

## Comment Summary

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## 1.1 Primary Topic: ACEC, Second Topic: Nominations

**Summary:** Commenters nominated several Areas of Critical Environmental Concern for analysis and consideration in the RMP/EIS analysis.

*Comment: The basins that sweep out from Sweetwater Rocks, for instance, could easily be considered for a viewshed Area of Critical Environmental Concern. This should be evaluated as the BLM undertakes its effort to Manage visual resource values in accordance with visual resource management (VRM) objectives (management classes). [And, to] designate VRM management classes for all areas of BLM land, based on an inventory of visual resources and management considerations for other land uses. (BLM Handbook H-1601-1, Appendix C, I.I. p. 11) (National Outdoor Leadership School, Lander, WY - Comment: #131, letter #16)*

*Comment: We ask that BLM consider designating ACECs for all species that have been listed pursuant to the Endangered Species Act or recognized as sensitive species by BLM. The rarity and/or uniqueness of these species means they are "relevant" and "important" by definition. The fact that they are rare also shows "special management attention" is needed; or, in the case of inherently rare species, that special management is needed to protect what is often very limited habitat. Furthermore, in our view the loss of species through extinction or the continued decline of species (especially already-rare species) constitutes "irreparable damage" in both ecological and quality-of-life terms. Therefore, these species warrant improved protection through ACEC designations. (Wyoming Outdoor Council, Lander, WY - Comment: #222, letter #19)*

*Comment: It is also worth noting that the Endangered Species Act (ESA) establishes requirements that can be achieved: and are required to be achieved: by ACEC designation. There is, of course, the well known jeopardy standard in section 7(a)(2) of the ESA that prohibits agencies from jeopardizing the continued existence of listed species or taking actions that result in the destruction of adverse modifications of critical habitat. 16 U.S.C. §1536(a)(2). Designating ACECs is an obvious means of ensuring this duty is met, and is especially relevant given the priority Congress attached to designating ACECs during land use planning. (Wyoming Outdoor Council, Lander, WY - Comment: #223, letter #19)*

*Comment: But perhaps more importantly, section 7(a)(1) of the ESA requires all Federal agencies to "utilize their authorities in furtherance of the purposes of this chapter by carrying out programs for the conservation" of listed species. 16 U.S.C. §1536(a)(1) (emphasis added). This is a mandatory duty. Given the priority that Congress attached to designating ACECs, and its commandment that all agencies carry out programs to conserve listed species, it is apparent ACEC designation is precisely the kind of program Congress intended be used to further the conservation of listed species. Additionally, since agencies must further the purposes of the ESA by carrying out conservation programs, its worth noting that one purpose of the ESA is to "provide a means whereby the ecosystems upon which [listed] species depend may be conserved." 16 U.S.C. §1531(b). ACECs are clearly a flexible means to protect the ecosystems on which listed species depend, and thus they provide a convenient programmatic means to further the purposes of the ESA that BLM is required to fully utilize and implement. Given the priority for endangered species protection established by Congress, and the priority given to ACEC designation in FLPMA, ACECs should be used liberally to protect rare species in the RMP area. The same obligations also attach relative to candidate and BLM sensitive species pursuant to BLM's Special Status Species Management Manual. BLM Manual Section 6840. (Wyoming Outdoor Council, Lander, WY - Comment: #224, letter #19)*

*Comment: Furthermore, we request that all riparian areas in the geographic area of the RMP be designated ACECs. The ecological value of these areas is universally acknowledged. It is also widely recognized that most riparian areas in the west are in a non-functioning or functioning at*

*risk status. Thus, special management is needed. Riparian areas are discrete and easily recognized, generally speaking. Consequently, they would be relatively easy to delineate for special management. In the aggregate they have far more than local importance. This recommendation is in accordance with BLM's Riparian-Wetlands Initiative, which will be discussed more below, as will additional needs for riparian area management. Reflecting the overarching importance of riparian areas, the BLM Manual specifically provides that important riparian-wetlands areas should be considered for designation as ACECs. (Wyoming Outdoor Council, Lander, WY - Comment: #225, letter #19)*

*Comment: In addition to riparian areas, other areas that should be considered for ACEC designation are: big game wintering areas, migration and other ecological corridors, and areas with special breeding, feeding or sheltering value for wildlife, such as cliff areas used by raptors, prairie dog colonies, and caves. Areas of large, contiguous habitat, should also be considered for ACEC designation. Archeological, historical, and paleontological sites and resources should be protected through the use of ACEC designations, as required by FLPMA. (Wyoming Outdoor Council, Lander, WY - Comment: #226, letter #19)*

*Comment: The BLM Must Consider The Pathfinder Complex Nominated White-Tailed Prairie Dog Area Of Critical Environmental Concern In The RMP Revision. In 2003, Center for Native Ecosystems, Biodiversity Conservation Alliance, and others nominated the Pathfinder white-tailed prairie dog Complex as an Area of Critical Environmental Concern. Both that petition to list the white-tailed prairie dog and the states' White-tailed Prairie Dog Conservation Assessment (finalized 2006) recognize this as historically being one of the largest complexes, and both documents cited estimates that the complex encompassed over 12,000 acres of white-tailed prairie dog colonies. The nomination included a section on the steps that the BLM is obligated to take and we encourage consideration of those during the RMP revision. Along with the nominations, a report was submitted on white-tailed prairie dog management needs that we also hope the BLM will consider during RMP revision. (Wyoming Outdoor Council, Lander, WY - Comment: #328, letter #19)*

*Comment: 1. The Lander Face Area of Critical Environmental Concern (ACEC): Specific location of the area: Eastern slope of the Wind Rivers west of Lander involving all BLM lands west of Highway 28 and south from the boundary with the Wind River Indian Reservation to the boundary with the Red Canyon ACEC, in the Township and Range areas of T33N/R101W, T33N/R100W, T32N/R100W, T32N/R99W, T31N/R100W Specific values and concerns of the area: This area provides valuable winter range for elk, moose and mule deer. This area is also a valuable visual resource for the people living in the Lander area. Due to increased development of surrounding private lands and increased OHV activity this area has experienced a significant increase in pressure since the last RMP. Specific management proposals for this area: This area is currently managed as an Area of Critical Environmental Concern (ACEC). We would like to see it continue to be managed as such. We would also like to see this area managed to limit further roads and trails in this area in order to reduce habitat fragmentation, reduce direct impact on wildlife and unnecessary degradation of soil and water resources. OHV use in this area should be limited to designated routes only. This may require the closing of existing routes in ecologically sensitive areas. All section 15 grazing permits within this area should be reevaluated due to concerns surrounding the introduction of invasive species into this area. This area, along with the other ACEC's along the Lander Face (i.e. Red Canyon and South Pass), should also receive a "no leasing" designation in order to protect the remaining wildlife habitat rather than the current "No Surface Occupancy" designation. Due to the significant growth of rural subdivisions around this area on private lands, the public lands are seeing an increase in pressure from wintering wildlife. This area needs to see an increased level of protection above those of the current ACEC for these reasons. (Wyoming Outdoor Council, Lander, WY - Comment: #370, letter #19)*

*Comment: 4. Red Canyon ACEC Big Game Winter Range Specific location of the area: All BLM*

*lands west of Highway 28 in the Township and Range areas of T31N/R99W, and portions of T30N/R99W north of Highway 28. Specific values and concerns of the area: This area provides valuable winter range and parturition range for elk as well as providing important migration corridors for elk, deer and pronghorn. Specific management proposals for this area: This area is currently managed as an ACEC for winter range and parturition range. We would like to see it continue to be managed in this manner. During the past decade when the allotment allocation was increased, there has been livestock over-grazing in this area. Grazing standards and guidelines should be complied with and evaluated by ongoing monitoring. We advocate that this area be withdrawn from oil, gas and mineral leasing in order to ensure the protection of this wildlife habitat. (Wyoming Outdoor Council, Lander, WY - Comment: #373, letter #19)*

*Comment: 5. Government Draw, Coal Mine Road, and Ninemile Draw Areas Specific location of the area: This area includes BLM lands east of Highways 28 and south of Highway 789 and West of Beaver Creek in and around the Township and Range of T34N/R98W, T33N/R98W, T34N/R97W, T33N/R97W. Specific values and concerns of the area: This area provides a variety of recreational opportunities for people in the Lander areas including but not limited to hiking, biking, riding, dirt bike and ATV use. The Government Draw area is also the site of significant historic sage grouse habitat including leks and nesting grounds. This area is facing increasing pressure from OHV use and has the potential to see some oil and gas development. Specific management proposals for this area: We would like to see this area protected as both an Area of Critical Environmental Concern for sage grouse and Special Recreation Management Area. We would like the ACEC designation to include a seasonal closure to industrial activity during the sage grouse breeding and nesting period (February 15 - July 15). We would also advocate for this area to receive a "No Surface Occupancy" designation. (Wyoming Outdoor Council, Lander, WY - Comment: #374, letter #19)*

*Comment: 6. Area around Blue Ridge and Cedar Ridge, often called "Johnny Behind the Rock": Specific location of the area: This area includes BLM lands east of Highways 28 and north of Highway 287 and West of Beaver Creek in Township and Range T32N/R99W, T32N/R98W, Specific values and concerns of the area: This area provides a variety of recreational opportunities for people in the Lander area including but not limited to hiking, biking, and riding. This area is also the location of a significant number of sage grouse leks and nesting habitat. Portions of these areas are also crucial winter habitat for pronghorn and mule deer. It has also been seeing a significant increase in OHV use and has the potential to see some oil and gas development. Specific management proposals for this area: We would like to see this area protected as a Special Recreation Management Area as well as an Area of Critical Environmental Concern in order to protect sage grouse habitat. We would like the ACEC designation to include a seasonal closure to industrial activity during the sage grouse breeding and nesting period (February 15 - July 15). We would also advocate for this area to receive a "No Surface Occupancy" designation. (Wyoming Outdoor Council, Lander, WY - Comment: #375, letter #19)*

*Comment: 9. South Pass City and Atlantic City ACEC: Specific location of the area: The areas in and around T29N/R100W, T29N/R99W. Specific values and concerns of the area: The BLM lands around South Pass City and Atlantic City contain a vast amount of historical and cultural value to this country as well as to a number of Native American tribes. Specific management proposals for this area: A portion of this area is currently protected as an Area of Critical Environmental Concern. We would like to see this area continue to be protected in order to preserve and protect the historical and cultural value of this landscape and the surrounding viewshed. This area should be given a Visual Resource Management designation of 2 in order to protect this viewshed. This area should be closed to leasing with respect to oil, gas or mineral development. We would also advocate that this area be removed from consideration for the siting of transmission corridors and wind energy development. We believe that the current*

*boundaries of this ACEC need to be re-inventoried and evaluated for possible expansion. We believe that the existing boundaries leave out some areas of significant historical and cultural value. For example, neither Spring Gulch nor Rock Creek are included within the current boundaries but both of these areas contain significant historic mining remains. (Wyoming Outdoor Council, Lander, WY - Comment: #378, letter #19)*

*Comment: 12. Oregon, Mormon, Pony Express Historic Trails and the South Pass Historic Landscape: Specific location of the area: At this time there are no specific boundaries to the South Pass Historic Landscape. This RMP should set out to determine what are the specific boundaries of the South Pass Historic Landscape. The Wyoming Outdoor Council would like to be involved in the determination of what these boundaries are. The area under consideration would include the entire length of the historic trails as they pass through the Lander Field Office. " Specific values and concerns of the area: Much of the area that these historic trails cross through retains the remote characteristics that they had when the original pioneers passed through. In their Historic Trail Comprehensive Management Plan, released in 1981, the U.S. Park Service identified the section of the historic trails from Independence Rock to Farson as being the most pristine portion of the trail over its entire length from Missouri to Oregon. However, significant portions of these trails face the prospect of development that would eliminate these remote characteristics unless they are protected. " Specific management proposals for this area: We would like to see the corridor that these trails pass through protected as a Special Recreation Management Area and an Area of Critical Environmental Concern as well as a National Historic Landscape. We would want to ensure that the undeveloped nature of this landscape is retained over time and that the surrounding viewshed is protected from encroachment by modern structures such as cell phone towers and/or oil and gas infrastructure. We advocate for a detailed inventory of these trails systems in order to evaluate the level of protection that will most effectively protect this resource for future generations. We are particularly concerned about the future protection of the viewshed surrounding these historic trails. We advocate for the protection of the viewshed of these trails with a five mile "No Surface Occupancy" buffer zone on either side of the trail corridor. (Wyoming Outdoor Council, Lander, WY - Comment: #381, letter #19)*

*Comment: 16. Sweetwater River Corridor: Specific location of the area: This area would encompass the entire Sweetwater River corridor where it passes through the Lander Field Office from west to east. " Specific values and concerns of the area: This area is important for its historical, cultural, riparian, and recreational values. Most of the land along the Sweetwater is privately owned but does come up for sale from time to time. We would encourage the BLM to acquire portions of this river corridor with funds available through the Land and Water Conservation Fund in order to protect these resources. We would anticipate that these lands would be purchased through a ~willing seller/willing buyer' type of arrangement. " Specific management proposals for this area: Much of this land is currently privately owned but does come up for sale occasionally. When this happens we would encourage the BLM to purchase these lands through funds available in the Land and Water Conservation Fund and protected in the manner most appropriate (e.g. ACEC, Special Recreation Management Area, Wild and Scenic River, etc). It is our understanding that the Split Rock Ranch is currently for sale. By the time this RMP is finished, this ranch will probably already be sold but this would be the type of area we would encourage the BLM to purchase and protect. (Wyoming Outdoor Council, Lander, WY - Comment: #385, letter #19)*

*Comment: 18. Castle Gardens: Specific location of the area: This area includes the boundaries of the Castle Garden area and falls within the township and range T35N/R91W, T35N/R90W, T34N/R91W, T34N/R90W. Specific values and concerns of the area: This is a unique geologic area with significant cultural and historical value. Specific management proposals for this area: Castle Gardens has been experiencing significant damage as a result of vandalism. This RMP needs to address the ongoing degradation that this area is seeing and provide a plan to*

*protect this area into the future.* (Wyoming Outdoor Council, Lander, WY - Comment: #387, letter #19)

*Comment: 19. Beaver Rim Area of Critical Environmental Concern: Specific location of the area: The current boundaries of the Area of Critical Environmental Concern are within the areas T30N/R97W, T30N/R96W, T31N/R96W, T31N/95W, T32N/95W, T32N/94W, T33N/R94W Specific values and concerns of the area: This area provides crucial wildlife habitat for a variety of species, especially sage grouse, pronghorn and mule deer, and also has significant paleolithic resources. Specific management proposals for this area: This area is currently managed as an Area of Critical Environmental Concern (ACEC). We would like to see it continue to be managed in this manner.* (Wyoming Outdoor Council, Lander, WY - Comment: #388, letter #19)

*Comment: 20. Schoettlin Mountain: Specific location of the area: This area includes the sections 21, 22, 23, 26, 27, 28, 34, 35 within T30N/R97W. Specific values and concerns of the area: This area likely contains significant cultural resources. Specific management proposals for this area: We would like to see this area protected in order to preserve these cultural resources, which would include stipulations to prevent the development of new roads and a "No Surface Occupancy" clause with respect to any development.* (Wyoming Outdoor Council, Lander, WY - Comment: #389, letter #19)

*Comment: 21. Green Mountain, the Green Mountain/Crooks Mountain ACEC, and the Green Mountain Common Allotment: Specific location of the area: This includes the areas that comprise Green Mountain, Crooks Mountain and the surrounding areas that lie above 6900' (2100 m) within the Township and range of T28/R93W, T28N/R92W, T28N/R91W, T28/R90W, T27N/R92W, T27N/R91W, and T27N/R90W. It also includes all the area encompassed by the existing ACEC as well as the Green Mountain Common Allotment. Specific values and concerns of the area: This area provides important wildlife habitat for big game and recreational opportunities. This area has seen significant impact from the use of OHV's despite efforts to keep users on designated roads. It has also seen significant impact from grazing especially within the confines of the Green Mountain Common Allotment. Specific management proposals for this area: Over time this area has seen the development of a significant number of unregulated roads and trails. We believe that this is detrimental to the long-term conservation of this resource. We would like to see this area managed in such a way as to limit further roads and trails in this area in order to reduce habitat fragmentation, direct impact on wildlife and unnecessary degradation of soil and water resources. This will require the BLM to actively designate travel routes and close others that threaten the integrity of the resource. Portions of Crooks Mountain and Green Mountain are currently managed as an Area of Critical Environmental Concern. We would like to see these areas continue to be managed in this fashion to protect wildlife resources. The Wyoming Outdoor Council has worked as part of the Green Mountain Common Allotment working group seeking solutions to the problems on the allotment. The BLM has a responsibility to protect wetlands from overgrazing, but this is not happening on the Green Mountain Common Allotment. Over the years, the BLM has recognized that it has been unable to fulfill its obligations, stating, the allotment has "not shown significant progress" toward meeting the standards and guidelines. We are specifically concerned about the riparian areas on the allotment where cattle have been allowed to wander freely. We believe BLM should actively seek to protect these valuable wetlands through this RMP. The BLM has temporarily cut livestock numbers and seasons in the past few years, but standards and guidelines are still not being met. As a result, erosion, reduced water storage capacity, degraded water quality, noxious weeds, elimination of willows, trampled stream banks, etc. have degraded the wildlife habitat quality for many species. This RMP should address the issues surrounding grazing on this allotment and work toward their solution.* (Wyoming Outdoor Council, Lander, WY - Comment: #390, letter #19)

*Comment: Additional ACEC designations should be included in the RMP revision for important*

wildlife habitats, significant cultural/historic resources, threatened or endangered wildlife and plant species and their critical habitats, threatened watersheds and public lands with significant noxious weed infestations. For example, the public lands in the Sweetwater Watershed should be analyzed and considered for ACEC designation based on the need to restore the degraded conditions in that threatened watershed. The degraded conditions include essentially all of the perennial streams that flow into the Sweetwater River as well as numerous springs and the river itself. This affects a huge area from South Pass out to Beaver Rim and all the way down to Pathfinder Reservoir. Some of the important streams are Pine Creek, Slaughterhouse Gulch, Willow Creek (by South Pass), Rock Creek, Buffalo Gulch, Granite Creek, Mormon Creek, Strawberry Creek, Deep Creek, Willow Creek (by Sweetwater Canyon), Chimney Creek, Spring Creek, Silver Creek, Alkali Creek, Warm Springs Creek, Long Creeks, Ice Slough, Sage Hen Creeks, Crooks Creek, Cottonwood Creeks (by Green Mt.), and Willow Creek (by Green Mt.). The goals in a new Sweetwater Watershed ACEC would be to restore the natural water storage capability of the riparian systems, restore wildlife and fisheries habitats, and restore native plant communities. (Individual - Comment: #435, letter #26)

## 1.2 Primary Topic: ACEC, Second Topic: Policy/Management

**Summary:** Comments discussed responsibilities, regulations, and policies relating to ACEC nomination, management, and analysis requirements.

