoming for any length of time remembers all too well other boom and bust cycles. When the cycle goes bust, our state is left with few resources to pick up the pieces. In the past, those anxieties have always been assuaged by visiting our vast and varied and beautiful public lands. Our economy has always then turned back to tourism to pull us out of the bust. If, however, we have sold off our natural heritage and industrialized huge sections of our state, when the next bust comes, we may find that we can no longer attract the kind of quality tourist that we have in the past. For these reasons, AHW prefers Alternative B which seeks to "miminize the reliance on the national energy plan in all KFO land use planning and focus on the diversification of the local economy by, for example, stressing recreation, grazing, and renewable energy."

Another reason that AHW supports Alternative B is that it is the only alternative that designates the Fossil Basin as an ACEC. This area is an exceedingly rich resource that offers tremendous opportunities for recreational as well as scientific undertakings. Moreover, only Alternative B calls for utilizing inventory data to identify areas outside Fossil Basin for special protection and management. We are disappointed that Preferred Alternative D simply says that data submitted to the BLM will be collected and kept for future reference. This would seem to be a very minimal concession to the protection and understanding of these rich resources since data merely collected and kept is unlikely ever to be available to or known by the general public. When one considers how many significant historic and scientific advancements have been made because someone just happened to stumble upon pieces of information stored in some dusty archive, it

becomes clear that the BLM should have more responsibility to the public to act on potentially significant information received than simply to store it away.

The increased acreage set-asides for the Rock Creek AAA and the Bear River Divide AAA also provide superior protections under Alternative B.

We also believe that Alternative B is superior because it calls for heritage resources to be researched and tribes to be consulted proactively "to identify all sensitive sites within the planning area." (p. 86) And while we appreciate the ROW protections provided by Preferred Alternative D, we believe that the prohibitions on ROW corridors, wind-energy projects, surface-disturbing activities, OHV use, prescribed burns, and vegetation treatments are superior under Alternative B, especially because they set out specific limitations on these activities within the boundaries of Emigrant Spring/Slate Creek, Emigrant Spring/Dempsey, Johnston Scout Rock, Alfred Corum and Nancy Hill emigrant gravesites, Pine Grove emigrant camp, Rocky Gap trail landmark, and Bear River Divide Trail landmark. In particular, we note that wind-energy development along the trail traces presents a real potential threat to the future of the National Historic Trails. Alternative B, which specifies that ROW corridors "may not be designated where they conflict with NHT management objectives" (p. 514), is vastly superior to Preferred Alternative D in protecting these resources from wind-energy development.

We strongly support Alternative B and Preferred Alternative D in the establishment of the Oregon-California National Historic Trail Special Recreation Management Area "to be created and managed to protect the historic value of the trails, while providing for interpretive opportunities benefiting NHTs." (p. 515 and p. 518) And we are gratified that Preferred Alternative D, like Alternative B, calls for the establishment of the Emigrant Springs Back Country Byway. We believe this will be a wonderful opportunity for people to learn more about the emigrant experience, the existing trail resources, and provide for increased cultural tourism in the Kemmerer area.

For all of the reasons stated above, the AHW strongly supports Alternative B. However, if the KFO decides to go forward with Preferred Alternative D, we hope that you will take into consideration some of the concerns we have expressed and clarify the language, classification system, and protections afforded to the unique and precious resources for which the Kemmerer FO is responsible.

Thank you again for this opportunity to comment on the RMP/EIS.

Sincerely,

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Public Response Document 00021

IPAMS
Independent Petroleum Association of Mountain States

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October 3, 2007

Michele Easley
Team Leader
Bureau of Land Management
Kemmerer Field Office
312 Hwy 189 N
Kemmerer, Wyoming 83101

Re: IPAMS Comments on the Draft Kemmerer Resource Management Plan and Environmental Impact Statement

Dear Ms. Easley:

These comments are submitted on behalf of the Independent Petroleum Association of Mountain States and its 400 member companies regarding the Bureau of Land Management's (BLM) Draft Kemmerer Resource Management Plan and Environmental Impact Statement. IPAMS and its members are committed to developing the significant oil and gas resources on non-park, non-wilderness public lands in Wyoming and the Intermountain West in an environmentally-responsible manner. IPAMS appreciates the opportunity to comment, and respectfully requests that the BLM consider the following comments.

1. General Comments

Natural gas is a vital source of energy and plays a crucial role in meeting the nation's economic and environmental quality goals. According to a study prepared by the National Petroleum Council, Balancing Natural Gas Policy – Fueling the Demands of a Growing Economy, "the recent tightening of the natural gas supply/demand balance places greater urgency on addressing the future of this important energy source and resolving conflicting policies that favor natural gas usage, but hinder its supply." The study also found that abundant natural gas resources exist in North American and identified the Intermountain Region as the most prospective area for development of new natural gas supplies. These findings are supported by the Energy Information Agency, which predicts that natural gas production from the Rocky Mountains will more than double over the next twenty years. The majority of lands in the Intermountain Region are managed by federal land management agencies, and new development will only occur if these agencies recognize the importance of allowing reasonable, economically-feasible access to natural gas reserves to provide energy to an

estimated 62 million American households.

Analysis of Reserves and Accessibility

Government policy contained in Congressional actions, Executive Orders, Resource Management Plans, and other administrative actions of federal land managers result in decisions that put a significant amount of domestic energy resources off limits to development. The 2006 *Scientific Inventory of Onshore Federal Lands' Oil and Gas Resources and the Extent and Nature of Restrictions or Impediments to Their Development* prepared by the Departments of Interior, Agriculture, and Energy as directed by the Energy Policy Conservation Act of 2000 surveyed the resources on 66.8 million acres of public lands in the Intermountain West. Of that acreage, 40% is inaccessible for oil and gas development, and 26% is accessible, but under various degrees of access restrictions, and only 34% is available under standard lease terms. The document identified approximately 118 trillion cubic feet (TcF) of undiscovered technically recoverable natural gas in the Rockies and found that 14% or 16.5 TcF is completely inaccessible, but the majority, 77.2 TcF or 65% is restricted by varying levels of lease stipulations and conditions of approval on permits. While restrictions may be appropriate in many cases, the BLM should acknowledge that they place costs and time burdens upon industry that can be insurmountable at times. The increased costs may create the situation where it is not economically feasible for a producer, particularly small, independent producers, to develop the resource.

The EPCA study analyzed 4 million acres in the Wyoming Thrust Belt, where the Kemmerer Planning Area is located, and found that 70% of the lands is inaccessible, 17% is available with varying degrees of restriction, and only 13% under standard lease terms. IPAMS believes that the Kemmerer DRMP should contain similar data which identifies the resource potential and how decisions in the DRMP will affect accessibility to oil and gas resources. Without that detailed information that takes the EPCA data down to the planning area, it is difficult to determine the effects of the provisions in the DRMP on oil and gas resources. In chapter 3, page 21-22, it does state the acreage that is considered to have low, medium and high potential, but it does not specify how that determination was made and how that translates into actual reserves of oil and gas. Table 2-3, Details of the Alternatives page 2-44 does specify the number of acres that are subject to standard lease terms, subject to moderate and major constraints, and inaccessible, but does not include the volumes of oil and gas resources affected.

Furthermore, the various types of restrictions in the plan – wildlife timing stipulations, visual restrictions, slope restrictions, and historic trail buffers – all combine to place major restrictions on development. It seems that the analysis in the DRMP does not take into consideration the cumulative impact of all these restrictions. Several of the restrictions are already more than moderate constraints, but when combined with several other layers of restrictions should certainly be categorized as major restrictions. It is not clear that the analysis looks at all the restrictions in the aggregate.

The DRMP/EIS should better define what is meant by moderate constraints as opposed to major constraints, in order to enable readers to determine what those restrictions are and how they will affect oil and gas operations.

Without specifics on the reserves, IPAMS believes that the BLM cannot adequately analyze how further restrictions on development are likely to affect the production of those resources, and what the effects of restrictions are on socio-economics in the local area, the state, and the nation.

Socio-Economic Analysis

The socio-economic analysis in the DRMP is an area of concern. The economic analysis finds that there is no significant difference between the current scenario in Alternative A and the preferred Alternative D. The analysis finds that Alternative D compared to Alternative A would result in only:

- five fewer jobs
- the same relative contributions of the oil and gas industry compared to recreation and ranching
- a decrease in the average annual impact on earnings of $300,000 to 400,000
- a decrease in the impact on average annual output of $3.5 to $3.6 million.

It is hard to believe the economic impact would be so small given the large number of additional restrictions proposed in the DRMP. We believe that the analysis is flawed, in that it is not looking at the full impact of land use planning decisions on the industry and the economy. The analysis is not adequately taking into consideration the additional restrictions on land access and the added burden of complying with increased levels of lease stipulations and permit conditions of approval. The restrictions on producing energy resources will mean that some reserves may not be developed as costs go up and the resources are less economically feasible to develop. With volatile commodity prices, it cannot be assumed that resources will be developed regardless of access restrictions and the additional costs those bring.