Comment: *Relative to ACECs, the RMP "shall include the general management practices and uses, including mitigating measures, identified to protect designated ACEC[s]." 43 C.F.R. § 1610.7-2(b). In our view, this requires the following. First, given the purpose of ACECs the requirement to "prevent irreparable damage" establishes a greater protective standard than either the nonimpairment standard in the definition of multiple-use or the prevention of unnecessary or undue degradation standard applicable to all actions. Compare 43 U.S.C. § 1702(a) with 43 U.S.C. §§ 1702(c), 1732(b). Second, wherever, an ACEC is designated, BLM should consider withdrawing the areas from operation of the mining and mineral leasing laws pursuant to 43 U.S.C. § 1714 so as to ensure there is no irreparable damage. Third, where a potential ACEC has only been identified, BLM must nevertheless "take all feasible action to assure that those qualities that make the resource important are not damaged or otherwise subjected to adverse change pending an ACEC designation decision." 45 Fed. Reg. 57318, 57326 (Aug. 27, 1980). (Wyoming Outdoor Council, Lander, WY - Comment: #227, letter #19)*

Comment: *As for your pre-determined Areas of Critical Environmental Concern (ACEC), which supposedly already require special management attention, there needs to be a policy of no net loss of multiple use or motorized access. (Individual, Lander, WY - Comment: #410, letter #24)*

Comment: *Proposed Areas of Critical Environmental Concern (ACEC) must satisfy all of the definition requirements of FLPMA, 43 U.S.C. § 1702(a). In addition, the RMP should include documentation of the regional or national significance of the area to be protected. (Sweetwater County Conservation District, Rock Springs, WY - Comment: #537, letter #28)*

Comment: *All existing ACECs must be analyzed to determine the need for them to be continued. ACECs created without proper analysis and determined to be continued must be re-analyzed and proposed. (Sweetwater County Conservation District, Rock Springs, WY - Comment: #538, letter #28)*

Comment: *ACEC analysis must reflect the following criteria: The proposed ACEC must be limited in geographic size and scope to the minimum necessary to specifically protect and prevent irreparable damage to values that are objectively shown to be relevant and*

*important or to protect human life or safety from natural hazards. The proposed ACEC is limited only to areas that are already developed or used or to areas where no development is required. The proposed ACEC designation and protection is necessary to protect not just a change on ground conditions or visual resources that can be reclaimed or reversed eventually. Damage must be shown in all respects to be truly irreparable and justified on short term and long term horizons. The proposed ACEC designation and protection must not be applied redundantly over existing protections available under FLPMA multiple use sustained yield management. The proposed ACEC designation must not be used as a substitute for a wilderness suitability determination, nor offered as a means to manage a non WSA for so-called wilderness characteristics. (Sweetwater County Conservation District, Rock Springs, WY - Comment: #539, letter #28)*

*Comment: Proposed Areas of Critical Environmental Concern (ACEC) must satisfy all of the definition requirements of FLPMA, 43 U.S.C. § 1702(a). In addition, the RMP should include documentation of the regional or national significance of the area to be protected. (Wyoming Coalition of Local Governments - Comment: #635, letter #29)*

*Comment: All existing ACECs must be analyzed to determine the need for them to be continued. ACECs created without proper analysis and determined to be continued must be re-analyzed and proposed. (Wyoming Coalition of Local Governments - Comment: #636, letter #29)*

*Comment: ACEC analysis must reflect the following criteria: The proposed ACEC must be limited in geographic size and scope to the minimum necessary to specifically protect and prevent irreparable damage to values that are objectively shown to be relevant and important or to protect human life or safety from natural hazards. The proposed ACEC is limited only to areas that are already developed or used or to areas where no development is required. The proposed ACEC designation and protection is necessary to protect not just a change on ground conditions or visual resources that can be reclaimed or reversed eventually. Damage must be shown in all respects to be truly irreparable and justified on short term and long term horizons. The proposed ACEC designation and protection must not be applied redundantly over existing protections available under FLPMA multiple use sustained yield management. The proposed ACEC designation must not be used as a substitute for a wilderness suitability determination, nor offered as a means to manage a non WSA for so-called wilderness characteristics. (Wyoming Coalition of Local Governments - Comment: #637, letter #29)*

*Comment: 1. Environmental degradation - especially Areas of Critical Environmental Concern. (Individual, Riverton, WY - Comment: #16, letter #7)*

### **1.3 Primary Topic: Adaptive management**

**Summary:** The commentor requests the BLM, and specifically Wyoming BLM offices, to develop a single template for employing adaptive management principles, such as performance-based parameters and monitoring techniques.

*Comment: Adaptive environmental management could be a useful tool in the planning process. Unfortunately, in Wyoming alone there are three different approaches currently being employed. It is critical for BLM to settle upon a single template for AEM so that interested parties have a reasonable expectation as to what the process entails. We support the use of performance-based parameters because it encourages innovation to deal with changing conditions and new technological advancements. Moreover, monitoring is critical to measuring the effectiveness of these parameters. However, performance-based/adaptive management techniques must be specific enough so that the project proponents fully understand the expectations at the time a*

*permit is issued. We do not support performance based or adaptive management/monitoring that is unspecified and results in later-to-be-determined mitigation and compliance requirements. Such a practice would cause project proponents serious problems in scheduling and meeting compliance, as well as having to handle unanticipated costs that could negatively affect the economics of a given project. (Public Lands Advocacy, Denver, CO - Comment: #98, letter #15)*

## 1.4 Primary Topic: Air Quality

**Summary:** Commenters requested the Lander Field Office to consider specific geographic areas or suggested specific types of data, compliance with health-based concentration standards, PSD and visibility requirements. Commenters also advised BLM to ensure air quality monitoring is adequate to characterize conditions potentially affected by activities in the Lander WY resource area. With respect to grazing, commenters advised BLM to accurately estimate emissions from livestock and grazing activities. With respect oil and gas development commenters advised BLM to accurately estimate potential impacts to air quality from oil and gas activities. These data should be considered as part of the affected environment and/or impact analysis sections of the Environmental Impact Statement.

*Comment: Original versions of the revised RMPs for the Casper and Rawlins field offices unfortunately erroneously and unfairly characterized livestock grazing as a significant contributor to air emissions due to the heavy construction activities and tailpipe emissions for transporting livestock. When the estimates for these activities were factually enumerated, the insignificance to air quality of these activities was glaringly obvious. For that reason, the proposed revised Kemmerer RMP correctly omits this unfair and erroneous characterization. Given the insignificance of livestock grazing to air quality, we would suggest a similar approach for the Revised Lander RMP. (Wyoming Department of Agriculture, Cheyenne, WY - Comment: #170, letter #17)*

*Comment: The EIS should address the issue of regional haze and the destruction of viewsheds caused by haze. Much of the air pollution causing this haze can be attributed to coal-fired power plants and a general increase in the burning of fossil fuels within and beyond the RMP region. Accelerated oil, gas, and coalbed methane development on Federal, State and private lands is another contributor. Part and parcel of reducing regional haze are the requirements in the Clean Air Act for the prevention of significant deterioration of air quality and protection of air quality in attainment areas, particularly in Class I airsheds applicable to National Parks and wilderness areas. There are of course, a number of Class I airsheds near the Lander Field Office, particularly the Bridger Wilderness Area and the Fitzpatrick Wilderness Area, and these areas must received full consideration in the EIS and protection in the RMP. The EIS should address how prevention of significant deterioration requirements can be met, and the RMP should require steps to ensure they are met. (Wyoming Outdoor Council, Lander, WY - Comment: #234, letter #19)*

*Comment: Oil and gas development activities directly contribute to air pollution in several ways, and all should be addressed in the RMP EIS. Oil and gas development activities produce large surface disturbances (pads and roads) and increase vehicle traffic, which contributes to particulate pollution. Oil and gas development activities also contribute to NOx, SO2, and volatile organic compound (VOCs) pollution, through activities like flaring, drilling, processing plants, and wellhead compressors and compressor stations, to name a few. The Environmental Protection Agency (EPA) has prepared a report on the oil and gas extraction industry. Data in the report show the oil and gas extraction industry ranks as follows in terms of creating air pollutants among the 29 industrial sectors EPA had data for in 1997: Pollutant Ranking (out of 29) CO 9th NO2 3rd PM10 14th Particulates 22nd SO2 2nd VOC 5th These data emphasize the*

*importance of regulating air pollution from oil and gas development activities in the RMP area. (Wyoming Outdoor Council, Lander, WY - Comment: #235, letter #19)*

*Comment: As indicated, air pollution problems, perhaps more than any other environmental problem, are not subject to human-created, artificial boundaries. Consequently, the EIS must consider air pollution problems existing in the RMP area (whatever their source) at appropriately broad scales. (Wyoming Outdoor Council, Lander, WY - Comment: #236, letter #19)*

*Comment: Plan should provide for the establishment of a baseline for the resource area to be used to determine deviations. Baselines should be located to monitor air as it enters and leaves the area. Development project that could be expected to have significant impacts would be required to provide monitoring to determine deviation from the baseline. (Sweetwater County Conservation District, Rock Springs, WY - Comment: #454, letter #28)*

*Comment: Plan should provide for the establishment of a baseline for the resource area to be used to determine deviations. Baselines should be located to monitor air as it enters and leaves the area. Development project that could be expected to have significant impacts would be required to provide monitoring to determine deviation from the baseline. (Wyoming Coalition of Local Governments - Comment: #555, letter #29)*

## **1.5 Primary Topic: Air Quality, Second Topic: Policy/Management**

**Summary:** Comments discuss BLM's responsibilities under the Clean Air Act and Federal Land Policy and Management Act, and suggest approaches for managing air quality.

*Comment: The RMP must manage actions on public lands to meet the air quality standards prescribed by Federal, State, and local laws. Meeting the requirements of applicable State implementation plans and ambient air quality standards is a must. Protecting air quality should be a priority. The FLPMA requires BLM to consider the relative value of the various resources, and indeed clean air is quickly becoming (along with undeveloped landscapes) a most valued, yet dwindling resource. Therefore, BLM should take a proactive approach to managing air quality by, among other things: gathering baseline air quality data; setting aggressive standards; requiring any actions on public lands to meet those standards (i.e. no flaring, no two-stroke engine use on public lands, etc); analyzing the cumulative impact of any proposed action with other past, present, and reasonably foreseeable actions; establishing an effective monitoring program; and halting any actions that contribute to air pollution if such monitoring reveals that standards have been exceeded. (Wyoming Outdoor Council, Lander, WY - Comment: #233, letter #19)*

*Comment: The Clean Air Act declares a national purpose to "protect and enhance the quality of the nation's air resources so as to promote the public health and welfare . . ." 42 U.S.C. § 7401(b)(1). It also declares goals and policies for the protection of Class I areas from visibility and other degradation. Id. §§ 7470(2), 7491(a)(1). (Wyoming Outdoor Council, Lander, WY - Comment: #347, letter #19)*

## **1.6 Primary Topic: Alternatives**

**Summary:** These comments relate to specific topics of concern that the commentor suggests should be addressed and/or considered in the Environmental Impact Statement alternatives.

Comment: *Surface ownership patterns must be considered when developing management alternatives to ensure the manageability of proposed alternatives and that they do not restrict use and/or development of private or state land. Each map depicting management alternatives should use surface ownership as the base to clearly disclose the potential conflicts and impacts.* (Sweetwater County Conservation District, Rock Springs, WY - Comment: #448, letter #28)

Comment: *Proposed Management Alternatives must recognize and analyze impacts of proposed alternatives on existing rights such as roads, rights of way, inholdings, leases, permits, etc. Maps should be provided to display these rights and authorized uses.* (Sweetwater County Conservation District, Rock Springs, WY - Comment: #449, letter #28)

Comment: *Definitions for terms such as "surface disturbance" and "disruptive activities" must be determined prior to development of alternatives to allow full understanding of the alternative and analysis of impacts. Definitions must be consistent with BLM regulations, science and data, and what is used in other resource areas. The term "disruptive activities" is so broadly defined in other draft resource plans as to include a hiker. More importantly, no data support excluding human activities.* (Sweetwater County Conservation District, Rock Springs, WY - Comment: #451, letter #28)

Comment: *Alternatives should provide for disposals under the Recreation and Public Purposes Act. Alternatives should be responsive to community and individual needs for access expansion and economic development.* (Sweetwater County Conservation District, Rock Springs, WY - Comment: #469, letter #28)

Comment: *Surface ownership patterns must be considered when developing management alternatives to ensure the manageability of proposed alternatives and that they do not restrict use and/or development of private or state land. Each map depicting management alternatives should use surface ownership as the base to clearly disclose the potential conflicts and impacts.* (Wyoming Coalition of Local Governments - Comment: #549, letter #29)

Comment: *Proposed Management Alternatives must recognize and analyze impacts of proposed alternatives on existing rights such as roads, rights of way, inholdings, leases, permits, etc. Maps should be provided to display these rights and authorized uses.* (Wyoming Coalition of Local Governments - Comment: #550, letter #29)

Comment: *Definitions for terms such as "surface disturbance" and "disruptive activities" must be determined prior to development of alternatives to allow full understanding of the alternative and analysis of impacts. Definitions must be consistent with BLM regulations, science and data, and what is used in other resource areas. The term "disruptive activities" is so broadly defined in other draft resource plans as to include a hiker. More importantly, no data support excluding human activities.* (Wyoming Coalition of Local Governments - Comment: #552, letter #29)

Comment: *Alternatives should provide for disposals under the Recreation and Public Purposes Act. Alternatives should be responsive to community and individual needs for access expansion and economic development.* (Wyoming Coalition of Local Governments - Comment: #568, letter #29)

Comment: *We are particularly concerned with impacts that are associated with oil and gas development, grazing, OHV use, and rural development on private lands adjacent to public lands. The increase in rural subdivisions is increasing the importance of the public lands that surround or are adjacent to them as a resource for wildlife, recreation, and aesthetic values.* (Wyoming Outdoor Council, Lander, WY - Comment: #721, letter #19)

## **1.7 Primary Topic: Alternatives, Second Topic: Policy/Management**

**Summary:** The comments outline the commentor's understanding of the legal requirements to consider and/or frame alternative development and criteria.

*Comment: Areas of Critical Environmental Concern (ACECs ) are defined in FLPMA. Just as the definitions of multiple use and sustained yield give substance to FLPMA's requirements for management to be based on multiple use and sustained yield, the definition of ACEC gives substance to the requirement that priority be given to designation and protection of ACECs. ACECs are defined as areas "where special management attention is required . . . to protect and prevent irreparable damage" to important resources, including fish and wildlife resources, ecological features, and historical, paleontological and archeological resources. 43 U.S.C. §1702(a). Candidate ACECs must have relevance and importance. 43 C.F.R. § 1610.7-2(a). Since Congress required that designation and protection of ACECs be given priority in land use planning, it is critical that all alternatives developed in the EIS do so. 43 U.S.C. § 1712(c)(3). (Wyoming Outdoor Council, Lander, WY - Comment: #221, letter #19)*

*Comment: To ensure the above desired outcomes occur, BLM must develop alternatives in the EIS that explicitly incorporate the above legal obligations, and the preferred alternative certainly must meet these legal standards. Alternatives embodying these elements must not be treated as straw men whose only function is to provide "extremes" against which to contrast "moderate" alternatives because all of the elements (affirmative protection of endangered species, restoration of the ecological integrity of the Nation's waters, etc.) are legally required and have been established as the desired outcome for the public lands by Congress. To the contrary, BLM must provide full, careful, and objective consideration of alternatives embodying these elements. (Wyoming Outdoor Council, Lander, WY - Comment: #354, letter #19)*

*Comment: As noted above, under the CEQ regulations rigorous analysis of all reasonable alternatives is "the heart" of an EIS. Under the FLPMA, the chosen alternative must "best" meet the needs of the American people as a whole. The FLPMA makes it explicitly appropriate that not all uses be accommodated in all areas, and requires consideration of the relative values of resources, which cannot be defined in solely economic terms. The elements of an alternative outlined here are appropriate and reasonable under these standards, and thus should be fully considered in the EIS and adopted by BLM in the RMP. (Wyoming Outdoor Council, Lander, WY - Comment: #355, letter #19)*

*Comment: A) The Federal Land Policy Management Act (FLPMA) of 1976 mandates that the BLM manage the resources on the lands they administer in a sustainable manner. This new RMP needs to make sure that the preferred alternative actually meets that commitment and ensures the sustained productivity of these public lands for multiple uses. With the passage of FLPMA, Congress mandated that BLM take care of these lands into perpetuity. This RMP needs to produce an alternative that addresses the areas where the sustainability of the resource has been compromised and include solutions to address those impacts (Wyoming Outdoor Council, Lander, WY - Comment: #356, letter #19)*

## **1.8 Primary Topic: Coal**

**Summary:** Comments discuss coal suitability determinations, reclamation and protection standards, and location of new/expanded mining operations.

*Comment: The RMP must ensure full compliance with the Mineral Leasing Act and Surface Mining Control and Reclamation Act (SMCRA) for any coal development in the RMP area. The RMP must assure the environmental protection performance standards and reclamation standards required by SMCRA are fully adhered to. The "federal lands program" for coal mining*

*must also be carefully adhered to. The RMP should include provisions that will ensure that BLM works carefully with the State in the regulation of coal mining, and BLM must ensure the State is adequately implementing and enforcing the program. See 30 U.S.C. § 1273 (providing the Federal lands program must consider the "unique characteristics of the Federal lands in question" and that "at a minimum" the Federal lands program shall include the requirements of the State's program). The EIS should evaluate whether the State is in fact adequately protecting public lands resources and develop means to protect those resources as needed. It should also address any potential new coal mining or expansion of coal mining that might occur so that BLM can work with the Office of Surface Mining to ensure the requirements related to mining plan decisions can be fully complied with. (Wyoming Outdoor Council, Lander, WY - Comment: #260, letter #19)*

*Comment: The provisions for unsuitability determinations in SMCRA must also be fully utilized and complied with. BLM should ensure that "Determinations of the unsuitability of land for surface coal mining . . . shall be integrated as closely as possible with present and future land use planning and regulation processes at the Federal, State, and local levels." 30 U.S.C. § 1272(a)(5). BLM should ensure that the suitability review for Federal lands complies with the requirements at 30 U.S.C. § 1272(b) and that any needed withdrawals and conditions are made, as provided for in that section. Similarly, BLM should ensure that existing suitability determinations are as up-to-date as possible and in conformance with the RMP. As mentioned above, the provisions at 30 U.S.C. § 1281 should be fully utilized to protect surface owner rights. (Wyoming Outdoor Council, Lander, WY - Comment: #261, letter #19)*

*Comment: Roadless areas, ACECs, unique wildlife habitats, and other special management areas should not be deemed suitable for coal mining. (Wyoming Outdoor Council, Lander, WY - Comment: #722, letter #19)*

## **1.9 Primary Topic: Coalbed Natural Gas**

**Summary:** The RMP/EIS should address Coalbed Natural Gas development, impacts, and mitigation.

*Comment: As indicated above, extraction of CBM has become rampant in some areas, so special precautions must be taken in the RMP to ensure resource protection in the face of this development pressure. The RMP should prohibit discharge of water extracted from coalbeds onto the ground or into surface waters. This is particularly true of saline "produced" water. In addition to salinity problems, produced water: whether from CBM production or from conventional wells: can be contaminated with heavy metals (Se, As, Ba, Hg, etc.). Selenium may be of particular concern, especially relative to impacts on avian species, and it is important to note that if produced water is stored in reservoirs or pits, heavy metals can become even more concentrated than in the produced water itself. The EIS should consider the problem of produced water storage pits/reservoirs leading to concentrated chemical solutions that harm wildlife (or other resources), and should particularly consider compliance with the Migratory Bird Treaty Act in this regard. (Wyoming Outdoor Council, Lander, WY - Comment: #248, letter #19)*

*Comment: Water from CBM development should be reinjected in an environmentally safe manner (i.e., in a manner that ensures groundwater supplies are not contaminated). However, if water from CBM production is discharged, directly or indirectly, into streams, the impacts of augmented flows and increased concentrations of salts (ions) and dissolved solids on the ecological characteristics of the streams (perennial or intermittent) should be analyzed. Such analyses must account for the full range of variations in stream flow, effluent (produced water) concentrations, and sensitivities of different species at different life-stages. Impacts from altering stream thermal conditions and the timing of flows must be analyzed. Effects of discharged*

*produced water on adjacent riparian areas, and the effects of increased turbidity and sedimentation should be considered. The analysis should consider lethal and sub-lethal effects on biota. If produced waters are or become a "discernible, confined and discrete conveyance . . . from which pollutants are or may be discharged", they must be treated as point source discharges of pollutants and a National Pollution Discharge Elimination System (NPDES) permit must be required. 33 U.S.C. §§ 1362(14), 1342. See Northern Plains Resource Council v. Fidelity Exploration & Dev. Co., 325 F.3d 1155 (9th Cir, 2003) (CBM produced water is a pollutant for purposes of the Clean Water Act). Based on these analyses, the RMP should provide standards to prevent or mitigate these impacts. (Wyoming Outdoor Council, Lander, WY - Comment: #249, letter #19)*

*Comment: CBM development can lower water tables, which has widespread implications and therefore these issues must be addressed in the EIS. If produced waters are not reinjected, potential effects on agriculture must be considered. Dewatering coalbeds can increase the likelihood of difficult-to-control coal seam fires. Seepage of methane and its effects on vegetation, water (including domestic water and aquifers), and even the safety of people's homes must be considered. The impacts of seeping methane on greenhouse gas concentrations and global warming should be considered. Again, the RMP must ensure these impacts are prohibited or mitigated. (Wyoming Outdoor Council, Lander, WY - Comment: #250, letter #19)*

*Comment: CBM fields can have a much higher density of wells than occurs in conventional gas fields. Consequently, issues such as habitat fragmentation, outright loss of habitat, and impacts to visual resources are magnified. Because of this, the RMP must ensure that the unique impacts of CBM development are evaluated prior to leasing, and that such analyses do not simply duplicate the analyses done for conventional gas fields. As noted above, recent Interior Board of Land Appeals decisions require consideration of the unique impacts of CBM development. (Wyoming Outdoor Council, Lander, WY - Comment: #251, letter #19)*

## **1.10 Primary Topic: Communication sites**

**Summary:** Commentors request that BLM consider limitations to communication site locations.

*Comment: Communication site locations should consider limitations on possible locations because of the nature on technology and frequencies range of equipment. Designation of preferred sites is acceptable if not exclusive of other sites. (Sweetwater County Conservation District, Rock Springs, WY - Comment: #470, letter #28)*

*Comment: Communication site locations should consider limitations on possible locations because of the nature on technology and frequencies range of equipment. Designation of preferred sites is acceptable if not exclusive of other sites. (Wyoming Coalition of Local Governments - Comment: #569, letter #29)*

## **1.11 Primary Topic: Cooperating agency relationships**

**Summary:** The comments suggest how BLM should interact with the Cooperating Agencies.

*Comment: For this synergism to occur, local and state cooperators should be actively involved in the planning and preparation of all stages of this Revised RMP. Key BLM staff and resource specialists and local and state cooperators need to get to know each other and begin working with each other if cooperators are to make the wisest recommendations to help prepare the best possible revised RMP. Additionally, shared knowledge of plan objectives, concerns, and*

*existing and desired conditions helps everyone in developing those recommendations. These meetings also help build a confidence in and support for the revised plan. We request meetings of cooperators as often as feasible and possible to help develop goals, objectives, management actions, alternatives, preliminary Draft and Final Environmental Impact Studies (EIS).* (Wyoming Department of Agriculture, Cheyenne, WY - Comment: #155, letter #17)

*Comment: While realizing that conditions are different for every field office, we believe there are important lessons to be learned by looking at the working relationships with cooperators and the respective field office during those revision processes. It appears that those revisions that went the most smoothly and had the most support by local and state cooperators were those that (1) had the most meetings with state and local cooperators and (2) offered opportunities to review two versions each of the preliminary Draft and Final EISs. These additional meetings and versions allowed cooperators and BLM staff additional opportunities to refine the working versions of the EIS and, more importantly, by addressing concerns of BLM specialists and cooperators, to develop strong support by both groups for the revised plan. Thus, we believe it is important that cooperators and BLM specialists be actively involved during the RMP revision process, and we pledge our support to attending meetings and reviewing documents. We ask, however, that sufficient time be allowed for the notification of meetings and review of documents.* (Wyoming Department of Agriculture, Cheyenne, WY - Comment: #156, letter #17)

*Comment: We have worked closely with the BLM in drafting Resource Management Plans (RMP) for four BLM regions. The process has worked best when our individual biologists have met one-on-one with their BLM counterparts (such as occurred in Casper). As a result, the Casper plan is the best of all currently in revision. Based on our experiences, we suggest language be pulled from the Casper plan, as a basis to begin these discussions. This process will facilitate effective communication, specifically addresses resource issues common to all Field Offices and thus avoids re-inventing language, and will speed up completion of the document. We recognize that Lander is not the same as Casper, and some additions, deletions, and alterations must be made to make the plan fit the area. We are not suggesting that the Casper plan be taken verbatim; however, it will make an appropriate starting point.* (Wyoming Game and Fish, Cheyenne, WY - Comment: #171, letter #18)

*Comment: To ensure the most successful revised planning document, this revised RMP needs to reflect the active coordination of those responsible for making decisions on adjoining private, state, and federal lands. The revised RMP should reflect the synergism resulting from the inclusion of all decision makers on these adjoining lands in the planning of this revised document.* (Wyoming Department of Agriculture, Cheyenne, WY - Comment: #723, letter #17)

## **1.12 Primary Topic: Cooperating agency relationships, Second Topic: Planning criteria**

**Summary:** The commentor would like a planning criterion that would create an objective for RMP decisions to be complimentary to adjoining jurisdictions and properties.

*Comment: We believe your planning criteria needs to include an objective that your management decisions are complimentary to other planning jurisdictions and adjoining properties. These planning jurisdictions and adjoining properties include deeded lands, and the decisions reflected in the Revised RMP will critically impact ranchers and landowners on these lands. For this reason, we strongly agree that BLM officials need to make every effort to ensure their decisions regarding this revised RMP are complimentary to adjoining properties.* (Wyoming Department of Agriculture, Cheyenne, WY - Comment: #154, letter #17)

## 1.13 Primary Topic: Cultural resources

**Summary:** The comments discuss BLM responsibilities for managing cultural resources.

*Comment: NOLS would like to remind the BLM of it's obligation to Identify site-specific use restrictions from cultural resources currently being actively managed. Identify area wide criteria for recognizing potential cultural resource conflicts, such as geographic characteristics of sacred sites, historic properties, or cultural landscapes (BLM Handbook H-1601-1, Appendix C, I.G. p. 8). In particular, a goal of the RMP should be to Identify, preserve, and protect significant cultural resources and ensure that they are available for appropriate uses by present and future generations (FLPMA, Section 103(c), 201(a) and (c); National Historic Preservation Act, Section 110(a); Archaeological resources Protection Act, Section 14(a)). (BLM Handbook H-1601-1, Appendix C, I.G.1, p. 8-9). Some of these cultural artifacts are several thousand years old, and add a new layer to the educational values that are woven into the land. (National Outdoor Leadership School, Lander, WY - Comment: #135, letter #16)*

*Comment: Most if not all historical, archeological, and paleontological resources (hereinafter, "cultural resources") are strictly non-renewable: once marred or destroyed, they are forever lost to future generations. Such fragility demands utmost care and humility from BLM managers and planners. The RMP should reflect: and require: this conservative approach to managing these priceless and irreplaceable resources. (Wyoming Outdoor Council, Lander, WY - Comment: #291, letter #19)*

*Comment: BLM's multiple-use mandate requires land managers to consider the value of cultural resources in their decision-making process. Unfortunately, these resources are frequently given short shrift in this calculus. Their value is not easily measured, and as a result they are sacrificed in pursuit of more obviously economically profitable resources. The RMP should ensure this problem is avoided. (Wyoming Outdoor Council, Lander, WY - Comment: #292, letter #19)*

*Comment: RMPs are the principle guide for the BLM's management of cultural resources. See BLM Manual MS-8100.08.A.1.a. Therefore, BLM's preparation of the RMP EIS provides an excellent opportunity for the agency to address concerns about these resources and to implement policies that will protect and preserve cultural resources. The BLM's management of cultural resources is governed and guided by a host of laws, orders, and regulations. These include, but are not limited to, the Antiquities Act of 1906, the National Historic Preservation Act (NHPA), Executive Order 11593, the Archaeological Resources Protection Act (ARPA), and the Native American Graves Protection and Repatriation Act (NAGPRA). BLM's decisions regarding cultural resource management are also governed by the FLPMA and NEPA. The BLM must adhere to these and other laws when preparing and implementing the RMP, and must provide evidence of cultural resource consideration as part of the EIS prepared as part of the RMP revision process. See BLM Manual MS-8100.08.A.1.b.(3). (Wyoming Outdoor Council, Lander, WY - Comment: #293, letter #19)*

*Comment: As noted above, the BLM's multiple-use mandate requires managers to balance resource use and resource preservation. BLM Manual MS-8100.08.A.1.b.(2) states that land use plans should take into account the effects other land and resource uses may have on cultural resources. The manual notes that the need for additional information should be evaluated, responsibilities assigned, and schedules established at the outset of the planning process. See BLM Manual MS-8100.08.A.1.b.(2). In other words, not only must the BLM examine the effects of other land and resource uses on cultural resources, it must evaluate whether or not it possesses sufficient information to assess these potential resource conflicts. If the agency lacks enough information to make informed decisions, it must collect data according to a plan and schedule established at the outset of the planning process. The BLM should clearly spell out the process*

*the agency will follow in order to comply with the procedures outlined by BLM Manual MS-8100.08.A.1.b.(2).* (Wyoming Outdoor Council, Lander, WY - Comment: #294, letter #19)

*Comment: Of particular concern in the planning process is the preparation and maintenance of cultural resource inventories. FLPMA requires the Secretary of the Interior to "prepare and maintain on a continuing basis an inventory of all public lands and their resources and other values." 43 U.S.C. §1711(a). Surveys for cultural resources are also mandated by ARPA. See 16 U.S.C. 470ii (requiring the Secretary of the Interior to develop plans for surveying lands to determine the nature and extent of archaeological resources and to prepare a schedule for surveying lands that are likely to contain the most valuable archaeological resources); Executive Order 11593, Protection and Enhancement of the Cultural Environment (requiring federal agencies to nominate to the Secretary of the Interior all sites that appear to qualify for listing on the National Register of Historic Places). Further, the NHPA mandates that the BLM establish a preservation program to identify, evaluate, and protect historic properties, and to nominate qualifying properties to the National Register of Historic Places. See 16 U.S.C. § 470h-2. The RMP must ensure these legal mandates are fully complied with. The required inventories and programs can: and should: serve to identify areas of resource sensitivity and should be used proactively by the BLM in its planning and management in order to avoid resource conflicts.* (Wyoming Outdoor Council, Lander, WY - Comment: #295, letter #19)

*Comment: BLM Manual MS-8120.32.A makes clear that the BLM can prevent unauthorized use of cultural properties through a variety of measures, including administrative protection measures. The manual specifically notes that the BLM's protective measures may include "withdrawal, closure to public access and off-road vehicles, special designations," etc. See BLM Manual MS-8120.32.A. The EIS should identify areas where cultural sites are at risk, and the RMP should employ one or more of these administrative measures to protect these resources. The areas designated should be of sufficient size to allow viable protection of the resources; designation of just the site itself may not allow for effective management. More specifically, the BLM should consider closing culturally sensitive areas to mineral leasing and entry, grazing, and designating ACECs to protect fragile cultural resources. Also, the RMP should specify a travel plan for ORVs that limits vehicle travel to routes that do not pass near culturally sensitive areas. All ORV routes designated in the RMP should be surveyed for cultural resources to ensure the protection of those resources. Finally, the EIS should address the impacts of oil and gas exploration and development activities on cultural resources, with particular attention being given to the effects of the use of explosives or "vibreosis" vehicles during exploration activities. The RMP should make provisions that ensure these activities will not destroy or alter cultural resources.* (Wyoming Outdoor Council, Lander, WY - Comment: #297, letter #19)

*Comment: The National Historic Preservation Act provides that "Prior to the approval of any Federal undertaking which may directly and adversely affect any National Historic Landmark, the head of the responsible Federal agency shall, to the maximum extent possible, undertake such planning and actions as maybe necessary to minimize harm to such landmark . . . ." 16 U.S.C. 470h-2(f).* (Wyoming Outdoor Council, Lander, WY - Comment: #352, letter #19)

*Comment: The RMP should provide for involvement and consultation with local governments in the management of cultural resources. DM-8130, ¶.06.C, 8130, ¶.15.B.2.* (Sweetwater County Conservation District, Rock Springs, WY - Comment: #455, letter #28)