IPAMS fails to see how the BLM can determine the effect on the economy to be so small when it is proposing to:

- Reduce the acreage available under standard lease terms down by 197,393 acres to just 64,171, or just 4% of the federal mineral estate
- Increase the acreage available under moderate constraints to 1,042,502 acres, or 66% of the mineral estate, and
- Increase the acreage that is unavailable to leasing up 76,899 acres to 12% of the federal mineral estate.

The BLM is not fully accounting for how their decisions will affect the local, state and national economies. The socio-economic analysis does not adequately analyze how much resource is

affected by the increased restrictions on development and how those decisions will ripple through the economy. Indeed, on page 4-238 it is stated that '… because of the uncertainty in projecting the pace and timing of future development, the assessment of social and economic consequences is based on a relatively constant level of development over time.' Since the BLM is making decisions that will exacerbate the uncertainty and cause development to slow, it is not adequately acknowledging it's role in affecting the economy with those decisions.

We have seen prices for natural gas fall below $2.50 per thousand cubic foot (mcf) over the last several months, with spot prices as low as $.20. Because most of the reserves being developed in Wyoming and the Rockies are unconventional resources such as tight sands and shale gas, the cost to develop is higher than that for conventional resources, and is estimated to be about $3.00 per mcf. Many producers across the Intermountain West are having to shut in gas or lose money on each mcf sold. Additional restrictions can cause that price to go higher. Therefore, it cannot be assumed that energy companies will develop the resources no matter what the restrictions. As resources go undeveloped, the local community, Wyoming and the nation lose out on domestic energy, while local communities and Wyoming can lose significant amounts in taxes and indirect and induced economic activity.

Reasonable Foreseeable Development (RFP)

The RFD is not based on the latest data on resource potential in the Wyoming Thrust Belt, and hence understates the potential in the planning area. The RFD does not take into account advances in technology and development trends for unconventional resources in similar formations throughout the Intermountain West. As a result, the DRMP assesses many promising areas as low or moderate potential, and the RFD is not adequate for the oil and gas potential reflected in more recent data.

Visual Resource Management Designations

The DRMP introduces further restrictions on oil and gas with large portions of the planning area being designated as VRM Class II. Under guidelines contained in Appendix N, the Class II designation would preclude surface disturbance from oil and gas activities. It is not clear from the document if the designation of large portions of the planning as Class II is included in the acres of mineral estate that are considered as subject to major constraints. It appears that they may not be, in which case table 2-3 records 2006 – 2010 on page 2-44 would be misleading, as the Class II restrictions would constitute a major impediment to development. In fact, if interpreted strictly, the visual requirements will lead to no surface disturbance and the failure to recover vast energy resources. Since oil and gas development is a temporary disturbance to the surface with temporary visual impacts, as most wells are abandoned after twenty to thirty years, the VRM provisions do not provide a reasonable balance between protecting vistas and developing energy resources needed by the nation. There is little difference between Alternative B, the most restrictive alternative, and Alternative D which is supposed to be balanced. Full field development would be virtually impossible under the Class II designation.

Furthermore, the plan proposes some areas as Class II where there are already visual impairments. Many areas in the historic view sheds are already within sight of large electrical transmission towers. The plan further imposes height restrictions from historic trails so that the views from the trails are not affected. However, it seems ridiculous to impose a 12 foot limitation to new development when the existing view sheds are already impacted by towers that are much higher than 12 feet. Instead of blanket Class II designation for all areas surrounding historic trails and height restrictions, land managers should have the ability to approve development where the visual impact can be mitigated.

The six-mile visual corridors proposed around historical trails are also excessive and would result in closing significant acreage to development. The provision would result in a major constraint on oil and gas development and is excessive for protecting visual resources. IPAMS believes that two mile corridors would represent a balance between protecting the view shed while developing energy resources.

Wildlife Timing Stipulations

IPAMS members actively work to reduce the footprint of development and impact on wildlife. Companies routinely go above and beyond what is required by law to protect wildlife and habitat. Directional drilling is an example of industry applying technology to reduce surface disturbance and habitat fragmentation. However, the combined wildlife stipulations specified in the draft DRMP limit the drilling window to just August 1st through November 15th. Besides the fact that these combined stipulations impose major constraints on companies ability to execute their business plan and reduce economic feasibility, they also may result in increased surface disturbance and extended timeframes for development and hence, disturbance to wildlife. After the development window closes on November 15th and the rig has to be relocated, the resulting timeframe for drilling activity is extended from potentially just a few years to several years. Rather than just getting in for a concentrated period of time, finishing the drilling plan and leaving, drilling multi-well pads is extended over several years. In addition, well pads must be considerably larger when the rig must be removed and reassembled. When a rig can stay on site, drill multiple wells, and then leave, less maneuver room on the pad is necessary. Land managers should have the flexibility to approve multi-well drilling that extends over an entire year since it can reduce drilling time, reduce multi-year impact to wildlife, and reduce surface disturbance. These are goals that we believe the BLM and industry can agree on if land managers have that flexibility.

In general, Appendix F, Exception, Modification and Waiver Criteria provides land managers with the flexibility to ability to waive seasonal restrictions, but the DRMP could be stronger if that flexibility were acknowledged in the body of the text as well. Appendix F should include under 'Factors Considered' a section on best management practices (BMP). A plan of development that specifies BMPs such as multi-well pads and shorter development times, for example, should be a factor for consideration when deciding whether to grant a waiver.

IPAMS recommends the inclusion of a statement in the DRMP that the seasonal restrictions apply to drilling and not maintenance and operations. Applying the restrictions to maintenance and operations would raise safety issues.

Habitat Fragmentation

In Table 2-3, record 4039, page 2-62, a restriction of just three percent disturbance is mentioned, but not elaborated upon in the DRMP for Alternative B. Without clarification, it is impossible to assess how this could be interpreted by land managers and to determine the potential impact on oil and gas operations. Ill-defined prescriptions for how the three percent disturbance will be applied could impose severe, arbitrary restrictions on development. IPAMS supports the decision to keep the three percent restriction out of the Preferred Alternative, instead allowing best management practices and mitigation to reduce habitat fragmentation.

Special Management Areas

The DRMP designates Rock Creek/Tunp and Bear River Divide as 'Special Management Areas.' However, Special Management Areas are not allowed under FLPMA and 43 CFR 1600 planning regulations for putting large areas off limits to development. Doing so violates the principle of multiple use, and is probably not legally defensible.

The DRMP is clear that the resources contained in Rock Creek/Tunp and Bear River Divide are not sufficiently unique to warrant designation as an Area of Critical Environmental Concern. Land managers already have several tools that can be applied in these areas to protect wildlife, such as timing stipulations, controlled surface use, and mitigation. Therefore, a new classification should not be used.

Conclusion

IPAMS does not believe that the DRMP achieves the right balance of resource protection and energy development. The Kemmerer Field Office has undervalued the oil and gas resource potential in the Kemmerer planning area, and feels free to place major restrictions on development of that resource. As a result, the DRMP places many layers of restriction on oil and gas development, while at the same time down playing the extent of those restrictions. A fair analysis of the restrictions would result in more acreage designated with major and not moderate restrictions, which is a more honest assessment. The DRMP should be revised to reduce, not increase these restrictions.

IPAMS would like to thank the BLM for the opportunity to comment on the Draft Kemmerer DRMP/EIS. Please do not hesitate to contact IPAMS should you have questions about our comments or recommendations.

Public Response Document 00022

00022

UINTA COUNTY CITIZENS COALITION
for SOUND RESOURCE USE
PO BOX 338
LYMAN, WY. 82937

October 10, 2007

Kemmerer RMP and EIS
Bureau of Land Management Kemmerer Field Office
312 Hwy 189N
Kemmerer, WY 83101-9711

Kemmerer Resource Management Planning Team,

The Uinta County Citizens Coalition for Sound Resource Use (UCCC) has been in existence, actively organized and involved in resource issues of concern to Uinta County and the areas adjacent to Uinta County since 1994. We appreciate the opportunity to comment on the Kemmerer RMP and EIS, however we are perplexed that we were unable to have any input in the planning stages.

In reviewing some of the correspondence of Uinta County's representatives on the Cooperating Agency Committee, it appears even they did not have adequate time to allow a complete review of some of the Chapters, Maps and Appendices. Certainly the UCCC has not had adequate time either. Therefore, we respectfully request an extension of at least six months (180 days) to make a complete set of comments on the Draft RMP and EIS for the Kemmerer Field office Planning area.