*Comment: Management of cultural resources as provided in the RMP should be based on the following: " Estimated density, diversity and distribution of cultural properties in the plan area. The population of cultural properties in the plan area should be classified and described in quantitative and qualitative terms, preferably according to subunits of the plan area defined from the cultural resource data. " Present condition of the known cultural properties in the plan area. " Existing and potential uses of the cultural properties in the plan area. " Existing and reasonably foreseeable threats to the cultural properties in the plan area. " Traditional values ascribed to*

*places and resources by Native Americans or other cultural groups. " Results of previous management actions to prevent the loss or destruction of cultural properties in the plan area. " Tribal, State, or local planning goals related to cultural resources in the planning area. " Existing cultural resource related commitments and agreements, e.g., Memoranda of Agreement, Programmatic Agreements, or Protocols with the State Historic Preservation Officer or Memoranda of Understanding with Indian tribes. (Sweetwater County Conservation District, Rock Springs, WY - Comment: #456, letter #28)*

*Comment: 8130 ¶.14 ".14 Factors to Consider in Decision Making. The following factors should be considered in making cultural resource use allocation decisions in regional or local plans." a. A. Relative Importance and Sensitivity. In establishing management objectives, the relative importance and sensitivity of known and anticipated cultural properties should be considered, not simply their geographic distribution and density. Simple density is not necessarily a measure of the importance of cultural properties or the magnitude of potential conflicts. For example, a large cluster of dots on a map could represent a group of small archaeological manifestations determined to have very little scientific importance and no public value, at small risk from other resource or land uses. Alternatively, an isolated dot could represent a unique archaeological property of overriding importance and high vulnerability to competing uses. (Emphasis added). 2. 8130 ¶.2.D "D. Allocations in Support of Goals. Allocate all cultural properties in the RMP area, whether already recorded or projected to occur on the basis of existing-data synthesis, to one or more of the following uses according to their nature and relative preservation value (see Appendix 2). These use allocations pertain to cultural resources, not to areas of land." (Emphasis added). Other restrictions should be limited to general statements, rather than attempting to anticipate possible restrictions based on hypothetical projects. (Sweetwater County Conservation District, Rock Springs, WY - Comment: #457, letter #28)*

*Comment: The RMP should provide for involvement and consultation with local governments in the management of cultural resources. DM-8130, ¶.06.C, 8130, ¶.15.B.2. (Wyoming Coalition of Local Governments - Comment: #556, letter #29)*

*Comment: Management of cultural resources as provided in the RMP should be based on the following: " Estimated density, diversity and distribution of cultural properties in the plan area. The population of cultural properties in the plan area should be classified and described in quantitative and qualitative terms, preferably according to subunits of the plan area defined from the cultural resource data. " Present condition of the known cultural properties in the plan area. " Existing and potential uses of the cultural properties in the plan area. " Existing and reasonably foreseeable threats to the cultural properties in the plan area. " Traditional values ascribed to places and resources by Native Americans or other cultural groups. " Results of previous management actions to prevent the loss or destruction of cultural properties in the plan area. " Tribal, State, or local planning goals related to cultural resources in the planning area. " Existing cultural resource related commitments and agreements, e.g., Memoranda of Agreement, Programmatic Agreements, or Protocols with the State Historic Preservation Officer or Memoranda of Understanding with Indian tribes. (Wyoming Coalition of Local Governments - Comment: #557, letter #29)*

*Comment: 8130 ¶.14 ".14 Factors to Consider in Decision Making. The following factors should be considered in making cultural resource use allocation decisions in regional or local plans." a. A. Relative Importance and Sensitivity. In establishing management objectives, the relative importance and sensitivity of known and anticipated cultural properties should be considered, not simply their geographic distribution and density. Simple density is not necessarily a measure of the importance of cultural properties or the magnitude of potential conflicts. For example, a large cluster of dots on a map could represent a group of small archaeological manifestations determined to have very little scientific importance and no public value, at small risk from other resource or land uses. Alternatively, an isolated dot could represent a unique archaeological property of overriding importance and high vulnerability to competing uses. (Emphasis added).*

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### **1.14 Primary Topic: Cumulative impacts**

**Summary:** The commentor requests that as part of the EIS the BLM develop a comprehensive cumulative impact analysis done at appropriate local and regional scales.

*Comment: With increasing intensity of land uses (e.g., energy development, recreation) the need for a comprehensive cumulative impact analysis is essential. This should be done at appropriate local and regional scales to be most meaningful.* (Wyoming Game and Fish, Cheyenne, WY - Comment: #182, letter #18)

### **1.15 Primary Topic: Cumulative impacts, Second Topic: Wildlife**

**Summary:** As part of the overall cumulative impacts section of the EIS, the commentor would like BLM to include amounts of past wildlife habitat and open space lost to development since implementation of the 1987 plan, and the miles of fence constructed within the planning area.

*Comment: The RMP needs to include a section discussing the cumulative impacts of development on wildlife. The cumulative impacts analysis should include detailed information on the amount of wildlife habitat and open space lost to development over the life of the last plan. The cumulative impacts analysis should also include the miles of fence within the Resource Area.* (Wyoming Game and Fish, Cheyenne, WY - Comment: #183, letter #18)

### **1.16 Primary Topic: Definitions/Glossary**

**Summary:** The commentor asks BLM to not be overly broad when crafting definitions.

*Comment: The definitions in the Glossary are critically important to the actual uses and meanings of those defined terms in the RMP. The definition for surface disturbing activity is particularly significant for livestock grazing. Two other definitions used in recent revisions of RMPs in Wyoming field offices have been overly broad and, therefore, created unintended consequences. For that reason, we ask that you take special care in crafting the definitions for "Wildlife Disturbing Activity", "Disruptive Activity", or similar terms.* (Wyoming Department of Agriculture, Cheyenne, WY - Comment: #169, letter #17)

### **1.17 Primary Topic: Desired future conditions**

**Summary:** The BLM should develop desired future condition statements during the land use planning process and in the final plan.

Comment: *As noted above, BLM's land use planning handbook requires BLM to provide a statement of desired outcomes in its land use planning process. BLM Handbook H-1601-1, II.2. Elements of a statement of desired outcomes for oil and gas extraction activities were discussed above. Here we present more general considerations that should guide the statement of desired outcomes. The various laws that collectively establish a requirement to engage in ecosystem management and ensure protection of biological diversity also establish elements of a statement of desired outcomes.* (Wyoming Outdoor Council, Lander, WY - Comment: #344, letter #19)

Comment: *Taken together, these laws define what BLM's statement of desired outcomes should be under the RMP, and the RMP should ensure such outcomes are implemented on the ground. The report "Conservation Management of America's Public Lands: An Assessment and Recommendations for Progress 25 Years After FLPMA" provides further guidance on many of these elements and should be considered by BLM as it adopts a statement of desired outcomes for the RMP.* (Wyoming Outdoor Council, Lander, WY - Comment: #353, letter #19)

Comment: *The plan and its management actions should be outcome-based rather than numerous prohibitions or restrictions. For example, if there is an established need to protect a particular resource, such as winter habitat, the RMP must provide for achieving the goal, and allow flexibility as to how the goal might be achieved within the context of that specific project. The goal may be achieved through project design, avoidance or mitigation, as appropriate.* (Sweetwater County Conservation District, Rock Springs, WY - Comment: #445, letter #28)

## **1.18 Primary Topic: Direct/Indirect Impacts**

**Summary:** The BLM should include all sources of impacts and not single out one source for credit or blame.

Comment: *Previous proposed revisions have often unfairly singled out the effects of livestock grazing on other resource values, when other resource users created identical or similar impacts. All resource uses which affect other resources under study should be included. For example, we believe it is essential that neither wildlife nor livestock be spotlighted for credit or blame when both are responsible.* (Wyoming Department of Agriculture, Cheyenne, WY - Comment: #164, letter #17)

## **1.19 Primary Topic: Drought**

**Summary:** The RMP should include policy, management actions, and assessment of impacts for drought conditions.

Comment: *Together with other long-term effects (e.g., fire suppression, livestock grazing, oil and gas development) on habitat, we recommend the RMP Revision evaluate planning contingencies to react to continued drought and other cumulative effects.* (Wyoming Game and Fish, Cheyenne, WY - Comment: #173, letter #18)

Comment: *In particular, the RMP should address range impacts during poor forage years, especially in response to extreme drought conditions such as the past five years. The RMP should include a process for determining forage use and reacting to poor production weather.* (Wyoming Game and Fish, Cheyenne, WY - Comment: #174, letter #18)

Comment: *"Drought - The RMP must lay out a clear and effective drought policy* (Western

Watersheds Project, Pinedale, WY - Comment: #643, letter #27)

Comment: *The RMP must specify that the drought policy will come into effect in the ROD and that permit terms and conditions will be updated to reflect the drought policy.* (Western Watersheds Project, Pinedale, WY - Comment: #652, letter #27)

## **1.20 Primary Topic: Drought, Second Topic: Science/Studies**

**Summary:** Comments include datasets that BLM should use during development of the Environmental Impact Statement and Resource Management Plan.

Comment: *We recommend use of the drought monitoring data collected by the National Climatic Data Center branch of the National Oceanic and Atmospheric Administration, as compiled into the Palmer Drought Index, which was developed in the 1960s and uses temperature and rainfall information in a formula to determine dryness. It has become the "semi-official" drought index. The Palmer Drought Severity Index for the Wind River Basin (Wyoming Climate Division 9) indicates much of the WRSRCA has been drier than average beginning in the late 1940s, with few wet periods occurring for more than a few years over the last 60 years. With this information available, it seems appropriate to re-evaluate forage use for all allotments within the LFO, using what is current the norm for rainfall and forage production.* (Wyoming Game and Fish, Cheyenne, WY - Comment: #175, letter #18)

Comment: *Drought is a common and persistent occurrence in Wyoming and data suggests that it is becoming more common and more severe. The following graph shows precipitation in Wyoming from 1895 to present with a significant downward trend. Combined with reduced precipitation, Wyoming is experiencing significant increases in average temperature, which, of course, increase evaporation and sublimation. This exacerbates drought. For the two zones which cover the Lander Field Office, the drought picture is rather bleak. These two charts show drought conditions in the Lander Field Office from 1986 to present. As you can see, drought is the rule not the exception and without proper management before, during and after drought, severe, long lasting impacts occur. We are providing various drought research papers, management guidelines and drought policies from other agencies for your review. We recommend a drought policy similar too the Tonto National Forest's which we are providing copies of. This policy should be tailored to fit the differing climate patterns which would mean adjusting the SPI from -0.70 to something more applicable to Wyoming such as -0.85.* (Western Watersheds Project, Pinedale, WY - Comment: #651, letter #27)

Comment: *"The Role of Drought in Range Management" is an excellent review of the current problem with agencies current drought responses and must be incorporated into this planning process.* (Western Watersheds Project, Pinedale, WY - Comment: #653, letter #27)

Comment: *In a review of drought effects and management, a Prescott National Forest biologist has shown the need for de-stocking and rest to maintain plant communities during dry and drought conditions and the irreversible loss of soil that can occur (Footnotes: 1. Staab, Cara. 1996. Effects of Drought on Rangelands. Prescott National Forest Publication; 2. Thurow, Thomas and Charles A. Taylor, Jr. 1999. Viewpoint: The Role of Drought in Range Management. Journal of Range Management 52:413-4199). Without specification of grazing regimes to allow for below normal and drought conditions, sensitive species of native grass such as Idaho fescue, bluebunch wheatgrass and others can lose vigor, productivity and be lost over time unless proper stocking and rest are employed to maintain these plants. Failure to do so is in violation of the impairment provision of FLPMA.* (Western Watersheds Project, Pinedale, WY - Comment: #654, letter #27)

Comment: *We request the RMP team to review all of drought information we are providing. We request that a drought policy similar to the Tonto National Forest's be incorporated into the RMP. If the BLM does not feel this information is applicable to the RMP, we request that the EIS provide reasoning to support that claim. Without such review and analysis, the requirements of NEPA will not have been satisfied.* (Western Watersheds Project, Pinedale, WY - Comment: #655, letter #27)

## **1.21 Primary Topic: Ecological health**

**Summary:** The RMP should address public land ecological health and establish management actions/standards for all uses.

Comment: *The all-encompassing, most important issue the RMP revision needs to address is the ecological health of the public lands. The watersheds and habitats must be restored to a healthy condition before they are degraded beyond the threshold at which restoration is possible.* (Individual - Comment: #420, letter #26)

Comment: *The RMP revision should establish more comprehensive standards for the health of the public lands and management guidelines for all uses/activities that ensure meeting those standards. Management decisions in the revised RMP that restore and sustain the productivity of the public lands should be assigned the highest priority. The social and economic benefits provided by the public lands will decline significantly unless the revised RMP includes management decisions that meet an overriding goal for sustaining health and productivity. Uses of the public lands that do not meet this basic mandate would not be in conformance with the revised RMP and should not be authorized. We truly owe this to future generations.* (Individual - Comment: #422, letter #26)

## **1.22 Primary Topic: Economics, Second Topic: Grazing**

**Summary:** The BLM should consider several studies and additional cost of grazing when conducting the economic analysis for the RMP.

Comment: *The RMP/EIS must adequately and honestly analyze the economic impacts of livestock grazing on BLM lands. The BLM has pandered to "lifestyles" for ranchers while ignoring the actual contribution of the livestock grazed to the local and regional economy or the economic impacts of the land degradation that takes place from livestock grazing. The Fish and Wildlife Service publishes reports on the value of wildlife-associated recreation that shows values of hundreds of millions of dollars to billions of dollars of revenue related to hunting, fishing and wildlife watching in each western state (U.S. Department of Interior, U.S. Fish and Wildlife Service, U.S. Department of Commerce and U. S. Census Bureau. 2002. 2001 National Survey of Fishing, Hunting and Wildlife-Watching Associated Recreation. 170 p). In addition, the cost of polluted water, loss of watershed storage due to soil compaction and loss of herbaceous cover are not counted in the costs of livestock grazing. As the reference below shows, in actuality, rural communities as well as livestock permittees depend on other sources of income. Laws require that public lands be administered in the long-term interests of the American people and not a handful of stockmen, who are permittees, on the public lands.* (Western Watersheds Project, Pinedale, WY - Comment: #706, letter #27)

Comment: *Livestock permittees are a small minority of livestock producers in the eleven western states and are insignificant in their numbers or their economic contribution to the States, their local and regional economies. Their numbers and contribution pale in comparison to the natural*

values of our public lands. Dr. Thomas Power, Chairman of the University of Montana's Economics Department, in Wuerthner and Matteson (Wuerthner, George and Mollie Matteson. 2002. *Welfare ranching: the subsidized destruction of the west*. Island Press) points out the minimal economic contribution of federal public lands livestock grazing to local, state and regional economies in the West. That reference can be found on-line at: [http://www.publiclandsranching.org/htmlres/PDF/wr\\_TAKING\\_STOCK.pdf](http://www.publiclandsranching.org/htmlres/PDF/wr_TAKING_STOCK.pdf) Dr. Power also points out that the majority of public lands livestock producers depend on non-agricultural sectors of these local, state and regional economies for employment, not livestock production. It is not in the public's interest to blindly continue livestock grazing at unsustainable stocking levels in order to provide a short-term benefit to this small minority, while ignoring the values displaced by livestock grazing. Dr. Power shows that "Livestock grazing on federal lands is generally unimportant to local economies and even less so to state and regional economies. In terms of income and numbers of jobs provided, the contribution of federal lands grazing is less than 0.1% across the West. Farm and ranch operations are increasingly reliant on non-farm income sources to be financially feasible, while livestock grazing competes with other uses of public lands - such as clean water, recreation, wildlife habitat - that contribute to the ongoing vitality of western economies." In his analysis of the economies of individual rural counties, Dr. Power showed that federal lands grazing does not contribute significantly to those economies across the west. In fact, given the high percentage of ranching families that have jobs, either full or part time outside the ranch (60 - 70%), it is ranchers that depend on the other economic sectors for their ability to persist, not federal grazing. Dr. Power states, "It is not that towns depend on agriculture, but that agriculture increasingly depends on the vitality of urban and nonagricultural rural economies to provide the nonfarm income that keeps farm operations alive." Dr. Power states that claims about the relative importance of federal grazing to the economies of western states can be analyzed by answering these questions: 1. "What portion of the value produced by cattle and sheep operations is associated with feed used? 2. What portion of the feed for those cattle and sheep operations comes from grazing on federal lands? 3. What portion of the total agricultural activity involves raising cattle and sheep? 4. What part of the total economy is represented by agriculture?" (Western Watersheds Project, Pinedale, WY - Comment: #707, letter #27)

Comment: *The RMP Economic analyses should include consideration of this information and the following: " costs of administration " costs of installation and maintenance of range improvements borne by the BLM and/or funded by county range improvement funds " grazing fees collected and their distribution to various entities " grazing fees collected and net return to the Forest Service and the American people, and separate out the dollars returned to grazing permittees and local counties. " value of livestock grazing gross revenue to the permittee at current market rates " value of wildlife-associated recreation (DOI 2002) " loss in value of wildlife associated recreation to livestock grazing by using equivalent AUMS consumed by livestock as applied to wildlife needs (AUMs) and economic benefits " cost of soil erosion and loss of groundwater recharge and streamflow " cost of water pollution " the net contribution of the individual livestock operations under consideration to the county and regional economy " compare the individual livestock operation in dollars and jobs to the local, state and regional economy and report what percentage this allotment comprises of this total " compare these various economic values with other economic and employment sectors at those local, state and regional levels.* (Western Watersheds Project, Pinedale, WY - Comment: #708, letter #27)

## **1.23 Primary Topic: Economics, Second Topic: Oil and gas**

**Summary:** In the economic analysis, the BLM should look beyond the local economy to a broader (regional, state, national) level for oil and gas activity values.

Comment: *Considerations of the contribution of the oil and gas industry to employment, income, and other economic measures must include a national, State, and regional perspective of the relative value of these activities. As mentioned, FLPMA requires BLM to manage the public lands to achieve what is "best" for the "American people," not just local economies. Moreover, these analyses must consider not only the present contribution of various sectors of the economy, but also trends that are apparent. The EIS should realistically address the socio-economic impacts of the boom and bust development cycle often associated with oil and gas drilling and development.* (Wyoming Outdoor Council, Lander, WY - Comment: #306, letter #19)

## **1.24 Primary Topic: Economics, Second Topic: Wildlife**

**Summary:** The BLM should consider wildlife and recreation based datasets when developing the economic analysis.

Comment: *The contribution of fishing and hunting, and estimates of the value of non-consumptive wildlife uses, to the local and state economy should be included. This will help guide discussions on both wildlife and other economic management directions in the RMP.* (Wyoming Game and Fish, Cheyenne, WY - Comment: #178, letter #18)

## **1.25 Primary Topic: Energy development**

**Summary:** BLM should analyze energy and mineral development impacts on a broad spectrum of topics and follow all laws, regulations and policies related to energy development.

Comment: *Energy development is a potentially harmful activity that must be addressed in the EIS and regulated by the RMP. Wildlife habitat can be fragmented, scenic vistas can be marred and obstructed, air quality degraded, vegetation crushed and altered, and water sources drained and polluted. Primitive areas can be converted into industrial zones, and wilderness and wilderness quality lands can be trampled and degraded by oil and gas related activities. On "split-estates" the rights, and lives, of private surface owners can be severely impacted. The concerns expressed in this section with regard to oil, gas, and coal development also generally apply to other leasable minerals. The EIS should make similar analyses relative to these minerals. Additionally, many of the recommendations in this section are in conformance with the report "Land Use Planning and Oil and Gas Leasing on Onshore Federal Lands." We request that BLM consider and respond to this report as it develops the RMP.* (Wyoming Outdoor Council, Lander, WY - Comment: #237, letter #19)

Comment: *The plan must fully disclose and implement the provisions of the Energy Policy Conservation Act, H-1624-1, Planning For Fluid Mineral Resources and National Energy Policy as they pertain to planning and mineral management.* (Sweetwater County Conservation District, Rock Springs, WY - Comment: #483, letter #28)

Comment: *The plan must fully disclose and implement the provisions of the Energy Policy Conservation Act, H-1624-1, Planning For Fluid Mineral Resources and National Energy Policy as they pertain to planning and mineral management.* (Wyoming Coalition of Local Governments - Comment: #582, letter #29)

## **1.26 Primary Topic: FLPMA**

**Summary:** The comments discuss the Federal Land Policy and Management Act (FLPMA).

Comment: *Decisions for the Lander RMP revision need to meet the intent of the FLMPA mandate to manage the public lands in a productive and sustainable manner.* (Individual, Lander, WY - Comment: #44, letter #12)

Comment: *We particularly believe the Congressional policy expressed in the Federal Land Policy and Management Act of 1976 about livestock grazing needs to be specifically noted in the revised RMP. FLPMA Sec. 102(8) states "The Congress declares that it is the policy of the United States that...the public lands be managed in a manner that will provide food and habitat for fish and wildlife and domestic animals." We have learned through experience in working on four previous RMP revisions that many in the public and numerous federal policy officials are unaware of this Congressional policy. Yet that Congressional policy is critical to livestock grazing in the Lander RMP planning area. For these reasons, we believe it is essential that this Congressional policy be specifically expressed in the Revised RMP.* (Wyoming Department of Agriculture, Cheyenne, WY - Comment: #167, letter #17)

Comment: *Under FLPMA, land use plans for public lands are to "use and observe" multiple use and sustained yield principles, give priority to designation and protection of areas of critical environmental concern, and provide for compliance with pollution control laws, among other things. 43 U.S.C. § 1712(c). See also 43 U.S.C. §1711(a); BLM Handbook H-1601-1. Likewise, specific management actions must be done pursuant to multiple use and sustained yield principles. 43 U.S.C. § 1732(a). These requirements must be borne in mind as the RMP is developed.* (Wyoming Outdoor Council, Lander, WY - Comment: #214, letter #19)

Comment: *The Requirement To Manage For Multiple Use And Sustained Yield Has Substantive Components That Must Be Adhered To* The definition of multiple use in FLPMA is long, but key provisions include the following: (1) Public lands and their resource values must be managed so that they "best meet the present and future needs of the American people;" (2) It is appropriate that some land be used "for less than all of the resources;" and (3) There must be harmonious and coordinated resource management that is done "without permanent impairment of the productivity of the land and the quality of the environment with consideration being given to the relative values of the resources and not necessarily to the combination of uses that will give the greatest economic return or greatest unit output." 43 U.S.C. § 1702(c). Sustained yield as defined in FLPMA can be achieved either by "high-level annual" or "regular periodic" output of resources, so long as this is accomplished in a way that can be maintained in perpetuity and is consistent with the definition of multiple use. 43 U.S.C. §1702(h). These definitions give substance to the requirement that land use plans and resulting management actions are to use and observe multiple use and sustained yield principles. (Wyoming Outdoor Council, Lander, WY - Comment: #215, letter #19)

Comment: *The purpose of this planning process must be to produce a plan that "best" meets the present and future needs of the American people. The RMP cannot adequately meet these needs, or generally meet these needs, or largely meet these needs, it must "best" meet them. FLPMA explicitly requires that what is "best" must be viewed from the perspective of the present and the future and all alternatives, including the proposed action, must be designed to satisfy this requirement. What is best now may not meet future needs, and since future needs may be unknown in some respects, the only way to "best" insure that future needs are met is to develop and select alternatives that have a large built in margin of safety. To achieve a large built in margin of safety the plan should emphasize resource and ecosystem protection, which will best ensure that future options are retained. Furthermore, what is "best" must be determined with reference to the needs of the American people as a whole, not a small subset of the American people.* (Wyoming Outdoor Council, Lander, WY - Comment: #216, letter #19)

Comment: *Since sustained yield can be achieved by providing for regular periodic outputs of renewable resources, we ask that BLM consider this measure of sustained yield rather than just*

*high-level annual measures. Occasional (periodic) outputs of some resources may be a far more sustainable means to manage for multiple use in perpetuity than to attempt to produce the resource annually, especially at a "high-level." For example, drought could well make livestock grazing ill-advised and unsustainable in some years if other resource values such as wildlife are to be protected and maintained. (Wyoming Outdoor Council, Lander, WY - Comment: #219, letter #19)*

*Comment: Pursuant to FLPMA, BLM should ensure that public lands in the RMP area are managed to protect the "quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archeological values," as well as ensure compliance with the definitions of multiple use and sustained yield. 43 U.S.C. §§ 1701(a)(8), 1702(c) and (h). (Wyoming Outdoor Council, Lander, WY - Comment: #348, letter #19)*

*Comment: The RMP and EIS must consider the bedrock management principles that direct all activities on BLM lands. FLPMA is one of these key bedrock laws. FLPMA requires the BLM to manage public lands under the principle of multiple use and sustained yield. The definition of multiple use in FLPMA is long, but key provisions include the following: " Public lands and their resource values must be managed so that they "best meet the present and future needs of the American people;" " It is appropriate that some land be used "for less than all of the resources;" " There must be harmonious and coordinated resource management that is done "without permanent impairment of the productivity of the land and the quality of the environment with consideration being given to the relative values of the resources and not necessarily to the combination of uses that will give the greatest economic return or greatest unit output." (Western Watersheds Project, Pinedale, WY - Comment: #709, letter #27)*

*Comment: 43 U.S.C. § 1702(c) Sustained yield as defined in FLPMA can be achieved either by "high-level annual" or "regular periodic" output of resources, so long as this is accomplished in a way that can be maintained in perpetuity and is consistent with the definition of multiple use. 43 U.S.C. §1702(h). These definitions give substance to the requirement that land use plans and resulting management actions are to use and observe multiple use and sustained yield principles. The purpose of this planning process must be to produce a plan that "best" meets the present and future needs of the American people. The RMP cannot adequately meet these needs, or generally meet these needs, or largely meet these needs, it must "best" meet them. FLPMA explicitly requires that what is "best" must be viewed from the perspective of the present and the future and all alternatives, including the proposed action, must be designed to satisfy this requirement. What is best now may not meet future needs, and since future needs may be unknown in some respects, the only way to "best" insure that future needs are met is to develop and select alternatives that have a large built in margin of safety. To achieve a large built in margin of safety the plan should emphasize resource and ecosystem protection, which will best ensure that future options are retained. (Western Watersheds Project, Pinedale, WY - Comment: #710, letter #27)*

*Comment: Furthermore, what is "best" must be determined with reference to the needs of the American people as a whole, not a small subset of the American people. FLPMA explicitly provides that the plan that is developed need not accommodate all resource uses on all lands. This provision has special significance relative to grazing, oil and gas leasing, exploration, and development because too often essentially all lands are made available by the BLM for oil and gas extraction. By this legally required measure, rare, unique, and sensitive native species have a relative value far in excess of more common or easily replaced public land resources, or resources that can be provided from other lands. The same is true of many other resources, such as cultural and wilderness resources. Accordingly, the alternative plans that are developed, and particularly the preferred alternative, must give special emphasis to protecting and providing for relatively rare resources. (Western Watersheds Project, Pinedale, WY - Comment: #711, letter #27)*

*Comment: The FLPMA Section 1702(c) permanent impairment and Section 1732(b) prevention*

*of unnecessary or undue degradation provisions are extremely important. They must inform and be the basis of all RMP direction.* (Western Watersheds Project, Pinedale, WY - Comment: #713, letter #27)

## **1.27 Primary Topic: FLPMA, Second Topic: Alternatives**

**Summary:** EIS alternatives should reflect provisions and intent of the Federal Land Policy and Management Act.

*Comment: FLPMA explicitly provides that the alternative plans that are developed need not accommodate all resource uses on all lands. This provision has special significance relative to oil and gas leasing, exploration, and development because too often essentially all lands are made available by BLM for oil and gas extraction. Therefore, we request that the alternatives developed for consideration in the EIS include a wide range of options relative to allocating lands in this area to oil and gas extraction activities. BLM must fully consider placing areas off limits to oil and gas leasing, subjecting areas to leasing subject to No Surface Occupancy (NSO) stipulations, as well as making areas available for leasing subject to appropriate timing and controlled surface use stipulations. Moreover, FLPMA provides that areas where less than all resource uses are allowed should be "large enough to provide sufficient latitude for periodic adjustments" to accommodate changing circumstances. 43 U.S.C. §1702(c).* (Wyoming Outdoor Council, Lander, WY - Comment: #217, letter #19)

*Comment: It is also important to emphasize that under FLPMA the alternatives that are developed must consider the relative value of the resources involved. By this legally required measure, rare, unique, and sensitive native species have a relative value far in excess of more common or easily replaced public land resources, or resources that can be provided from other lands. The same is true of many other resources, such as cultural, historical, paleontological, and wilderness resources. Accordingly, the alternative plans that are developed, and particularly the preferred alternative, must give special emphasis to protecting and providing for relatively rare resources.* (Wyoming Outdoor Council, Lander, WY - Comment: #218, letter #19)

*Comment: In addition to the requirement to manage for multiple use and sustained yield, Congress declared a policy in FLPMA that public lands are to be "managed in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archeological values . . ." as well as to "preserve and protect certain public lands in their natural condition" and provide "food and habitat for fish and wildlife." 43 U.S.C. §1701(a)(8) (emphasis added). Consequently, Congress has made clear that strong environmental protection must be provided through the planning process for these public assets. The EIS should reflect this Congressional guidance in all alternatives that are developed and considered, especially in the plan that is finally selected.* (Wyoming Outdoor Council, Lander, WY - Comment: #220, letter #19)

## **1.28 Primary Topic: Fire Management**

**Summary:** Various fire management methodologies and monitoring should be used to establish an ecologically based fire management program and post-fire management treatments.

*Comment: Adequate and proper use of fire as a habitat management tool is an issue. The RMP should specifically address past and future uses of fire, its proper implementation for specific purposes, as well as monitoring post-treatment management.* (Wyoming Game and Fish, Cheyenne, WY - Comment: #186, letter #18)

Comment: *Fire frequency has been extended in most of the resource area with improved technology and fire fighting methods. In some areas, a return to a more historical fire regime may be desired. Use of prescribed fire and planning for managed wildfire would complement each other and provide for healthier plant communities. Potential invasion of exotic plants such as cheatgrass should be a determining factor in how the RMP addresses fire management.* (Wyoming Game and Fish, Cheyenne, WY - Comment: #187, letter #18)

Comment: *The EIS should address issues related to fires and fire policy. It is crucial that the RMP establish an ecologically based fire restoration program so that fire can play its natural, and necessary, role in the RMP area. With the necessary ecological role of fire defined as an underpinning, the RMP can then address more specific issues, and should: " Provide that fire suppression efforts and related vegetation management efforts (like thinning) are focused on the "wildland urban interface." Remote areas where fire causes few if any problems and may in fact be an important component of ecological health should not be subject to mechanical vegetation management activities pursued to accomplish fire policy. " Prohibit any mechanical treatments (e.g., thinning) of vegetation in WSAs or citizens' proposed wilderness areas. " Prohibit road building as a means to accomplish any vegetation treatments in furtherance of the fire policy. If "non-permanent" roads are allowed, there should be stringent assurance they will in fact be temporary. " Be consistent with the Western Governors Association's 10-year Comprehensive Wildfire Strategy prepared in 2001. " Provide that funds for fire management should be used, in accordance with our recommendations on invasive and exotic species, to eradicate flammable invasive species such as cheatgrass. They should also be used to restore native species less likely to create fire problems, and for restoring seed banks of native species. " Provide that riparian areas should be restored so that they can serve as natural firebreaks.* (Wyoming Outdoor Council, Lander, WY - Comment: #307, letter #19)

Comment: *Additionally, the EIS should address underlying assumptions or conditions that influence fire policy in a thorough and scientifically credible manner. The full costs and benefits of fire suppression and related vegetation management activities should be illuminated, particularly relative to other means of reducing fire hazards, such as allowing natural fires to burn or "prescribed" burning. Land exchanges and other similar methods for preventing encroachment of housing developments among otherwise remote BLM lands should be addressed. The relative importance of past fire suppression policy and drought in creating "unnatural" fuel accumulations and creating hazardous fire conditions should be thoroughly addressed and analyzed. Whether fuel accumulations are in fact "unnatural" should be fully explored in a scientifically rigorous manner. In this regard we request that BLM consider the implications of the following article relative to any fire policies it develops in the RMP: A.L. Westerling et al. 2006. Warming and Earlier Spring Increase Western U.S. Forest Wildfire Activity. Science 313(5789): 940-943. Increasingly warm temperatures, particularly in the spring, may be an important driving force behind increased fire frequency and severity.* (Wyoming Outdoor Council, Lander, WY - Comment: #308, letter #19)

Comment: *Fire also should be allowed to play its more beneficial role in habitat regeneration.* (Individual, Lander, WY - Comment: #417, letter #24)

Comment: *Plan must provide that all fire plans and industrial and urban interface be coordinated with local governments and conservation districts. Protection of critical and crucial habitats should have a high priority in such plans.* (Sweetwater County Conservation District, Rock Springs, WY - Comment: #523, letter #28)

Comment: *Green stripping along roads and pipeline should be considered as beneficial in preventing catastrophic fire and for protection of important habitats.* (Sweetwater County Conservation District, Rock Springs, WY - Comment: #524, letter #28)

Comment: *Plan must provide that all fire plans and industrial and urban interface be coordinated with local governments and conservation districts. Protection of critical and crucial*

*habitats should have a high priority in such plans.* (Wyoming Coalition of Local Governments - Comment: #621, letter #29)

*Comment: Green stripping along roads and pipeline should be considered as beneficial in preventing catastrophic fire and for protection of important habitats.* (Wyoming Coalition of Local Governments - Comment: #622, letter #29)

## 1.29 Primary Topic: Forest management

**Summary:** Comments represent a dichotomy of perspectives for forest management; some suggest to use forest management practices for enhancement and maintenance of habitat and water quality while others suggest to use the forest for timber harvests. The BLM should pay particular attention to aspen and Douglas fire habitats and limber pine invasion.