Explanation: When the Wasatch-Cache National Forest (WCNF) Management Plan was revised, Uinta County was designated a "Cooperating Agency" by the Forest Service (FS). The Uinta County Commission appointed the officers of the UCCC , along with the County Planner as the designated people to represent Uinta County in the Forest Plan Revision effort. These representatives has a "seat at the table" and met continuously with the FS personnel throughout the revision process. Many of the meetings were held in the Uinta County Court House in Evanston, WY. As "Cooperating Agency" representatives, we were allowed to solicit and / or use information from any source including members of the UCCC, which would help in the development of the Forest Plan Revision. As an example, we solicited the expertise of Tex Taylor and Bret Moline, University of WY, to develop the IMPLAN model for the economic section, in the Plan revision. This information was readily accepted by the FS as the University had much better insight into how the multiple uses of the WCNF would affect the economy of Uinta County.

When we, the UCCC, became aware that the Kemmerer Field Office Resource Management Plan was being revised, and because we, as citizens of Uinta County will be the ones most affected by this Resource Management Plan (RMP), we invited Kent Williams, the Uinta County Planner, to attend one of our regularly scheduled meetings. Kent had been designated the Uinta County representative to represent Uinta County, who was designated a "Cooperating Agency" and would have a "seat at the table". At this meeting we asked Mr. Williams if we could be a resource for him to provide information for his deliberations with the

1

BLM during the revision process. He said yes, that would be very helpful as he was not an expert in many of the subjects being covered in this revision process. Shortly thereafter he informed us that the BLM would not allow him to divulge any information being considered in this revision process nor solicit any infonnation from the UCCC or anyone else. He was told that all this information was confidential and in the event he broke these confidences, he or Uinta County would lose their "seat at the table". Thus the citizens of Uinta County had very little input into this revision process. That is only one of the major reasons we respectfully request an extension for comments.

Additionally on page A-1 of the Appendix A—Conservation Measure-Plants-Ute Ladies'-tresses (Threatened), In that first paragraph:

"The following section presents new conservation measures reviewed by all 10 Wyoming BLM field offices and agreed upon by all 10 field managers. These measures will be implemented upon acceptance of the statewide biological assessment (BA) (BLM 2005a) by the U S Fish and Wildlife Service (USFWL). We can understand that statement but upon examination of the two (2) full pages of potential restrictions it is difficult if not impossible to accept this at face value. There are too many unknowns and too many possible personalities with an opportunity to cause grief, mischief and discord with the final interpretation of the 14 listed restrictions. When will the affected citizens, permitted users, utility companies, and all others have an opportunity for input on the final outcome of these restrictions and revisions? Yet another reason for requesting an extension.

Another reason for requesting an extension of 180 days to comment is underlined below by Dr. Bill Laycock.. We have asked Dr Laycock, who was the Head of the Range Management Department, University WY, to review the Draft Kemmerer RMP. Here are his comments:

"I have spent more time with the Draft Kemmerer RMP but am still having trouble linking topics and finding specific things. Almost everything I have looked at contains information so general that little can be commented on... I will call Michelle (Easley) tomorrow to try to get a hard copy in case they extend the deadline for comments. If the deadline for comments is extended and I can get a hard copy, I will be glad to do a better review." Dr Laycock related to us in a telephone conversation that he had the discs but it is very difficult to make a thorough review from the discs. Dr. Laycock continues, "In the section 3.4.2 (Vegetation-Grassland and Shrubland Communities), there is a statement on the 3rd full paragraph on page 3.51 that: 'Nationally, about 70 percent of riparian areas have been lost (Howe et al. 2004). This statement originated in the riparian publication put out by BLM but with no documentation of where the figure came from. It has been repeated as fact ever since. The BLM needs to document the data behind this statement or quit using it."

"In section 4.6.4 (Livestock Grazing Management there us a discussion of the effects of fire on p. 4-187,2nd and 3rd paragraphs. This talks about the beneficial effects on livestock by improving quality and quantity of forage but emphasizes mainly the adverse impacts. The use of fire to rejuvenate shrub stands for wildlife habitat is not even mentioned, at least here."

"Because of the major emphasis being put on sage grouse habitat in appeals of allotment renewals by WP, the section on Greater sage-grouse under Special Status Species (Chapter 3-80 to 3-81) may be quite inadequate. There needs to be a much better description of the adequacy of

the various kinds of habitat needed for grouse, such as: winter, nesting, brood rearing, leks, etc. For example, in the Granger Standards Determinations, it is dictated that sheep camps be located at least one mile from leks. It isn't clear whether this restriction is just during the breeding season or all year."

Glossary 18 Surface-disturbing Activities (or Surface Disturbance)

UCCC has serious concerns with many of the definitions within the Glossary. For example: There is a written definition but, at the end of the definition it is stated, "The Wyoming State Office currently is revising this definition." How can anyone count on the management of "Surface Disturbance" if it is still being defined AFTER the Draft is released? The entire Draft is rendered "subjective" and could be "NULL and VOID" if the general public has absolutely no idea what the definition of Surface Disturbance will be. How many other extremely critical definitions are subject to change without ample opportunity for review and comment?

Glossary-20 Viewshed

A viewshed is used in Visual Resource Management to describe ".... landscape that can be seen under favorable atmospheric conditions from a view point (key observation point) or along a transportation corridor" (BLM 1984) That is certainly a subjective and overused technique to control the land. Could BLM cite the science behind the use of that term? That term has potential to usurp legally established private property rights as well as redefine multiple use of federal lands. Where is the authority to use that word in such a broad scope, with such extreme utilization restrictions?

The UCCC takes exception with possible limitation of application of chemicals.

1. The use of aerial application of the chemicals commonly used to control mosquitos. It is absolutely imperative the counties are allowed to continue spraying for mosquitos due to the increased death rate of humans caused by West Nile Virus. Many of the outlying subdivisions are contiguous to BLM wetlands, riparian areas or aquatic habitats even though the subdivisions are on Private Property. BLM can not be allowed to control private property.

2. There is broad concern by citizens and Uinta County Weed and Pest about the rapid expansion of "Salt Cedar" along water ways in and adjacent to Uinta County. The Weed and Pest Department personnel are diligently attempting to control the spread of Salt Cedar by chemical application in the areas of concern and must be allowed to continue. Salt Cedar is an INNS which wicks too much moisture from streams, which causes the soil to break down, thereby eliminating a valuable water source for livestock and wildlife and encourages erosion from the damaged soil.

BLM states on p.4-69 IMPACTS COMMON TO ALL ALTERNATIVES:

"No management actions under any of the alternatives emphasize the eradication of salt cedar." Therefore, UCCC strongly suggests that BLM should include an eradication of salt cedar through-out all Alternatives in an effort to be proactive

3. Many Property owners in and adjacent to Uinta County within the Kemmerer RMP area have successfully used ariel application of the herbicide "SPIKE" to control sagebrush, thereby increasing wildlife habitat and livestock forage. Again, this is a best management practice that must be allowed by BLM to continue.

3

METHODS AND ASSUMPTIONS p. 4-53 4.4.1.1

UCCC commends BLM for recognizing that: "Forest and Woodland management treatments promote forest and woodland preservation, production, health and value.

We strongly oppose the implication in bullet point 2. That: "Livestock grazing in forests and woodlands could adversely impact the forest resource by limiting regeneration and, to a lesser degree, by compacting soils due to high concentration. That is argumentative and unscientific. The forest and woodland areas are managed correctly in regard to grazing because the permitted users are operating under allotment management plans concerning numbers of animals, season of use, and utilization levels. It is scientifically proven that livestock help regenerate vegetation (forage/ grasses etc.) by manure droppings and re-seeding through the natural trampling of hooves.

Page 4-53 4.4.1.1 Methods and Assumptions

The UCCC agrees with bullet point #9: "Management of the forest could increase the water yield from the forest". We highly recommend BLM refer to the Forest Management study done by Forest Service Personnel and others entitled "The Hayden Study" done near Hayden, Colorado concerning the Medicine Bow National Forest. For example : 1,000 acres of actively managed forested land could increase downstream water flow by up to 4,000acre feet per year. The BLM is doing more damage by not harvesting the dying, decadent and over mature stagnated stands of timber, by far, than any permitted livestock grazing practice.

3.4.1 Vegetation- Forests, Woodlands, and Forest Products

Management of Forests and Woodlands P. 3-47

BLM established long range productive capability for the forested land and an accelerated harvest solution that allows harvesting high risk timber sooner. Harvest levels for the first and second decade of 11.8 mmbf from 1787 acres and 11.5 mmbf from 1486 acres, with harvest levels for future decades at 18 mmbf. Regardless of which alternative is decided on, the pine beetles should be controlled. If the timber is not harvested at an accelerated level there will not be any timber left for future decades, because the pine beetles are destroying the trees faster than any harvesting plans BLM has for any alternative. The only way to control the pine beetles is to thin and remove the dead and dying trees, creating a more open timber stand in which the beetles cannot survive as easily. This is a well known scientific statement.

3.4.5 Fish and Wildlife Resources-Wildlife

Wildlife and Habitats in the Kemmerer Planning Area p.3-57

As BLM attempts to discuss the historic activities which contribute to the degradation of Wildlife Habitat they are quick to point to livestock concentration areas. It should be quickly pointed out that livestock production—Ranching in particular, provides a huge amount of Wildlife habitat along the rivers, streams and waterways. The production of forage and the secluded habitat provides "Big Game" species like mule deer, elk, moose, and mountain lions an excellent source of Wildlife Corridors, which in turn contribute to the steady increase of Big Game population numbers in the Kemmerer Resource Area. BLM must meet livestock grazing commitments as well as wildlife, and cannot allow unchecked game numbers that cause

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degradation of the resources. The BLM and other participating conservation groups seem to over look the contributions by livestock producers. Promoting good will with the land owners will go a long way to protecting the Wildlife Corridors and Habitat and will allow these things to remain unregulated. These contributions are seldom mentioned in Environmental Impact Statements especially with a positive tone. Is it not far more productive, for the RMP area to have thriving ranch operations than have vast subdivisions because the BLM helped force ranchers out of business and ultimately sell the HABITAT for development? The ranchers are only asking for cooperation nothing more.

Historic Trails 3-94.95

It could be impossible to....."protect the physical trail traces, associated sites and landmarks from adverse effects, and to preserve the settings to retain their integrity at distances up to 3 miles on each side of the trails." That is an egotistical land grab scheme by someone. BLM should be quick to recognize the impossibility of that task simply by being familiar with the geography, the natural geographical changes, (i.e. water, wind, and weather) as well as established land ownership patterns (i.e. the "Checker-Board" land patterns in the west). There are many instances throughout the RMP and EIS that the Kemmerer field office seem to ignore the importance of private property rights (as discussed in the Historic Trails Section above), Well over 50 % of the area being considered in this plan is in private ownership. The right to own property was established by the U.S. Constitution and should be given proper consideration by all Federal Agencies and others in the land use planning process. It is, after all, illegal to take property without just compensation. A property owners right to manage private property could be interpreted as a takings under the right circumstances.

3.7.2 Wild and Scenic Rivers

UCCC has many concerns with any proposal for Wild and Scenic Rivers within the Kemmerer RMP area. BLM has jumped the gun on this point by not considering or dealing with the existing water rights on the proposed river segments, or any up-stream water projects through out the RMP. This is a critical omission. Again property rights must be carefully considered in order to have an acceptable RMP. Furthermore, BLM has no authority to manage rivers determined to be suitable for designation and BLM is not directed to submit a suitability report to Congress. Construction of facilities typically related to exercise water rights is prohibited. All water supply dams and major diversions are prohibited. Range management tools would also be prohibited. Since the proposed segments are located within a WSA we fail to see a need for ANY designation.

3.7.3 Wilderness Study Areas Raymond Mountain WSA

There are no valid reasons to place Raymond Mountain under a permanent Wilderness designation. That designation precludes active vegetation management, including timber harvest and all vegetation management, fire protection and multiple use of an area historically used by all walks of life for at over 100 years. Physically challenged citizens, young families with small children, and just about everyone else, are precluded from using and enjoying the Raymond Mt. The area has not been abused and with continued management and monitoring the area will

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continue to serve the general public. Closing the mountain makes BLM management easier but it does not serve the public as well. This is not BLM's land it is the public's land. Portions of Raymond Mt. have been mined, the entire area has been used, traveled on and generally trammeled by man. That certainly does not sound like a suitable area for a Wilderness area. The Wilderness legal description states untrammeled by man. Certainly this area is trammeled and should be classified under continued multiple use. Two thirds (2/3s) of all federal land have already been withdrawn from multiple use for Wilderness, we certainly do not have a need for more Wilderness.

4.2 Mineral Resources

The Kemmerer Resource area is in a portion of the "Overthrust" geologic feature that runs from South America to the Arctic. On an International scale it is a major mineral and energy resource feature. The Kemmerer area has under gone responsible mineral development for over 150 years. New reserves and resources continue in the future. Current technology and economic factors leave 65 to 70% of the original oil in place unrecovered, but new technology and values continue to improve these recovery percentages. This area can be expected to continue contributing to the national energy supply for the next 150 years.

Many Prescriptions in Alternative D severely limit or restrict the production of the known resources. This not only makes no intellectual sense, it also directly conflicts with the National Energy Policy. It makes no sense to leave energy in the ground in our country which is suffering from a severe lack of energy supply and trying to carry the burden of $80. per barrel oil costs.

The Prescriptions in Alternative D also present a severe bias against the opportunities to develop "alternative energy" resources!

Energy resources (existing and future development) must be transported out of the Resource Area for use and utilization. The Prescriptions in Alternative D will specifically prevent the development of any future energy resources. Is that what BLM is trying to do?

In the "Checker Board" area the Prescriptions of Alternative D also prevents private interests from developing privately owned energy resources. Again, this is believed to be a major illegal"taking" on the part of the BLM of private interests.

Ground transportation has been an activity since at least the late 1700's. Foot, horse, wagon, cars and now ATV's have traversed every flat or regular surface throughout the region. In actual terms the region is in fairly good condition. The Prescriptions on travel in Alternative D are designed to deal with "perceived" future problems and/or to prevent/restrict current and future resource production.

Specific objections to the Prescriptions are almost too numerous to itemize. But additional examples are:

The NWR approval was predicated on a condition that Surface Occupancy would not be restricted.-It's in the record!

It is illegal to require mitigation funds be assessed to be applied elsewhere for unrelated activities.

Limiting future mineral leases as a general concept rather than for specific resource management objectives is certainly objectionable.

6

In conclusion the Uinta County Citizens Coalition for Sound Resource Use recognize and respect wise, sound resource use but strongly object to BLM's attempt to eliminate multiple use in such a vast area of sage brush, cedar bluffs and rolling hills. We further object to implementation of severe restrictions of future water and energy use. We reiterate the necessity to extend the comment period for an additional 180 days and respectfully request a written reply as soon as possible.

Respectfully Submitted,

Joe V. Hickey, President, Board of Directors
Uinta County Citizens Coalition for Sound Resource Use
Post Office Box 338
Lyman, Wyoming 82937

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Public Response Document 00023

00023

October 10, 2007

Kemmerer District
Bureau of Land Managemen
315 Highway 189
Kemmerer, Wyoming 83101

Dear Folks,

I appreciate this opportunity to address the Kemmerer BLM Resource Management Plan.

I first want to thank Mary Jo Rugwell for all the work she has put into this plan. Also, for always being so willing to answer questions, and explain the different points of the plan.

This plan will affect every resident inside the Kemmerer District whether or not he or she ever sets foot on the BLM ground. The people have depended on the resources of this area for their economic well being for over 180 years.

In the 1820's the Mountain Men survived from wildlife, in the 1860's residents survived from grazing, and mining , and in the 1870's from oil production around Spring Valley.

Still after all this time we have the most abundant wildlife, some of the largest livestock production, largest coal, oil and gas production in Wyoming of any State in the Union.

I recognize alternative D is the preferred plan. However it also puts many restrictions on the use of our Natural Resources. Such as oil and gas by restricting the acres leased permitting and vague surface disturbing rules. It seems that alternative D, although, not the worst, it wants to decrease the amount of new and old wells. (4.2, 2.3). What will pay for our schools, roads and services? Certainly not the "View Shed".

Coal production and leasing will also be more difficult. (4.2.,3, 4.2,3.1). By your own economic and social analysis these activities are absolutely essential to the Kemmerer BLM District, the State of Wyoming, and the Nation.

I think one of the most effected uses in the plan will be grazing. Yet it is the oldest continued renewable use of public land. Without grazing there are no water projects. It is a known fact that vegetation degenerates, and the chance of catastrophic fire increa

In the plan there are many restrictions on the operators, which add to their experience and time of their operation. Such as sheep camp locations, location of mineral supplement, and hundreds of miles offence maintenance. I see few practices that will improve their bottom line. Do we want ranches or ranchettes? You will force the checker board, and other agricultural lands to be subdivided! Affecting all uses and wildlife!

10-10-2007 04:15pm From-BLM - KEMMERER FIELD OFFICE 3078284539 T-318 P.019/125 F-810

In the west "water is life". By putting restrictions on our water ways. This plan will take the life blood from our area. You want to restrict dams and new irrigation projects on nearly all our rivers and streams. 5

Before Meeks Cabin Dam and the State Line Dam were built, both lower Black's Fork and Smith's Fork would be dry by the 4th of July down stream from Bridger Valley. Now there is in-stream flow year round. This adds great value to the wildlife, agriculture, and growing communities. Your plan will choke to death our future.