*Comment: Use forest management as a tool to improve wildlife habitat and forest health, not as a specific harvest quota (i.e., number of permits, cubic feet volume).* (Individual, Lander, WY - Comment: #69, letter #12)

*Comment: Aspen habitat management is an issue. This important habitat type greatly increases habitat diversity, but is present in limited amounts and needs specific attention in the RMP.* (Wyoming Game and Fish, Cheyenne, WY - Comment: #191, letter #18)

*Comment: Forest cover is very limited in most of the LFO area, and managing it to maintain and enhance habitat, and thus wildlife diversity, is a concern. Management under the new RMP should consider the benefits of forest cover, particularly Douglas-fir, to elk and other wildlife species as year-round cover and security cover. Alternatively, limber pine invasion of big sagebrush and mountain mahogany communities jeopardize the benefits of these shrub communities to wildlife, and a 10-15 year fire frequency in ponderosa pine communities could create more desirable wildlife habitat.* (Wyoming Game and Fish, Cheyenne, WY - Comment: #192, letter #18)

*Comment: H). Timber harvest within the field office should be driven by habitat improvement and not by timber harvest quotas. Areas of concern include Green Mountain, BLM lands around Dubois/Dunoir, and South Pass. Timber thinning can have a place in reducing fire hazard at the urban/wildland interface but should not be used to simply pursue timber harvests.* (Wyoming Outdoor Council, Lander, WY - Comment: #367, letter #19)

*Comment: The requirements of the Healthy Forest Restoration Act of 2003 should be the basis for improvement and treatment of forest stands, and collaboration with local governments for fire suppression.* (Sweetwater County Conservation District, Rock Springs, WY - Comment: #458, letter #28)

*Comment: Allowable timber harvest should be based on multiple use and sustained yield, recognizing that timber production is a principal multiple use. Timber should be more than a forest treatment. In addition to commercial harvest the plan should also provide for harvest of firewood, Christmas trees, post and poles and other forest products commonly available to the public by permit or free use.* (Sweetwater County Conservation District, Rock Springs, WY - Comment: #459, letter #28)

*Comment: Forest should be managed to protect watersheds from conifer invasion or dominance in order to maintain or enhance water yield and quality.* (Sweetwater County Conservation District, Rock Springs, WY - Comment: #460, letter #28)

*Comment: Forest should be managed to provide for a mosaic of seral stages and not to be managed for dominance of one particular age class.* (Sweetwater County Conservation District,

Rock Springs, WY - Comment: #461, letter #28)

Comment: *To prevent the waste of forest products and support local economies, timber harvest should be given priority over other treatments of forest resources.* (Sweetwater County Conservation District, Rock Springs, WY - Comment: #462, letter #28)

Comment: *The plan should provide for the protection and enhancement of aspen in support of healthy habitats and watersheds.* (Sweetwater County Conservation District, Rock Springs, WY - Comment: #463, letter #28)

Comment: *The requirements of the Healthy Forest Restoration Act of 2003 should be the basis for improvement and treatment of forest stands, and collaboration with local governments for fire suppression.* (Wyoming Coalition of Local Governments - Comment: #559, letter #29)

Comment: *Allowable timber harvest should be based on multiple use and sustained yield, recognizing that timber production is a principal multiple use. Timber should be more than a forest treatment. In addition to commercial harvest the plan should also provide for harvest of firewood, Christmas trees, post and poles and other forest products commonly available to the public by permit or free use.* (Wyoming Coalition of Local Governments - Comment: #560, letter #29)

Comment: *Forest should be managed to protect watersheds from conifer invasion or dominance in order to maintain or enhance water yield and quality.* (Wyoming Coalition of Local Governments - Comment: #561, letter #29)

Comment: *Forest should be managed to provide for a mosaic of seral stages and not to be managed for dominance of one particular age class.* (Wyoming Coalition of Local Governments - Comment: #562, letter #29)

Comment: *To prevent the waste of forest products and support local economies, timber harvest should be given priority over other treatments of forest resources.* (Wyoming Coalition of Local Governments - Comment: #563, letter #29)

Comment: *The plan should provide for the protection and enhancement of aspen in support of healthy habitats and watersheds.* (Wyoming Coalition of Local Governments - Comment: #564, letter #29)

### 1.30 Primary Topic: Geophysical operations

**Summary:** Commenters would like to see all areas in the Field Office open to geophysical operations.

**Response:**

Comment: *Unless prohibited by law or regulation, all areas should be open to geophysical operations. Such activity is of short duration, low impact and data collected can be helpful in making sound management decisions.* (Sweetwater County Conservation District, Rock Springs, WY - Comment: #486, letter #28)

Comment: *Unless prohibited by law or regulation, all areas should be open to geophysical operations. Such activity is of short duration, low impact and data collected can be helpful in making sound management decisions.* (Wyoming Coalition of Local Governments - Comment: #585, letter #29)

### 1.31 Primary Topic: Global issues

**Summary:** The BLM should take a broader perspective in the EIS by addressing global issues

such as global warming.

*Comment: Thus, in revising this RMP, BLM should consider, analyze, and wherever appropriate facilitate, international efforts to prevent environmental decline. These include a number of international agreements and treaties for resource protection, such as United Nations biosphere reserves, migratory bird treaties, the Convention on International Trade in Endangered Species, and international efforts related to biological diversity preservation, and prevention of global warming, among others. The EIS supporting the RMP should also explicitly address unquantified environmental values and ensure they are given equal emphasis relative to economic analyses, and ensure up-to-date ecological information is utilized in developing the EIS and RMP. The "existence value" of undeveloped public lands is key in this regard, and must be given a high priority for analysis in the EIS, with applicable provisions being made in the RMP. (Wyoming Outdoor Council, Lander, WY - Comment: #206, letter #19)*

*Comment: The EIS should address the problem of global warming and the steps BLM can take to reduce this problem. For example, coal seam fires could unnecessarily contribute to global warming. Flaring of hydrocarbon by-products contributes to global warming, and much of that may be unnecessary. The impacts of methane seepage and release from oil and gas development activities may be especially significant given the extremely high heat trapping properties of methane. BLM should make a thorough analysis of how activities it undertakes or authorizes contribute to the generation of carbon dioxide or other "greenhouse gasses," and the RMP should make provisions to reduce and minimize them. (Wyoming Outdoor Council, Lander, WY - Comment: #264, letter #19)*

## **1.32 Primary Topic: Grazing**

**Summary:** The planning process should review the current management actions, goals and objectives of the grazing program. The EIS should address impacts on livestock grazing from other surface use and resource decisions.

*Comment: Livestock grazing leases needs continued monitoring to assure protection of riparian areas and water quality. (Alliance for Historic Wyoming, Casper, WY - Comment: #39, letter #11)*

*Comment: Rangeland improvements (fencing and water wells) should be limited to those necessary to restore rangeland health. Don't fence vast open (fenceless) areas (i.e., Green Mountain Common) for the sake of livestock management between numerous permittees. Place no fences across wildlife migration routes. (Individual, Lander, WY - Comment: #61, letter #12)*

*Comment: Retire specific Section 15 grazing leases around Dubois (i.e., Wind River 40 acres, T42N, R107W, Sec. 30, NE1/4 NW1/4 and Wind River 80 acres at Stoney Point T42N, R108, Sec. 25, N1/2 NE1/4). 40 acre parcel was being used as a bull pasture, highly impacting the riparian area. 80 acre parcel is split by Hwy 287. South portion is on Wind River, north portion heavily grazed. (Individual, Lander, WY - Comment: #62, letter #12)*

*Comment: Remove grazing from Sweetwater Canyon WSA. Improvements from five years of rest from grazing are being reversed by current grazing decisions. The WSA values should provide justification for removing livestock from the canyon riparian area. Prior to five year rest from grazing the livestock management in the canyon was not meeting the mandate of FLPMA or the WSA IMP policy. (Individual, Lander, WY - Comment: #63, letter #12)*

*Comment: Provide alternative for removing grazing from scattered Lander Slope Section 15 leases for management of noxious weeds. (Individual, Lander, WY - Comment: #64, letter #12)*

Comment: *Further, we support inclusion of grazing at the original, adjudicated amount of animal unit months (AUMs). Adjustments to those AUMs should be negotiated annually with the permit holder based on resource conditions as assessed jointly by the permit holder and the Rangeland Specialist representing the BLM. (Fremont County Cattleman's Association, Riverton, WY - Comment: #71, letter #13)*

Comment: *We support annual joint, cooperative monitoring to assess the resource conditions and to determine trends in those resource conditions. (Fremont County Cattleman's Association, Riverton, WY - Comment: #72, letter #13)*

Comment: *We support water improvement projects on the BLM rangelands. These improvements not only benefit livestock, but also the wildlife, wild horses and the resources as a whole. We support budgeting and seeking of funds specifically for the water improvement projects. These water improvements need high priority. (Fremont County Cattleman's Association, Riverton, WY - Comment: #73, letter #13)*

Comment: *Of particular interest to us is the state of grazing leases around the Larkin Dome and the Moonstone. We encourage the BLM to pay particular attention to careful management of the grazing resource in Wilderness Study Areas. (National Outdoor Leadership School, Lander, WY - Comment: #145, letter #16)*

Comment: *In addition to its economic impact, livestock grazing represents irreplaceable environmental and social values. This increasingly essential resource value contributes valuable and irreplaceable wildlife habitat, open spaces, rangeland buffers between federal lands and developments, scenic vistas, visual beauty, and the traditional image of the historic rural landscapes of Wyoming and the West. Losses of these essential environmental, historic, and social values of livestock grazing to users and visitors of the area and residents of impacted communities should be included in the scope of the EIS. (Wyoming Department of Agriculture, Cheyenne, WY - Comment: #160, letter #17)*

Comment: *The Lander Revised RMP should also adequately reflect the efforts of BLM Lander officials and grazing permittees for several decades to improve rangeland health through the management of livestock grazing. Through allotment management plans, annual operating instruction, range improvements, and other livestock grazing tools, BLM Lander officials and grazing permittees have taken significant strides forward in utilizing livestock grazing to improve rangeland health. The management efforts of BLM officials and grazing permittees in the Lander FO planning area have improved rangeland health. These efforts and improvements should be acknowledged in the EIS chapters on affected environment and environmental consequences. (Wyoming Department of Agriculture, Cheyenne, WY - Comment: #161, letter #17)*

Comment: *We strongly believe that the sections of the EIS that discuss livestock grazing need to discuss livestock grazing management, just as the section on wildlife deals with wildlife management. The facts are that livestock don't just appear on federal lands, but are there as allowed by grazing permits granted by the BLM Lander FO. Livestock grazing is allowed in accordance with and must meet the provisions of grazing permits, allotment management plans, and annual operating instructions. The facts are that livestock grazing on federal lands within the Lander Revised RMP planning area is managed. The desired effects are intended to be the result of agreed upon management practices of BLM Lander officials and grazing permittees. For these reasons, we believe the Revised RMP needs to address effects, goals, objectives, and management actions of livestock grazing management, not livestock grazing. (Wyoming Department of Agriculture, Cheyenne, WY - Comment: #162, letter #17)*

Comment: *No other issue affects the Lander Field Office (LFO) area as completely as does livestock grazing. As such, it is imperative the LFO manage grazing and associated activities in a proactive and sustainable manner. The existing BLM grazing regulations need to be strictly adhered to, particularly the ?Standards for Healthy Rangelands and Guidelines for Livestock*

*Grazing Management for the Public Lands Administered by the BLM in the State of Wyoming and Proper Functioning Condition for Riparian Areas. Strict conformance to these rules, regulations, and guidelines should provide healthy and sustainable rangelands for livestock, and provide adequate habitat for wildlife species. Alteration of grazing systems should be considered a high priority, since past season-long grazing practices seem to have had detrimental affects to many allotments, particularly on riparian and wet-meadow systems. (Wyoming Game and Fish, Cheyenne, WY - Comment: #172, letter #18)*

*Comment: Livestock grazing can have profound impacts on wildlife and the public lands. See 43 U.S.C. §§ 1901(a)(1) (determining that "vast segments" of the public rangelands are in unsatisfactory condition), 1751(b)(1) (finding that much federal rangeland "is deteriorating in quality"). Recognizing this, BLM adopted standards and guidelines for grazing administration in 1995 that are designed to restore and protect range health and degraded range conditions. See 43 C.F.R. Subpt. 4180. The RMP should provide a clear and binding schedule for ensuring that the three steps the grazing rules establish for determining if grazing needs to be modified are accomplished in a timely manner. Furthermore, for allotments that have already been assessed, provision should be made in the RMP for future assessments and determinations: the standards and guidelines are intended to be an ongoing, prominent factor in grazing management, and the Fundamentals of Rangeland Health are standing national requirements. It is also worth noting that pursuant to the Public Rangelands Improvement Act (PRIA), "the goal" of rangeland management "shall be to improve the range condition of the public rangelands . . ." 43 U.S.C. § 1903(b) (emphasis added). (Wyoming Outdoor Council, Lander, WY - Comment: #265, letter #19)*

*Comment: BLM's standards and guidelines and the Fundamentals of Rangeland Health also have potential applicability and utility for properly managing all resource uses in the RMP area. For example, many standards and guidelines and the Fundamentals of Rangeland Health would be appropriate as stipulations to oil and gas leases to ensure there is not unnecessary or undue degradation. Consequently, as part of this planning effort, the BLM should consider what changes if any are needed to extend the standards and guidelines and Fundamentals of Rangeland Health to all other programs, and the RMP should provide for their adoption as requirements to guide all future management activities and decisions. The standards and guidelines, and the Fundamentals of Rangeland Health, provide a convenient existing means to meet many of the requirements highlighted in these comments, which BLM, through the RMP, should take advantage of. (Wyoming Outdoor Council, Lander, WY - Comment: #266, letter #19)*

*Comment: In accordance with the standards and guidelines, and provisions in the FLPMA and PRIA, the EIS should determine the suitability of lands within the RMP area for livestock grazing and the RMP should require adjustments accordingly. There is no doubt BLM has this responsibility and authority. See, 43 U.S.C. §§ 315 (grazing districts must be chiefly valuable for grazing), 315a (BLM can do "any and all things" necessary to manage grazing), 1701(a)(8) (public lands to be managed to protect environmental values), 1702(c) (multiple use management allows for areas to be deemed unsuitable for certain uses and requires consideration of relative resource values), 1712(a)-(c) (land use plans to be based on multiple use), 1712(d) (land use classifications can be modified or terminated), 1712(e) (allowing for elimination of principle or major uses), 1732(c) (revocation of permits authorized), 1752 (allowing discontinuation of grazing permits and a determination in land use plans of whether lands "remain available for domestic grazing"), 1903(b) (allowing for discontinuation of grazing pursuant to land use planning decisions). See also Public Lands Council v. Babbitt, 529 U.S. 728 (2000) (holding that allocation of forage in a land use plan pursuant to 43 C.F.R. § 4100.0-5 does not, on its face, violate the Taylor Grazing Act). Livestock grazing, like all land uses, should only occur in areas where it has been carefully determined, pursuant to the land use planning process, to be a suitable use of the land. The suitability determination should be made in the RMP at two levels:*

(1) for the RMP area as a whole and (2) for site-specific areas. (Wyoming Outdoor Council, Lander, WY - Comment: #268, letter #19)

Comment: *F). Grazing management practices should be carefully evaluated across the field office. It is evident from discussions with a number of parties that grazing management has not been meeting the standards for rangeland health in a number of areas around the field office. This RMP needs to address this problem and come up with potential solutions. If this is not done, we are concerned that grazing management practices put in place during the previous RMP and grazing EIS will continue despite a failure to meet standards. According to knowledgeable persons we have consulted with, the current strategy is leading to significant degradation of the range in many areas in the field office. It is critical to reevaluate management strategies in these areas now because the range is seen by knowledgeable people to be at a tipping point with respect to its future health. If this RMP does not address this issue and continues with the current management strategies it will be difficult to correct these problems when the RMP comes up for renewal twenty years from now. We will see an increased loss of native grass species, an increase in invasive species, a reduction in water storage capacity, and a drying out of riparian areas. The current management strategies are leading to a reduction in the health of the range in many areas, and decreased carrying capacity for both livestock and wildlife. This RMP needs to put forward alternatives that address the issues surrounding rangeland health and develop solutions that will guarantee the ecological health of our rangeland.* (Wyoming Outdoor Council, Lander, WY - Comment: #361, letter #19)

Comment: *This RMP should mandate a minimum 2 years of rest from grazing after a burn to allow the affected area time to recover after a fire, whether it is a prescribed burn or not. Examples of burns where this has not been done have resulted in a decrease in available forage and a degradation of the overall range health. Specific examples include the burn that took place where highway 287 and Twin Creek run side by side roughly 5 miles east of the junction of highway 287 and 28; another example is the burn that took place along Cedar Ridge roughly 2 miles north of where Cedar Ridge intersects with highway 287 in T32N/R98W.* (Wyoming Outdoor Council, Lander, WY - Comment: #362, letter #19)

Comment: *Rangeland improvements (e.g. fences and water wells) should be limited to those absolutely necessary to restore rangeland health. For example, you may not want to drill water wells in crucial wildlife habitat because it may draw cows into the areas you are trying to enhance and actually result in the degradation of the resource rather than its improvement. It has also been stated that fences, regardless of how "wildlife friendly", are still an impediment to wildlife.* (Wyoming Outdoor Council, Lander, WY - Comment: #363, letter #19)

Comment: *The RMP needs to include a revision of the existing suitability analysis for rangelands for livestock grazing. J. Craig Wittekiend in his August 1999 paper entitled "Our Forgotten Rangelands" (Journal of Forestry 97(5): 32-33) explains an approach to suitability analysis as follows: "Capability analysis is the identification of areas with physical characteristics conducive to livestock grazing; that is, areas that produce adequate forage and are accessible to livestock. Suitability analysis is the identification of areas already determined to be capable, where grazing is found appropriate considering economics, environmental consequences, rangeland conditions, and other uses or value of the area." Note the inclusion of "rangeland conditions" as one of the factors that needs to be considered in suitability analysis* (Individual - Comment: #423, letter #26)

Comment: *The revised RMP should incorporate this much more comprehensive analysis of suitability of public rangelands for livestock grazing. The revised RMP will not achieve healthy rangelands and sustained productivity if areas unsuitable for livestock grazing are authorized for grazing. The Sweetwater River Canyon is an example of an area that should be classified as unsuitable under this more comprehensive suitability analysis. Another example would be the lands on the "Lander Slope" with noxious weeds infestations and degraded crucial winter*