History is a very important part of our area, but I see even that, is distorted, when you wrote Fort Bridger was "seized by the Mormons," actually it was purchased by the Mormons for $8000. With $4000 being paid in 1855 and $4000 paid later. However, they had to burn it in the fall of 1857 along with Fort Supply and Supply City to keep Albert Johnston and one third of the standing army of the United States from marching on their homes in Utah. They still paid Bridger the remaining $4000. Albert Johnston was killed fighting for the Confederacy in a real rebellion. 1

I feel I have just touched the surface on going through this plan. Where the general public was not at the table. I feel the comment period must be extended. Changes and comments need to be made. ?

Thank You,

Joe V Hickey

Joe V. Hickey
Lane 1
Lonetree, Wyoming 82936

RECEIVED
BLM KEMMERER F.O.
2007 OCT 10 P 3:43

Public Response Document 00024

KEMMERER DISTRICT
BUREAU OF LAND MANAGEMENT
315 HIGHWAY 189
KEMMERER, WYOMING 83101

10-10-2007

00024

RESPONSE TO DRAFT RESOURCE MANAGEMENT PLAN

DEAR FOLKS;

I APPRECIATE THE VAST NUMBER OF HOURS WHICH HAVE BEEN SPENT BY YOUR STAFF IN PREPARING THIS DOCUMENT OVER THE PAST SEVERAL YEARS. I HAVE STUDIED BOTH BOOKLETS AS WELL AS VIEWED THE MAPS INCLUDED ON THE CD AND HAVE CONCLUDED THAT THERE IS NO WAY THAT I CAN FULLY UNDERSTAND THE ENTIRE SCOPE OF THE ENTIRE MANAGEMENT PLAN WITHIN THE ALLOTED TIME ALLOWED FOR COMMENTS. I AM REQUESTING AN EXTENSTION OF TIME TO FURTHER REVIEW AND COMPREHEND THIS PLAN. PERHAPS A PERIOD OF 180 DAYS WOULD BE MORE REASONABLE.

IT IS MY UNDERSTANDING THAT, AS A CITIZEN OF THE UNITED STATES OF AMERICA, THAT I HAVE AN UNDIVIDED SHARE OF OWNERSHIP IN ALL FEDERAL LANDS. I FURTHER UNDERSTAND THAT THE BLM AS AN AGENCY HAS THE STEWARDSHIP TO MANAGE A SHARE OF THE FEDERAL LANDS FOR THE BEST USE AND INTEREST OF THE OWNERS, THE U. S. CITIZENS.

MANY STATEMENTS MADE IN THE DRAFT ARE BASED ONLY ON HERESAY WITHOUT NECESSARY RESEARCH TO DOCUMENT THE FACTS. I AM VERY INTERESTED IN HISTORY AND HAVE MADE IT A PRIORITY TO BECOME FAMILIAR WITH THE HISTORY OF THE AREAS OF THE COUNTRY IN WHICH I HAVE LIVED. ONE GLARING DISCREPANCY WHICH JUMPED OUT AT ME WAS DISCUSSING FORT BRIDGER ESTABLISHED IN 1842 BY JIM BRIDGER AND LOUIS VASQUEZ. IT MENTIONED THAT PROPERTY WAS LATER SIEZED BY THE MORMONS.

THAT STATEMENT IS TOTALLY FALSE. THE REAL STORY IS, AS CAN BE DOCUMENTED BY HISTORY IS, THE MORMON PEOPLE, HEADED UP BY BRIGHAM YOUNG, PURCHASED THE PROPERTY FROM VASQUEZ AND BRIDGER FOR A SUM OF $8,000. WITH $4,000 BEING PAID IN AUGUST OF 1855, WITH THE BALANCE DUE IN 15 MONTHS. THAT BALANCE WAS PAID TO JIM BRIDGER, IN AN EFFORT TO SETTLE DISPUTES WITH THE FEDERAL GOVERNMENT. THIS WAS LONG AFTER THE BUILDINGS HAD BEEN DESTROYED BY FIRE IN THE FALL OF 1857. THE FINAL PAYMENT WAS MADE EVEN THOUGH THE MORMON PEOPLE DERIVED NO ECONOMIC BENEFIT FROM THAT PROPERTY AFTER OCTOBER 1857. BRIGHAM YOUNG THEN THOUGHT THAT HE OWNED THE PROPERTY WHICH HE HAD PAID FOR
THE U.S. CONGRESS HOWEVER REJECTED BRIGHAM YOUNGS CLAIM TO THE PROPERTY.

IT WOULD SEEM THAT MANY TIMES PERCEPTION BECOMES REALITY THAT ONCE SOMETHING IS IN PRINT IT BECOMES FACT. THAT IS NOT THE CASE IN THE PRIOR CITED EXAMPLE AND MANY OTHER ITEMS CITED IN YOUR DOCUMENTS. I FEEL IT IS ESSENTIAL TO BE NOT ONLY ACCURATE, BUT, ALSO CORRECT IN ALL OF WHAT IS WRITTEN.

I DO RESENT THE FACT THAT WHEN COOPERATING AGENCYS WERE INVITED TO THE TABLE TO WORK ON THIS PLAN THAT THEY WERE PLACED UNDER A"GAG ORDER" AND COULD NOT DIVULGE ANY OF THE ITEMS DISCUSSED NOR SOLICIT INFORMATION FOR INPUT FROM ANY OTHER PERSON OR SOURCE IN AREAS WHERE THEY LACKED KNOWLEDGE OR EXPERTISE. THAT SMAKS A LITTLE OF THE TYPE OF CONTROL WHICH USED TO BE EXERCISED BY EASTERN EUROPEAN BLOCK COUNTRIES. WHAT HAPPENED TO THE FREEDOMS GRANTED US BY THE U. S. CONSTITUTION?

AS A JOINT LAND OWNER I WOULD LIKE TO HAVE HAD THE OPPORTUNITY TO BE INVOLVED IN HOW MY INTERESTS ARE BEING MANAGED. IN MANY RESPECTS I FEEL THAT THE BLM HAS OVERSTEPPED ITS JURISDICTION OF LAND STEWARD AND FEEL THAT IT OWNS THESE PUBLIC LAND AND IS GOING TO DICTATE TO EVERYONE ELSE HOW THINGS WILL BE DONE ON ALL FEDERALLY OWNED LANDS.

ONE ITEM OF REAL CONCERN TO ME IN REGARDS TO THE PROPOSED PLAN IS THE LACK OF COMPLETE DEFINITIONS OF THINGS AFFECTING THE LAND; AMONG THESE ARE SURFACE DISTURBANCE, HISTORIC TRAILS, VIEWSHED, AND RIPARIAN AREAS. IT SEEMS TO ME THAT IF THIS PLAN IS APPROVED IN ITS PRESENT FORM MANY OF THE ADMINISTRATIVE DECISIONS CAN BE ADJUSTED TO FIT WHATEVER THE INTERPETATION OF THE DEFINITIONS MAY BECOME.

I AM REAL SURPRISED THAT IN THE ECONOMIC SITUATION OUR NATION, IS IN, REGARDING THE PRICE OF PETROLEUM PRODUCTS AND ENERGY IN GENERAL THAT THE PLAN DOES NOT LOOK MORE FAVORABLY AT WORKING MORE CLOSELY IN OIL AND GAS EXPLORATION, COAL, MINING, ELECTRICAL GENERATION AND THE TRANSMISSION OF THESE RESOURCES TO MARKET.

MANDATING NO SPRAYING OF ANY RIPARIAN AREA TO ME IS AN OPEN INVITATION TO LET IN INVASSIVE SPECIES, NAMLEY, SALT CEDAR

TO RUN RAMPANT AS WELL AS SIGNIFICANTLY INCREASE THE SPREAD OF WEST NILE VIRUS WHICH IS KILLING HORSES AND HUMANS IN WYOMING AND SEVERAL OTHER WESTERN STATES. WE NEED TO BE REAL CAREFUL ABOUT MANDATING ANYTHING AS ABSOLUTE IN REGARDS TO DOING WHAT IS MOST BENEFICIAL TO PRESERVING HABITAT AND LIVLEYHOODS.

AS A SPORTSMAN I UTILIZE PUBLIC LANDS FOR HIKING, CAMPING, HUNTING AND JUST ENJOYING THE BEAUTIFUL SCENERY. HAVING BEEN RAISED IN AN AGRICULTURAL SETTING AND OBTAINING A DEGREE IN AGRICULTURE I FEEL THAT LIVESTOCK GRAZING IS BEING BLAMED FOR MANY THINGS IN THIS PLAN FOR WHICH THEY ARE NOT RESPONSIBLE, NAMELY DECLINE IN SAGE GROUSE NUMBERS, STREAM SEDIMENTATION, HISTORIC TRAIL DISTURBANCE, AND ECT.