*habitats for wildlife.* (Individual - Comment: #424, letter #26)

*Comment: Our management decisions for livestock grazing in the existing Grazing EIS's and RMP have not maintained the health of the public land watersheds and habitats in the Lander Field Office. As a result this RMP revision needs to include new management decisions that will achieve the Standards for Healthy Rangelands. Continuation of the present management in the existing RMP will not sustain the productivity of the public lands. The most evident example of this alarming condition is the severe degradation of the public land riparian habitats with approximately 60-80% rated as functioning-at-risk or non-functioning. Many of those functioning-at-risk indicate a downward trend. Riparian habitats, water resources and fisheries are all being adversely impacted by livestock grazing under the management decisions in the existing RMP.* (Individual - Comment: #425, letter #26)

*Comment: Other issues adversely affecting rangeland health that need to be analyzed in the RMP/EIS include adjusting harvestable forage production recognizing drought conditions that continuously influence productivity of these arid rangelands. The increased amount of forage consumed by the heavier cows and calves grazing on the public lands today also needs to be analyzed. None of the alternatives can be successful at achieving rangeland health if this automatic over allocation which could be as much as 20 percent is not accounted for up-front as you formulate those alternatives. The amount of forage production that should be allowed for harvest by livestock also needs to be adjusted recognizing that the degraded public rangelands, particularly riparian areas, don't produce as much forage as they would if they were healthy.* (Individual - Comment: #427, letter #26)

*Comment: Fencing and water development also warrent careful analysis in the RMP revision. Hundreds of miles of fence have been constructed on the public lands with hundreds more under consideration. Site-specific, project by project analysis does nt analyze and disclose the significant cumulative impacts caused by the fencing. The RMP/EIS revision is the appropriate forum to fully consider the impacts of additional fencing given all the existing fencing already located in the public land habitats.* (Individual - Comment: #428, letter #26)

*Comment: Forage allocated to livestock must not be reduced in order to accommodate other resources or uses. Current grazing preference must be maintained.* (Sweetwater County Conservation District, Rock Springs, WY - Comment: #473, letter #28)

*Comment: Properly managed livestock grazing is not incompatible with other uses such as watersheds, wildlife or recreation.* (Sweetwater County Conservation District, Rock Springs, WY - Comment: #474, letter #28)

*Comment: The Wyoming Standards for Healthy Rangelands and Guidelines for Livestock Grazing Management are the standard to which all grazing by wildlife or livestock must be managed.* (Sweetwater County Conservation District, Rock Springs, WY - Comment: #475, letter #28)

*Comment: Changes in stocking rates or seasons of use must be based on scientific and verifiable data. All such actions must be made by consultation, cooperation, and coordination with the permittee.* (Sweetwater County Conservation District, Rock Springs, WY - Comment: #476, letter #28)

*Comment: Livestock grazing must be recognized as a viable tool for habitat and vegetation manipulation and should be recognized as such in the plan.* (Sweetwater County Conservation District, Rock Springs, WY - Comment: #477, letter #28)

*Comment: Livestock operators should receive compensatory mitigation for the economic harm relating to loss of livestock, operating capabilities, forage, and access to, or loss of, improvements resulting from development activities or other uses.* (Sweetwater County Conservation District, Rock Springs, WY - Comment: #478, letter #28)

Comment: *Management decisions in the densely developed areas should include collaboration with livestock operators.* (Sweetwater County Conservation District, Rock Springs, WY - Comment: #479, letter #28)

Comment: *Livestock management must not be subservient to wildlife in development of management actions.* (Sweetwater County Conservation District, Rock Springs, WY - Comment: #480, letter #28)

Comment: *Plan development must include participation of range staff in all sections that will affect livestock grazing, including wildlife habitat and vegetation.* (Sweetwater County Conservation District, Rock Springs, WY - Comment: #481, letter #28)

Comment: *Plan should provide for BLM facilitation of regular communication between oil and gas operators and permittees and the designation of contact persons for each group.* (Sweetwater County Conservation District, Rock Springs, WY - Comment: #482, letter #28)

Comment: *Forage allocated to livestock must not be reduced in order to accommodate other resources or uses. Current grazing preference must be maintained.* (Wyoming Coalition of Local Governments - Comment: #572, letter #29)

Comment: *Properly managed livestock grazing is not incompatible with other uses such as watersheds, wildlife or recreation.* (Wyoming Coalition of Local Governments - Comment: #573, letter #29)

Comment: *The Wyoming Standards for Healthy Rangelands and Guidelines for Livestock Grazing Management are the standard to which all grazing by wildlife or livestock must be managed.* (Wyoming Coalition of Local Governments - Comment: #574, letter #29)

Comment: *Changes in stocking rates or seasons of use must be based on scientific and verifiable data. All such actions must be made by consultation, cooperation, and coordination with the permittee.* (Wyoming Coalition of Local Governments - Comment: #575, letter #29)

Comment: *Livestock grazing must be recognized as a viable tool for habitat and vegetation manipulation and should be recognized as such in the plan.* (Wyoming Coalition of Local Governments - Comment: #576, letter #29)

Comment: *Livestock operators should receive compensatory mitigation for the economic harm relating to loss of livestock, operating capabilities, forage, and access to, or loss of, improvements resulting from development activities or other uses.* (Wyoming Coalition of Local Governments - Comment: #577, letter #29)

Comment: *Management decisions in the densely developed areas should include collaboration with livestock operators.* (Wyoming Coalition of Local Governments - Comment: #578, letter #29)

Comment: *Livestock management must not be subservient to wildlife in development of management actions.* (Wyoming Coalition of Local Governments - Comment: #579, letter #29)

Comment: *Plan development must include participation of range staff in all sections that will affect livestock grazing, including wildlife habitat and vegetation.* (Wyoming Coalition of Local Governments - Comment: #580, letter #29)

Comment: *Plan should provide for BLM facilitation of regular communication between oil and gas operators and permittees and the designation of contact persons for each group.* (Wyoming Coalition of Local Governments - Comment: #581, letter #29)

Comment: *Without question, private livestock grazing is the most important RMP topic. Livestock grazing is permitted on 99.9% of the total Field Office acres. Livestock grazing has caused and is causing the most impacts over the entire Field Office. BLM permitted livestock grazing has caused a permanent ~50% loss in the productivity over most parts of the Field Office. BLM*

*permitted livestock grazing has destroyed most of the riparian and hydrologic function throughout the Field Office. BLM permitted livestock grazing has degraded the water storage capacity of riparian areas throughout the Field Office which has lead to reduced flows, elimination of once productive fisheries and loss of riparian habitat. BLM permitted livestock grazing has not been properly managed. Trespassing livestock and excessive utilization are the rule not the exception. The BLM has known about these violations of permit terms and conditions for decade after decade, it has also known the ecosystem degradation caused by this lack of action for decade after decade, but has failed to take any effective actions to fulfill its public trust and legal responsibilities. (Western Watersheds Project, Pinedale, WY - Comment: #640, letter #27)*

*Comment: Fundamentals of Rangeland Health - Implementing the 4180 regulations within the Lander FO has been spotty at best and in those areas that compliance with Standards and Guidelines have been reviewed, the actions proposed have either never been implemented or been proven to be ineffective. The RMP must correct this deficiency and implement a schedule and regular feedback loops to complete the processes required under 4180. It also must prioritize reviews based on the need for change, such as I Category allotments first (Western Watersheds Project, Pinedale, WY - Comment: #645, letter #27)*

*Comment: The Sweetwater Watershed - The RMP must focus efforts at recovery on the Sweetwater watershed which contains many of the I Category allotments and has the highest resource values in the FO (Western Watersheds Project, Pinedale, WY - Comment: #646, letter #27)*

*Comment: The EIS and RMP must address the fact that livestock sizes, and thus forage consumption, have increased dramatically since the AUM was defined. Failure to address this critical issue will lead to legal vulnerability under NEPA, APA and the False Claims Act. (Western Watersheds Project, Pinedale, WY - Comment: #647, letter #27)*

*Comment: To comply with FLMPA, TGA, PRIA, NEPA and the APA, the EIS and RMP must only approve livestock grazing within the limits of current productivity and suitability, not capacities determined many decades ago. Current data shows that productivity on BLM lands has declined significantly over the last 20-40 years. (Western Watersheds Project, Pinedale, WY - Comment: #648, letter #27)*

*Comment: The RMP must include timelines and priorities for the completion and review of progress of the Fundamentals of Rangeland Health Standards and Guidelines assessments and determinations as required under the 4180 regulations. (Western Watersheds Project, Pinedale, WY - Comment: #659, letter #27)*

*Comment: We request that the BLM review the BLM Wyoming Office's January 1998 Standards for Healthy Rangelands and Guidelines for Livestock Grazing Management - Implementation Plan. This Plan must be clearly incorporated into the RMP. (Western Watersheds Project, Pinedale, WY - Comment: #660, letter #27)*

*Comment: For further details on the implementation of the 4180 regulations, we request that the BLM review its 1/19/01 Manual Transmittal Sheet for H-4180-1 Rangeland Health Standards. We specifically bring the BLM's attention to its duties to make "significant progress" towards meeting Standards and Guidelines. The RMP must provide direction to achieve the Fundamentals of Rangeland Health and the Standards and Guidelines, and in those situations, of which there are many, where these are not being met, the RMP must provide sufficient direction that results in the required "significant progress". (Western Watersheds Project, Pinedale, WY - Comment: #661, letter #27)*

*Comment: The RMP must also provide feedback loops so that once Standards and Guidelines (S&G) evaluations are completed, that the BLM requires regular reviews to insure "significant progress" is being made. Currently, nearly all the S&G assessments in the Lander FO were done*

*a decade ago, yet even the BLM itself admits there has been no "significant progress". Correcting this situation is critical and fundamental to everything the BLM does. (Western Watersheds Project, Pinedale, WY - Comment: #662, letter #27)*

*Comment: The BLM can not just assume that an AUM is 800 lbs of forage consumption per month. The RMP/EIS must analyze the current and potentially available forage to satisfy the forage consumption by the number of livestock it currently permits or proposes to permit. It can not assume that the forage capacity determined 20-40 years ago is applicable today. The Society for Range Management (SRM) in 1974 defined an Animal Unit "to be one mature (1000 lb.) cow or the equivalent based upon average daily forage consumption of 26 lbs. dry matter per day." (Society for Range Management. 1974. Glossary of terms used in range management ). SRM also defined an Animal Unit Month as "The amount of feed or forage required by an animal-unit for one month." NRCS defined the forage demand for a 1,000 pound cow as 26 pounds of oven-dry weight or 30 pounds air-dry weight of forage per day (USDA. 1997. National Range and Pasture Handbook ). It is important to ensure that forage consumption rates by livestock are based on the size of animals present on the allotment and a reasoned estimate of their daily consumption rates. The following analysis provides some background and justifies a more current forage consumption rate for cow/calf pairs. It is BLM's obligation to ensure this forage is accurately accounted for as this is its fiduciary duty to the American People. Undercounting forage consumption by livestock results in undercharging for that forage. This is potentially defrauding the American public under the False Claims Act (Title 18 USC Section 1001). (Western Watersheds Project, Pinedale, WY - Comment: #664, letter #27)*

*Comment: The potential weights of mature cows can be even larger than these numbers. For example, NRCS in its National Range and Pasture Handbook, referenced above, defines body condition scores. A body condition score of 6 which is described as "Good, smooth appearance throughout. Some fat deposits in brisket and over the tailhead. Ribs covered and back appears rounded." This body condition score relates to a pregnancy percentage of 88%, which is important as a goal for cow/calf operations as dry cows are usually culled and replaced and the weight gain of calves is important for income. According to Dr. Larry W. Olson, Extension Animal Scientist at Clemson University, a medium frame cow in body condition score 6 could easily weigh 1300 - 1400 pounds (Email correspondence with Dr. Olson dated 8/18/05). (Western Watersheds Project, Pinedale, WY - Comment: #667, letter #27)*

*Comment: Forage consumption rates must be calculated based on the current weights and consumption rates of livestock in order to provide the forage needed for wildlife, plant community sustainability and watershed protection and to ensure the public trust is not violated by undercharging for the actual weights of cattle and calves grazed. (Western Watersheds Project, Pinedale, WY - Comment: #671, letter #27)*

*Comment: The current RMP authorizes a certain number of AUM's. However, that is based on an AUM equivalent to 800 lbs of forage per month. The most current information, reviewed above shows that number to be 1368 lbs/month per AUM. Therefore, if sufficient forage were available to satisfy all needs, the numbers of livestock grazed should be reduced to account for the increases in weight and correct the erroneous assumption that 800 lbs/month is an accurate consumption figure. Using the ratio between the current RMP's forage amount per AUM divided by the correct figure above, gives a needed reduction in permitted numbers and/or seasons of use of 42% to account for the RMP's understated forage consumption, without accounting for wildlife, plant and watershed needs. (Western Watersheds Project, Pinedale, WY - Comment: #672, letter #27)*

*Comment: The EIS can not just move forward allotment condition and use information from the current RMP to satisfy its NEPA, FLPMA, PRIA and APA requirements. (Western Watersheds Project, Pinedale, WY - Comment: #673, letter #27)*

*Comment: BLM RMP Planning Handbook Appendix C requires that lands available or not*

*available for livestock grazing be determined by considering: other uses for the land; terrain characteristics; soil, vegetation and watershed characteristics; the presence of undesirable vegetation, including significant invasive weed infestations; and the presence of other resources that may require special management or protection, such as special status species, special recreation management areas (SRMAs), or ACECs. (Western Watersheds Project, Pinedale, WY - Comment: #674, letter #27)*

*Comment: Without balancing the currently available livestock AUM's with the physical and biological limitation of the land, the BLM avoids the most basic scientific principles which are aimed at providing for sustainable use without impairment. As a result of having no capability determination, combined with a realistic forage capacity determination, BLM cannot assure that sufficient forage exists to support the proposed livestock numbers and ignores the forage and habitat needs of wildlife and the need for nutrient cycling and soil protection provided by retaining plant matter to hold the soil and add nutrients. (Western Watersheds Project, Pinedale, WY - Comment: #677, letter #27)*

*Comment: A failure by the BLM in its RMP to analyze utilization, stocking rates and precipitation would be a failure to meet NEPA requirements for analysis. The failure to provide sustainable utilization rates for upland and riparian area herbaceous vegetation, aspen suckers and riparian shrubs and incorporate those into grazing permits as terms and conditions leaves management uncontrolled and subject to bias, violating FLPMA. (Western Watersheds Project, Pinedale, WY - Comment: #680, letter #27)*

*Comment: The grazing systems must be designed on the basis of soil and vegetation capabilities, water quality considerations, and wildlife and livestock requirements. (Wyoming Game and Fish, Cheyenne, WY - Comment: #724, letter #18)*

*Comment: we suggest that the revisions to come should not bring additinal regulations ro stipulations to land use plans that do not exist now with regard to range and the associated resources, such as wildlife and water, and their interaction with the range resource. As a general rule we would not view a more restrictive grazing regime as either economically or socially conducive to the business of raising livestock in a mixed land ownership setting. A tightening of the rules without some associated loosening of a related rule would not be something we would view as forward progress. For example, an increased emphasis on riparian health without an increased emphasis on the need for fences in order to achieve a desired riparian goal would not be something that furthers the range program. (Hellyer Limited Partnership, Lander, WY - Comment: #14, letter #5)*

*Comment: 7. No open range fencing. (Individual, Riverton, WY - Comment: #22, letter #7)*

### **1.33 Primary Topic: Grazing, Second Topic: Alternatives**

**Summary:** BLM needs to present a reasonable range of livestock grazing alternatives.

*Comment: The RMP/EIS can not present livestock grazing as a given with little difference in AUM's between alternatives. This would not be a reasonable range of alternatives. (Western Watersheds Project, Pinedale, WY - Comment: #675, letter #27)*

### **1.34 Primary Topic: Grazing, Second Topic: Cooperative agreements**

**Summary:** The BLM should work with grazing permittees and agricultural producers affected by the RMP.

Comment: *We also encourage BLM officials to work with all grazing permittees and agriculture producers affected by this plan to learn of their concerns and recommendations regarding this revised land use plan. These folks are intimately familiar with the area under study and possess irreplaceable long-term, on-the-ground knowledge. They understand that it is in their best interests to continue to serve as stewards of the rangelands in this area. They are particularly aware of the impacts upon the wildlife and livestock habitat and the rangeland and vegetative health of the proposed project. Their many years of daily on-the-ground wisdom often lead to recommendations that can help identify reasonable and successful management strategies that are both environmentally and economically sound. Thus, we strongly recommend BLM officials aggressively address the concerns and recommendations of these stewards during the planning process. It is imperative that BLM officials ensure that all livestock grazing permittees who are directly affected by this plan receive all notices about this revision.* (Wyoming Department of Agriculture, Cheyenne, WY - Comment: #157, letter #17)

### **1.35 Primary Topic: Grazing, Second Topic: Cumulative impacts**

**Summary:** The EIS analysis should include cumulative impacts to ranchers.

Comment: *The cumulative adverse impacts upon ranchers specifically should be included.* (Wyoming Department of Agriculture, Cheyenne, WY - Comment: #152, letter #17)

### **1.36 Primary Topic: Grazing, Second Topic: Desired future conditions**

**Summary:** The BLM should include the standards and guidelines for rangeland health as goals and objectives in the RMP.