I FEEL THAT WAY TOO MUCH ATTENTION IS BEING DIRECTED AT REDUCPNG LIVESTOCK NUMBERS RATHER THAN LOOK AT PREDATOR CONTROL FOR SAGE GROUSE. THE SAME WOULD BE TRUE IN REGARDS TO STREAMS. IN THE TYPE OF SOIL IN MUCH OF THE KEMMERER AREA ANY MOISTURE IN THE FORM OF RAIN OR SNOW IS GOING TO ADD TO STREAM SEDIMENTATION. ALLOWING LIVESTOCK TO DRINK FROM STREAMS DOES NOT CREATE THE MAJOR PROBLEM FOR WHICH IT IS BEING BLAMED.

THE RANGE IS IN FAR BETTER CONDITION NOW THAN IT WAS AT THE TIME OF THE WESTWARD MIGRATION TO CALIFORNIA, UTAH AND OREGON WHICH CAME THROUGH THIS COUNTRY. THIS CAN BE VERIFIED WHEN REVIEWING JOURNALS OF THE PIONEERS. THEY MENTIONED LACK OF WILDLIFE AND VEGETATION. MUCH OF THE HABITAT HAS BEEN GREATLY IMPROVED OVER THE YEARS BY RESPONSIBLE UTILIZATION AND MANAGEMENT OF AVAILABLE RESOURCES BY LIVESTOCK PRODUCERS.

THE PROPOSED WILD AND SCENIC DESIGNATION OF STREAMS AND RIVERS WITHIN THE KEMMERER DISTRICT MAKES NO ECONOMIC SENSE AND WOULD TEND TO DICTATE WHAT ACTIVITIES CAN AND CAN NOT BE CONDUCTED ON PRIVATELY OWNED LAND WITHIN THE VIEWSHED OF SUCH DESIGNATED RIVERS OR STREAMS.

I HAVE SIMILAR FEELINGS ON THE HISTORIC TRAILS. MANY OF THE EARLY PIONEER TRAILS ARE NOT JUST THE WIDTH OF A SET OF WAGON TRACKS, BUT, ARE SEVERAL MILES WIDE IN MOST AREAS AS WAS A NECESSITY TO ALLOW BEASTS OF BURDEN TO FORAGE ALONG THE WAY. IMPOSING RESTRICTIONS OF MILES EACH SIDE OF THE TRAIL IS EXCESSIVE AND AGAIN SMACKS OF DICTATING TO PRIVATE LANDOWNERS AS TO WHAT THEY CAN DO ON THEIR OWN PROPERTY

I FURTHER SEE ABSOLUTELY NO BENEFIT TO ANYONE TO DESIGNATE THE RAYMOND MOUNTAIN AREA AS WILDERNESS. WE CURRENTLY HAVE MORE WILDERNESS AREA DESIGNATED IN THIS PART OF THE COUNTRY THAN CAN BE EFFECTIVELY MANAGED BY ANY GOVERNMENTAL AGENCY, INCLUDING BUT NOT LIMITED TO, THE USFS OR

THE RAYMOND MOUNTAIN AREA HAS BEEN UTILIZED FOR IN EXCESS OF 100 YEARS FOR, GRAZING, MINING, TIMBER AND RECREATION. I FAIL TO SEE WHERE THE BENEFIT WOULD BE BY DESIGNATING THIS AREA AS WILDERNESS. IT IS FAR TOO ACCESSABLE TO BE TAKEN OFF OF THE ACTIVE USE LIST.

I AM NOT TRYING TO BE OVERLY CRITICAL OF THE EFFORTS WHICH HAVE BEEN PUT INTO THIS DOCUMENT, BUT, I BELIEVE THERE NEEDS TO BE ADDITIONAL TIME ALLOCATED TO FULLY ANALYZE THIS DOCUMENT AND MAKE FURTHER COMMENTS. THE ALTERNATIVE "D" IS THE BEST OPTION WHICH HAS BEEN PRESENTED AND CAN PROBABILY BE LIVED WITH IF IT IS ADJUSTED OR REVISED TO PROPERLY ADDRESS MANY OF THE RELAVANT ISSUES.

SINCERELY,

FARRELL ALLEMAN
PO BOX 57
LYMAN, WYOMING 82937
HOME PHONE 307-787-3787
WORK PHONE 307-786-2995

Public Response Document 00025

10 Oct '07 8:54 P.01/02

00025

Western Wyoming Range Limited Partnership
Box 336 Lyman, WY 82937

October 10, 2007

Kemmerer RMP and EIS
Bureau of Land Management
Kemmerer Field Office
312 Hwy 189 North
Kemmerer, WY 83101 via Telecopier No.: 307-828-4539

ATTN: Michele Easely, RMP Project Manager

Dear Michele:

In reviewing the Draft RMP and EIS, we find no effort to conduct any consultation and coordination with any of the private landowners in the Kemmerer Resource Area. We see on you Table 1-1 on page 1-3, that for Uinta County there are 404,785 acres of federal land administered by the BLM and 742,258 acres of private land owned by various private landowners, with much of this land lying in a checkerboard land pattern. Thus the federal lands administered by the BLM make up 35% while the private lands comprise almost 65% of this combined acreage (BLM and private). The State of Wyoming lands involved are for the most part leased by ranchers to use in their livestock operations. For Lincoln County, the private lands we own are also in a checkerboard land pattern. We own a large amount of land in both Lincoln and Uinta Counties in the Carter Lease Allotment. Whatever action the BLM takes on the federal lands may very well affect our private lands and vice versa. Almost all of the land resource issues affect each of us - therefore your statement on page 1-3 which states, "However, the approved RMP will not include planning and management decisions fox (1) lands or minerals privately owned or owned by the State of Wyoming or local governments or (2) lands and minerals administered by other federal agencies", is not accurate. Even though you say there will be no planning and management decisions for private lands, the actions you take on the checkerboard federal lands will affect our checkerboard lands. Some examples are:

1. Rights-of-ways for pipelines, powerlines, roads, etc. - The alignment or corridors you choose for these projects will of necessity, affect where these rights-of-ways will go on our private lands; the reseeding requirements should be coordinated between both of us, etc.

2. In the 1990 Memorandum of Understanding (MOU) between the WGFD and the BLM, you agreed to "recognize existing state comprehensive or strategic long-range plans and cooperatively manage toward these goals and objectives". In your Draft RMP and EIS on page 2-51 you state that one of your objectives is to "Manage habitat to support WGFD in the attainment of their big game herd unit objectives, strategic population plans, the Strategic Terrestrial Plan and the Aquatic Habitat Plan, and to achieve the stated purpose of designated Wildlife Habitat Management Areas".
What happens if the forage resource is overutilized and the cause is wildlife? We understand that one of the Kemmerer Field Office range specialists stated that because the BLM cannot reduce game numbers they must reduce livestock grazing. We take exception to this line of thinking. The WGFD has to be held accountable. We held them accountable on the Carter Lease Allotment during the 1980's, when the Carter Lease Allotment, based on the WGFD objective was

10 Oct '07 8:54 P. 02/02

Kemmerer RMP and EIS
October 10, 2007
Page 2

to support 1550 antelope. At this very time we conducted aerial counts and found between 7,000 to 8,000 antelope on the Carter Lease Allotment. The WGFD did issue extra permits during this period but later, without our knowledge they raised the objective from 3600 in hunt areas 94, 98 and 100 to 5,000 antelope. (This 5,000 may be only in area 94 also). The BLM simply cannot acquiesce to the whims of the WGFD. Again we, as private landowners provide 57% of the forage for these antelope, whereas the BLM provides only 43%. Don't you think the private landowners should have had input into this RMP and EIS? Certainly you can see where we should have been included in the revision process.

We request an extension of time to comment on this Draft RMP and EIS be granted and during this time we request the private landowners be consulted by the BLM and their input be a major part of this revision effort. By so doing, you will have a much better planning document - if not your final document will be incomplete and lack the basis for making good management decisions.

Thank you for you consideration.

Sincerely,

D. Jud Redden
Vice-President
Western Wyoming Operating, Inc.
General Partner

Public Response Document 00026

00026

Uinta County Commissioners

Craig B. Welling
Chairman
Mick Powers
Commissioner
W. Robert Stoddard
Commissioner

October 9, 2007

Michelle Easley
Bureau of Land Management
Kemmerer Field Office
312 Highway 189 North
Kemmerer, Wyoming 82930

RE: RMP Comments

Dear Ms. Easley:

We appreciate the opportunity to be involved with the RMP process. We would like to offer some comments on the plan as outlined in the July 2007 DRAFT copy.

We find it difficult to make comment at this point based on the fact that the definition of **"Surface-disturbing Activities (or Surface Disturbance)"** has not been finalized by your office. The definition, as written in the draft is completely ambiguous at best and is followed in italics by, ***"The Wyoming State Office currently is revising this definition"***. Our concerns with regard to the whole of the document hinge on this definition and the ability to make accurate and precise comments is unavailable until this definition is solidified.

We feel the public as well as Cooperating Agencies should have an opportunity to review and comment on the document based on a glossary of definitions that will not change. Our opinion is that it would be un-ethical of the BLM to finalized plans for this document with any definition that has the potential of revision.

Respectfully submitted,

RA

Craig B. Wellng, Chairman
The Board of Uinta County Commissioners

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Public Response Document 00027

00027

Uinta County Commissioners

October 9, 2007

Michelle Easley
Bureau of Land Management
Kemmerer Field Office
312 Highway 189 North
Kemmerer, Wyoming 82930

RE: KFO / RMP Comments

Dear Ms. Easley:

As you know the Uinta County Commission has been involved as a Cooperating Agency throughout the RMP process of the Kemmerer Field Office. We appreciate the opportunity to be involved with these planning efforts and would like to offer some comments on the plan as outlined in the July 2007 DRAFT copy.

We find it difficult to make comment at this point based on the fact that the definition of **"Surface-disturbing Activities (or Surface Disturbance)"** has not been finalized by the Kemmerer Field Office. The definition, as written in the draft is completely ambiguous at best and is followed in italics by, ***"The Wyoming State Office currently is revising this definition"***. Our concerns with regard to the whole of the document hinge on this definition and the ability to make accurate and precise comments is unavailable until this definition is solidified.

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Respectfully submitted,

Mick Powers, Commission
The Board of Uinta County Commissioners

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Public Response Document 00028

00028

Uinta County Commissioners

Craig B. Welling
Chairman
Mick Powers
Commissioner
W. Robert Stoddard
Commissioner

October 9, 2007

Michelle Easley
Bureau of Land Management
Kemmerer Field Office
312 Highway 189 North
Kemmerer, Wyoming 82930

RE: KFO / RMP Comments

Dear Ms. Easley:

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Respectfully submitted,

W. Robert Stoddard, Commissioner
The Board of Uinta County Commissioners

10-10-2007 04:17pm From-BLM - KEMMERER FIELD OFFICE 3078284539 T-318 P.030/125 F-810

00028

Uinta County Commissioners

Craig B. Welling
Chairman
Mick Powers
Commissioner
W. Robert Stoddard
Commissioner

October 9, 2007

Mary Jo Rugwell
Bureau of Land Management
Kemmerer Field Office
312 Highway 189 North
Kemmerer, Wyoming 82930

RE: KFO / RMP Comments

Dear Ms. Rugwell:

As you know the Uinta County Commission has been involved as a Cooperating Agency throughout the RMP process of the Kemmerer Field Office. We appreciate the opportunity to be involved with these planning efforts and would like to offer some comments on the plan as outlined in the July 2007 DRAFT copy.

We find it difficult to make comment at this point based on the fact that the definition of **"Surface-disturbing Activities (or Surface Disturbance)"** has not been finalized by the Kemmerer Field Office. The definition, as written in the draft is completely ambiguous at best and is followed in italics by, ***"The Wyoming State Office currently is revising this definition"***. Our concerns with regard to the whole of the document hinge on this definition and the ability to make accurate and precise comments is unavailable until this definition is solidified.

We feel the public as well as Cooperating Agencies should have an opportunity to review and comment on the document based on a glossary of definitions that will not change. Our opinion is that it would be un-ethical of the BLM to finalized plans for this document with any definition that has the potential of revision.

Respectfully submitted,

W. Robert Stoddard

W. Robert Stoddard, Commissioner
The Board of Uinta County Commissioners

RECEIVED
BLM KEMMERER F.O.
2007 OCT 10 A 8:30

Uinta County 225 Ninth Street Evanston, Wyoming 82930 307-783-0519 307-783-0518 fax

Public Response Document 00029

00029

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William Wilson (2007)
Boise, ID

October 9, 2007

Mary Jo Rugwell
Bureau of Land Management
Kemmerer Field Office
312 Highway 189 North
Kemmerer, WY 83101-9711

Subject: Draft Kemmerer RMP

Dear Ms. Rugwell:

Thank you for the opportunity to comment on the revision to the Kemmerer RMP. Comments from the Oregon-California Trails Association are attached.

We appreciate the work you and your staff do to help preserve the historic trails in the Kemmerer Office area.

Sincerely yours,

David J. Welch
National Preservation Officer

cc: Don Hartley, Pinky Eliis, Fern Linton, Edna Kennell, Randy Brown, Russ Tanner

OCTA is a 501(c)(3) Not For Profit **Organization** - EIN 84-0962140 #

Oregon-California Trail Association (OCTA)
Comments on the Draft Revision of the Kemmerer Resource Management Plan

General Comments

1. After reviewing many similar documents, I have become familiar with the format, but that does not make a review any easier. OCTA's focus is historic trails and I am always left wondering if I have found all the material related to the trails. In general, the document is difficult for non-professional readers. More effort needs to be made to make documents such as this an effective public document for readers of all levels.

2. Alternative B is clearly preferred by OCTA. However, given the likelihood that the final document will remain close to the current "preferred" alternative, the comments that follow are presented in the context of improvements to Alternative D. As currently structured, Alternative D is too close to Alternative C in terms of viewshed management and trail protection zones.

3. Specific comments related to management levels, protection zones, and viewshed management are provided below. However, it is unclear how these topics relate to each other and to Section 106 processes. Are they consistent and mutually supportive? That is not clear from the document. Also, Record 5003 of Table 2-3 seems to insure that on a case-by-case basis Section 106 processes will be applied. Is that correct?

Specific Comments

1. The document introduces yet another trail classification system, management levels. The definitions (p. 3-94 to 3-95) are unrentable to trail and setting condition such as the National Register criteria, the five-level classification system studied by the Wyoming State Office in the Trails Context Study, or OCTA's own classification system (see the *Mapping Emigrant Trails Guide*).

2. Three zones of physical protection for trails are defined: the standard 0.25 mile, and new 500 foot and 100 foot protection zones.

   a. The scale of the maps provided does not permit us to verify your findings. In particular, we question the small protection zones in and around T23N, R116W. Maps at 1:100,000 scale show extensive private ownership in the valleys in this area, but the limited protection zones also seem to encompass much public land.

   b. Are all contributing segments of the trails still provided 0.25 mile protection?

3. We strongly endorse the special management areas for the Bear River Divide and Rock Creek in Alternative D, but we would like to see the Rock Creek area expanded to include most of the area north of Highway 30 as shown in

Oregon-California Trails Association October 9, 2007

Alternative B. The plateau encompassing the Corum and Hill graves and Emigrant Springs are particularly important.

4. We strongly endorse the VRM classifications in Alternative D although the scale of the maps does not permit a comprehensive assessment. Areas surrounding contributing sections of the historic trails should be VRM Class I or II.

5. We suggest that the RMP encourage and support trail marking activities to include placement, maintenance and documentation of markers and interpretive signage. OCTA volunteers are available to support this activity.

Oregon-California Trails Association October 9, 2007

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Public Response Document 00030

00030

Wyoming Department of Agriculture

2219 Carey Avenue, Cheyenne, WY 82002 • Phone: 307-777-7321 • Fax: 307-777-6593 • Website: wyagric.state.wy.us • Email: wda@state.wy.us

The Wyoming Department of Agriculture is dedicated to the promotion and enhancement of Wyoming's agriculture, natural resources and quality of life.

Dan Lindenthal, *Director*
Jim Schepare, *Director*

October 11, 2007

Michele Easley, Team Leader
BLM Kemmerer Field Office
312 Hwy 189N
Kemmerer, WY 83101

Re: Kemmerer RMP Draft EIS

Dear Ms. Easley:

Following are the comments of the Wyoming Department of Agriculture (WDA) on your Draft Environmental Impact Statement (DEIS) Kemmerer RMP.

Our comments are specific to our mission: to be dedicated to the promotion and enhancement of Wyoming's agriculture, natural resources, and quality of life. As this proposed project affects our agriculture industry, our natural resources, and the welfare of our citizens, it's important that we be kept informed of proposed actions and decisions and that we continue to be provided the opportunity to express pertinent issues and concerns.

We want to express our appreciation for your coordination with state cooperating government agencies during the preparation of this DEIS. We believe the DEIS represents the benefits of collaboration with these cooperators. We look forward to working with you as you consider the recommendations of the cooperators and prepare the Final EIS.

We particularly appreciate your inclusion in Section 1.3.2, Resource Management Plan Implementation, of the requirement for coordination meetings between BLM and the Cooperating Agencies as you implement the Revised RMP. We believe these meetings will enable the state and local government officials to identify and evaluate the impacts upon our constituents of activities occurring under the authority of the RMP. These meetings also provide the opportunity for cooperators to communicate the concerns of their constituents and to offer recommendations that will help alleviate or rectify those concerns. Finally, these meetings are instrumental for establishing and maintaining strong communication links between state, local, and BLM government officials that can pay continuing tangible and intangible dividends.

It is for these same reasons that we suggest language be added to the Final EIS authorizing Activity Plan Working Groups (APWGs). As controversial activity plans are being developed and implemented, cooperators can again play a valuable role in identifying concerns and suggesting recommendations. Language regarding APWGs that has been agreed upon with BLM officials is available in the Pinedale RMP. Language in the RMP should definitely provide the Kemmerer FO Manager the authority to utilize APWGs on an as-needed basis.

As a result of your coordination with cooperators, many of our concerns and issues have been resolved. Nonetheless, I still have a few specific recommendations that I would like to express.

BOARD MEMBERS
Reyes, *District 1* • Jack Corson, *District 2* • Jim Mickelson, *District 3* • Jim Bennage, *District 4* • Joe'Thomas, *District 5* • David I. Graham, *District 6* • Gene Hardy, *District*
Patrick Zimmerer, *Southwest* • Dalin Winters, *Northwest* • Vacant, *Southwest* • Vacant, *Northwest*

We emphatically suggest adding "livestock grazing" to Objective LR:4.6 on page 2-76. The new objective would read: "Manage grazing to help meet vegetation resource and livestock grazing objectives." This is the Livestock Grazing Management section of Table 2-3. The goal for this section appropriately reads "Maintain and (or) enhance livestock grazing opportunities and rangeland health." Thus, the objective that stems from this goal should not be restricted to meeting only vegetation resources, but the objective, rightfully, needs to include the management of grazing to help meet livestock grazing objectives.

Regarding the Goal BR:2, page 2-50, there are changes that have been made in the punctuation of this goal from the goal that was provided by Ronald Wiley of BLM's Riparian Service Team. These changes alter the meaning of this goal, providing unintended emphasis and de-emphasis to specific parts of this goal. We recommend that the goal be written as originally provided by the BLM's Riparian Service Team.

Throughout the DEIS, we strongly recommend consideration of adding the word "wildlife", as appropriate, whenever the effects of livestock or livestock management are discussed. An example occurs on the second full paragraph on page 3-18. The second sentence of that paragraph discusses surface disturbing activities and provides several examples. One example is livestock grazing. As we will unequivocally state in our following paragraph, livestock grazing does not, repeat not, belong in this sentence. However, the wording in this paragraph provides an excellent example of mentioning the effects of only livestock grazing, when wildlife grazing can cause similar effects. To avoid the appearance of bias throughout the DEIS, "wildlife" should usually be added with "livestock" when grazing effects are mentioned. It's interesting to note that on the fifth full paragraph of that same page, you correctly refer to "livestock and wildlife" when discussing water developments. Thus, we recommend that two simple word searches for "livestock" and "wildlife" be conducted and that active consideration be given to use "wildlife and livestock" where appropriate. We realize that there will be locations in the DEIS where it will be inappropriate to place wildlife and livestock in the same sentence. However, we have also found in too many instances in the DEIS to mention them all individually that the discussion of livestock should also include wildlife, and vice versa.

Referring back to that second full paragraph on page 3-18 mentioned above, livestock grazing should be deleted from this sentence. The glossary defines surface disturbing activity, and as this term is defined, livestock grazing is not, repeat not, a surface disturbing activity. Roads, well pads, pipelines, and off highway vehicles use are correctly identified as surface disturbing activities. The grazing of animals, whether domestic or wild, is simply not a surface disturbing activity.

We are gravely concerned with the inaccurate and inept wording expressed on the top of page 3-53 about a "goal for all riparian and wetland areas grazed by livestock." The "goal" stated is, in fact, Standard #2 from the *Standards for Healthy Rangelands and Guidelines for Livestock Grazing Management for Public Lands Administered by the Bureau of Land Management in the State of Wyoming.* It is not a goal for areas that have been grazed by livestock. It is, in fact, a Standard for areas affected by all resource uses. Clearly and univocally stated in the second paragraph of the multi-page *Standards* document is the following: **"The standards apply to all resource uses on public lands."** (Our emphasis.)

Please delete "areas grazed by livestock" from the first full sentence at the top of page 3-53) It is critically important that all reference to the Standards for Healthy Rangelands do not imply, infer, or in any other way provide the impression that standards apply only to livestock grazing. For that reason, all references to these Standards need to be identified and livestock grazing removed, as appropriate. We understand and appreciate that the Guidelines apply to livestock grazing, but that the Standards apply to all resource uses. The RMP needs to be absolutely consistent and correct on every mention of these Standards and Guidelines in this regard.

The third sentence of the second full paragraph on page 3-57 provides another example of bias towards livestock grazing. This sentence mentions the historic activities that have contributed to degradation of wildlife habitats and mentions the "livestock concentration areas ... which have trampled and removed vegetation and compacted soil...." Other than the poor construction of this sentence which incorrectly states that "areas" have trampled, removed, and compacted, this sentence blatantly refuses to mention the historic concentrations of wildlife which created the same impacts. Illustrations of historic wildlife concentrations abound in literature. This sentence provides yet another instance in a pattern that prevails throughout the DEIS of the insistence to mention only the effects of livestock, as if they are the only effects, and not to mention the effects of wildlife, as if those effects don't exist. This erroneous and prejudicial wording needs to be corrected in every instance in which it occurs.

The last sentence on page 3-59, the first sentence of the first full paragraph on page 3-77, the third bullet on page 4-18, and the second bullet on page 4-53 provide yet other examples of where "wildlife" should be added to the effects of livestock grazing. The reference on page 3-59 again refers to historic activities, mentioning agriculture and other non-animal activities as altering aquatic habitats, with no mention of the historic impacts of wildlife. We appreciate the follow-on paragraph on page 3-77 that emphasizes the active management to protect and maintain these habitats.

The first full paragraph on page 4-21 is yet another example of bias towards livestock grazing. That paragraph discusses sedimentation and surface disposal of produced water. The paragraph then includes this unnecessarily prejudicial sentence, "Monitoring rangeland conditions used to determine what grazing management actions are needed to minimize the amount of erosion that could affect surface water quality." The sentence should be rewritten to say "Monitoring rangeland condition is used to determine the changes in activities needed to minimize the amount of erosion that could affect surface water quality." As mentioned above, the *Standards for Healthy Rangelands* apply to all resource uses. There are many activities other than grazing by livestock and wildlife that can cause erosion that affects surface water quality. Road construction, OHV use, and pipeline construction are just a few. Again, to pick on grazing is inaccurate and reflects a bias that has no place in this RMP.

The second bullet on page 4-44 is incomplete. That bullet currently states burn areas must be rested from grazing a minimum of two consecutive growing seasons after the fire is extinguished. However, Instruction Memorandum No. WY-2005-018 states "The 2 growing seasons deferment requirement may be adjusted based on environmental conditions and management objectives consistent with Wyoming's standards for healthy rangelands." We believe it is imperative that this wording be added to this bullet. We understand that this

adjustment is referred to on page 4-47 under the heading "Impacts Common to all Alternatives". However, the general public and interested readers are much more likely to note the wording of the bullet on page 4-44. The methods and assumptions expressed in this bullet need to be fully stated so that readers are not misled.

We appreciate the inclusion of the last full paragraph on page 4-184 that states range conditions have improved in the planning area over the last 40 to 50 years due largely to improved grazing management practices and range improvement projects.

The very next paragraph notes the number of acres that will be impacted by the development and maintenance of range improvements. The total number of acres during the life of the RMP affected by springs, wells, water pipelines, reservoirs, and fences is 934 acres. But that acreage is for the 20-year life of the RMP. Thus, the average number of acres affected each year is 46.7. When discussions of the "impacts" of range improvements are discussed, we believe it is critically important to recognize that the impacts occur on an average of only 46 acres per year for a planning area of 1.42 million acres, or, to state it another way, three one-thousandth of one percent of the surface acreage of the planning area.

Although we have made several recommendations that we believe will improve the EIS and subsequent RMP, we must also add that many of our earlier suggestions have already been added to this DEIS. And we would be remiss if we did not express our appreciation of your acknowledgement in several locations in the DEIS that rangeland conditions in the Kemmerer planning area have been improving over the last 50 years due to improved grazing management and for your recognition of the important benefits provided by livestock grazing towards improving vegetation and rangeland health.

In conclusion, we again want to compliment you on your continuing coordination with local and state government agencies and your sincere attention to our recommendations. We appreciate the opportunity to comment on this DEIS, we encourage continued attention to our concerns, and we look forward to working with you on the Final EIS.

Sincerely,

John Etchepare
Director

JE/dc
cc: Governor's Planning Office
Wyoming Game and Fish Department