Comment: *BLM's Fundamentals of Rangeland Health and the grazing standards and guidelines are a blueprint for ecosystem-management-based goals that BLM should apply to all activities in the RMP area. See 43 C.F.R Subpt. 4180.* (Wyoming Outdoor Council, Lander, WY - Comment: #350, letter #19)

### **1.37 Primary Topic: Grazing, Second Topic: Direct/Indirect Impacts**

**Summary:** The EIS needs to include the direct, indirect and cumulative effects of other uses on the livestock industry.

Comment: *Moreover, decisions that affect grazing or other uses in the study area will have significant compounding impacts and rippling repercussions on private, state, and other federal lands, and upon agriculture producers and communities adjacent to the study area. These impacts and repercussions need to be evaluated.* (Wyoming Department of Agriculture, Cheyenne, WY - Comment: #151, letter #17)

Comment: *Proposed revisions have also focused on the effects of livestock grazing upon other*

*uses in the planning area, while failing to mention the impacts of those other uses upon livestock grazing. The influences of livestock grazing upon fish and wildlife habitat, recreation, vegetation and fire management, mineral development, and other resources and uses were painstakingly detailed. However, the repercussions of these uses upon livestock grazing, grazing habitat, and grazing permittees were, at times, absent. Planning needs to include the effects of each use and resource upon those of the others. (Wyoming Department of Agriculture, Cheyenne, WY - Comment: #165, letter #17)*

## **1.38 Primary Topic: Grazing, Second Topic: Economics**

**Summary:** The EIS should include data and analysis related to the social and economic impacts to and from the livestock industry.

*Comment: Two studies from the University of Wyoming showed the importance of livestock grazing to the local economy. Larry Van Tassell and James Richardson from the Department of Agricultural Economics at the University of Wyoming and Texas A&M University, respectively, studied the impact of reduced stocking rates on a 300-cow case study. They concluded that with a reduction for 25, 50 and 100% in AUMs, the ranch net cash income declined from \$31,556 to -\$23,111. Tex Taylor and Jim Thompson from the Department of Agricultural Economics at the University of Wyoming did a follow-up study in Fremont County. Their data showed that each AUM contributes \$35.00 to the local economy because livestock producers pay taxes, buy vehicles, groceries and fuel, do their banking, go to the doctor and dentist, attend school functions, etc. just like other citizens. The direct impact to the Fremont County's economy is over \$10 million if all adjudicated AUMs (286,733) are used. Livestock grazing on BLM-managed rangeland is very important to the local economy. (Fremont County Cattleman's Association, Riverton, WY - Comment: #70, letter #13)*

*Comment: Grazing on public lands represents a vital economic value to agriculture producers and to local communities. Impacts on this economic activity, specifically within the affected area and also in adjoining areas, need to be included in the study. We strongly recommend coordination with the Department of Agricultural Development and Economics of the College of Agriculture of the University of Wyoming. They have conducted several studies about the impact of policy upon agriculture in Wyoming. The studies include the importance of Animal Unit Months, the significance of input and output of state agriculture, and the costs and revenues to counties of agriculture compared to development. The input-output study emphasizes the importance of new out-of-state dollars being brought into the state by agriculture producers' sales and the significant introduction of those new dollars into local economies by the typical producers' expenditures. The infrastructure study shows the revenues generated agriculture significantly exceeds the costs for supporting infrastructure by the county, but that the costs to the county for supporting infrastructure for developments exceed the revenues generated by those developments that replace ranch and farm lands. As the revised Lander RMP will directly affect the continuation of livestock grazing and other agriculture operations on federal and private lands within and adjacent to the Lander RMP planning area, these economic studies and evaluations of economic impacts upon agriculture need to be included in the EIS for the Lander Revised RMP. (Wyoming Department of Agriculture, Cheyenne, WY - Comment: #158, letter #17)*

*Comment: We also caution against the over emphasis of the IMPLAN economic model. This model has a tendency to understate the significance of the revised RMP upon local economies by extending the scope of economic impact to a far greater region of economic influence. However, the people most heavily influenced, both beneficially and adversely, are those living and working closest to the Lander RMP planning area. Economic and social impacts of this land use plan*

revision need to analyze the specific effects upon those most affected. (Wyoming Department of Agriculture, Cheyenne, WY - Comment: #159, letter #17)

### **1.39 Primary Topic: Grazing, Second Topic: Goals/Objectives**

**Summary:** RMP goals and objectives should include promotion of livestock grazing management.

*Comment: In Chapter Two, which includes the goals, objectives, and management actions of the various resource values included in the Revised RMP, we believe it is essential that the goals, objectives, and management actions for livestock grazing management include the promotion of livestock grazing management. The original versions of other revised RMPs often were written so that livestock grazing management existed only to promote all other resource uses. That writing forgot two things. One, that livestock grazing is an important tool in the BLM toolbox to enhance and sustain rangeland health. Two, that livestock grazing is an important resource in and of itself, and deserves to be managed to enhance and sustain this important resource value.* (Wyoming Department of Agriculture, Cheyenne, WY - Comment: #163, letter #17)

### **1.40 Primary Topic: Grazing, Second Topic: Riparian**

**Summary:** The EIS needs to analyse grazing impacts upon riparian areas.

*Comment: As noted above, the impacts of grazing on riparian areas should receive particular attention in the EIS, and the RMP should make binding and mandatory provisions to deal with the impacts of grazing in riparian areas. BLM's Riparian-Wetlands Initiative acknowledged the importance of insuring that livestock grazing is compatible with riparian habitat protection, and set an ambitious goal for the agency to achieve. The RMP should achieve these goals. Upland areas, too, may require special livestock management in order to ensure the restoration of fragile areas and cryptobiotic soils, or to protect remnant high condition/seral stage vegetation. BLM should not rely on water developments as a way to transfer grazing pressure from riparian areas to other (usually upland) areas. This approach often does not solve problems; it just moves them from ecosystems with a relatively high ability to recover due to the availability of water (riparian areas) to ecosystems with little or no ability to recover from excessive livestock grazing (uplands).* (Wyoming Outdoor Council, Lander, WY - Comment: #269, letter #19)

### **1.41 Primary Topic: Grazing, Second Topic: Science/Studies**

**Summary:** Commenters cite numerous studies discussing livestock grazing impacts and statistics that the BLM should use in its EIS analysis.

*Comment: The University of Nevada Agricultural Experiment Station published a report on cattle production in 1943 (Brennan, C.A. and Fred B. Harris. 1943. Fourteen Years Cattle Production and Ranch Earning Power in Northeastern Nevada 1928 to 1941. University of Nevada Agricultural Experiment Station, Reno, Nevada). That report analyzed 14 years of ranch operation for eleven ranches in northeastern Nevada. At that time, a mature cow was considered*

*one unit and a branded calf or weaner as ½ cow unit, for a combined total of 1.5 cow units per cow/calf pair. Bulls were considered 1.5 cow units. For the period 1938 - 1940, the average turnoff weight (when they left the range) of mature cows was 959 pounds, calves were 381 pounds and bulls were 1222 pounds. This means that in the 1930's, a cow/calf pair was 1340 pounds. With breeding, supplements and hormones, weights have increased over time, for example, Anderson et al (ca 2000) calculated a 35% increase in dressed weights per animal between 1975 and 1995 (<http://agecon.uwyo.edu/RiskMgt/marketrisk/TheCattleCycle.pdf>). (Western Watersheds Project, Pinedale, WY - Comment: #665, letter #27)*

*Comment: USDA market statistics ([http://www.ams.usda.gov/mnreports/SJ\\_LS712.txt](http://www.ams.usda.gov/mnreports/SJ_LS712.txt)) give the average weights of slaughter cattle for the week ending August 14, 2004 as 1251 pounds. The estimate for the same week in 2005 for slaughter cattle average weight was 1260 pounds. The USDA National Agricultural Statistics Service data for average live weight of cattle slaughtered in 2004 was 1242 pounds compared to 1187 pounds in 1995, or an increase of nearly 8.5% in those 10 years (<http://www.usda.gov/nass/pubs/agr05/acro05.htm>). The Livestock Monitor is a newsletter produced by the North Dakota State University Extension Service Livestock Marketing Information Center in cooperation with USDA State Extension Services (<http://www.ag.ndsu.nodak.edu/aginfo/lsmkt/monitor.htm>). The Livestock Monitor shows for the week ending August 6, 2005, live weights of slaughter cattle averaged 1258 pounds. (Western Watersheds Project, Pinedale, WY - Comment: #666, letter #27)*

*Comment: Holechek et al (2001) summarized the weaning weights of calves grazed on various types of rangelands at different stocking rates (Holechek, Jerry L., Rex D. Pieper and Carlton H. Herbel. 2001. Range Management: Principles and Practices, Fourth Edition. Prentice-Hall, New Jersey. 587p). The data for the period since 1990 produced an average weaning weight of 430 pounds and a range of 382 - 475 pounds. Ray et al (2004) gave a weaning weight of 480 pounds for calves. Using the current market statistics for slaughter cattle at about 1250 pounds and assuming a calf weight of 300 pounds to allow for weight gain during the grazing season, an estimate for the average weight of a cow/calf pair during the grazing season of 1,500 pounds seems reasonable. (Western Watersheds Project, Pinedale, WY - Comment: #668, letter #27)*

*Comment: As pointed out above, the NRCS used 26 lbs/day of oven dry weight for a 1,000 pound cow and stated this was equivalent to 30 pounds per day air-dry weight. The NRCS Range and Pasture Handbook value of 30 pounds air-dry weight would be 3% of body weight for a 1,000 pound cow. Applying this to the estimate of a current weight of 1,500 pounds for a cow/calf pair, the daily forage consumption would be 45 lbs of air-dry forage per day, or for a month (30.4 days), 1368 pounds of forage per AUM. (Western Watersheds Project, Pinedale, WY - Comment: #669, letter #27)*

*Comment: The forage needs for domestic sheep must also be determined. Based on current USDA published weights for ewes and lambs, adult domestic sheep weigh from 165 to 440 pounds, ([http://www.wildlifeprairiestatepark.org/animalpages/domestic\\_sheep.htm](http://www.wildlifeprairiestatepark.org/animalpages/domestic_sheep.htm)) and lambs about 129 pounds ([http://www.usda.gov/nass/pubs/agr04/04\\_ch7.pdf](http://www.usda.gov/nass/pubs/agr04/04_ch7.pdf)). A low-end estimate of the weights of a sheep and two lambs grazing on these allotments would be 400 pounds (200 pounds for the ewe and 100 pounds each for two lambs). The forage consumption rate for sheep given in the 1964 R4 Range Analysis Handbook cited above was 3.3% of body weight per day consumed as air dry forage weight. Using these estimated weights of mature sheep (ewes) and lambs with two lambs per ewe and a total weight of 400 pounds would result in forage consumption of 13.2 pounds per day for each mature sheep with two lambs, or 6.6 pounds per day for a mature ewe weighing 200 pounds. (Western Watersheds Project, Pinedale, WY - Comment: #670, letter #27)*

*Comment: With current GIS technology, availability of soil surveys, and vegetation type information, developing a capability analysis is a relatively simple task. (Western Watersheds Project, Pinedale, WY - Comment: #676, letter #27)*

*Comment: A review of range science studies which we include as Appendix A, shows that forage*

*for livestock should be allocated at conservative levels of about 25 - 30% utilization. This is necessary so that overgrazing does not place palatable, or preferred native species at risk of decline, prevents over grazing in dry years and provides forage and habitat for wildlife and watershed protection. As can be seen throughout the Lander FO, failure to adjust for topographic, soil and other limitation and apply conservative use principles has lead to severely degraded conditions including soil erosion, loss of native forage species and infestations of noxious weeds and invasives. (Western Watersheds Project, Pinedale, WY - Comment: #678, letter #27)*

*Comment: We provide in Appendix B, a scientifically and legally defensible methodology for determining capability and suitability of BLM lands for livestock grazing. We request the BLM incorporate this process into the RMP as well as the EIS alternatives. (Western Watersheds Project, Pinedale, WY - Comment: #681, letter #27)*

## **1.42 Primary Topic: Grazing, Second Topic: Water**

**Summary:** The EIS needs to consider the impacts to water quality as a result of grazing.

*Comment: Requirements related to the Clean Water Act were mentioned above, but they bear repetition in the context of livestock grazing. BLM should ensure there is sufficient water quality monitoring relative to the impacts of livestock grazing, and take concrete steps to guarantee that livestock grazing does not adversely impact water quality or impair designated beneficial uses of these waters. The BLM must collect all data necessary to evaluate and achieve compliance with water quality standards, including in particular standards related to fecal coliform bacteria. Compliance with the Safe Drinking Water Act should also be addressed. (Wyoming Outdoor Council, Lander, WY - Comment: #270, letter #19)*

*Comment: 28. 120 acres of BLM land in two parcels along the Wind River west of Dubois: Specific location of the area: 40 acres are in section 30 of T42N/R107W and 80 acres are in section 25 of T42N/R108W Specific values and concerns of the area: These two BLM parcels have fishing access and are also being used as pasture. The pastures are being over grazed and are in turn impacting the watershed and the aesthetic value of this area. Specific management proposals for this area: We recommend that these parcels be removed from leasing or be managed in such a way as to increase the ecological integrity of this landscape. (Wyoming Outdoor Council, Lander, WY - Comment: #397, letter #19)*

*Comment: Similarly, the cumulative impacts of water developments need to be fully considered in this revision. Significant impacts result from attracting additional livestock grazing pressure to important wildlife habitats. Even with many off-site water developments that have been constructed on the public lands over the last 50 years, natural water sources and their associated riparian areas continue to be severely impacted by livestock grazing. (Individual - Comment: #429, letter #26)*

## **1.43 Primary Topic: Grazing, Second Topic: Wildlife**

**Summary:** The RMP/EIS needs to address implementation of wildlife habitat improvements on grazing allotments.

*Comment: The ability to implement habitat improvements on existing allotments is an issue. These actions could be facilitated with the availability of vacant allotments, where permittees could temporarily relocate livestock, while their regular allotments were being treated.*

(Wyoming Game and Fish, Cheyenne, WY - Comment: #193, letter #18)

### 1.44 Primary Topic: Heritage tourism

**Summary:** BLM should include management opportunities that will prevent historic resources from being over used as a result of heritage tourism.

*Comment: With cultural heritage tourism on the rise and a renewed interest in historic research appreciation of the area could suffer from being loved to much without significant management changes insuring protection of the resource. (Alliance for Historic Wyoming, Casper, WY - Comment: #36, letter #11)*

*Comment: With cultural heritage tourism on the rise and a renewed interest in historic appreciation it is possible the area could suffer from being loved too much without significant management changes insuring protection of the resource. Recreation, visitors and Off-Highway Vehicles account for heavy use of the area during the summer months, while hunting, snowmobiling and livestock grazing occur seasonally. (Alliance for Historic Wyoming, Casper, WY - Comment: #26, letter #11)*

### 1.45 Primary Topic: Historic and cultural landscapes

**Summary:** BLM should define the South Pass Historic Landscape, view the area as an integrated resource, and protect the associated historic and prehistoric sites.

*Comment: The historic integrity of the South Pass Historic Landscape is not limited to the trails and its associated activity but includes the broader historic significance of mining, homesteading, ranching, settlement and statehood; all evidence of the historic context of other historic development such as the South Pass mining area The present management plan for this important area needs to be updated to better protect the historic sites and properties, ensure safety and public health and revise interpretation and significance of the district. Our suggestion would be making this a Special Recreation Management Area compatible with today's trend in cultural heritage tourism. (Alliance for Historic Wyoming, Casper, WY - Comment: #30, letter #11)*

*Comment: The historic context of place provides background information and understanding of the patterns of history and development that shaped this particular geographical area. It helps us to understand what is already known about the big picture. From earliest times Native Americans and later explorers traversed the Sweetwater corridor, followed by hundreds of thousands of emigrants in the mid-1800s on their one-way migrations west. Their journals are replete with stories of crossing the area to reach the Continental Divide at South Pass. Reading and reliving those accounts today allows trail buffs, tourists and locals to experience those times. A new kind of enterprise is evolving, called historic tourism. (Alliance for Historic Wyoming, Casper, WY - Comment: #33, letter #11)*

*Comment: Remove selected areas from leasing and development (i.e., NHTS corridor, South Pass historic landscape). Make decision on preventing use of South Pass Historic Landscape as a right-of-way corridor. (i.e., no more threats from pipelines and transmission lines) (Individual, Lander, WY - Comment: #65, letter #12)*

*Comment: We strongly recommend the Lander Field Office formally define the boundaries for the South Pass Historic Landscape. It is our opinion that the boundaries should begin at Ice Slough and extend to the Little Sandy Crossing. This stretch of trails through central Wyoming is one of the best remaining contributing trail segments of our emigrant heritage.*

*In addition, much of the landscape surrounding this segment looks virtually the same as it did when emigrants followed Native American, early explorer and fur trapper routes through the area. This historic human activity and the continuity of extensive areas of land-use should be treated as an integrated resource, for it has all the hallmarks of 19th century migration routes and historical trends representative of a unique time and place in U.S. and Wyoming history. (Alliance for Historic Wyoming, Casper, WY - Comment: #27, letter #11)*

*Comment: There is every indication that this area will continue to be designated for multiple use requiring an interdisciplinary approach to resolve issues that have not already been addressed. (Alliance for Historic Wyoming, Casper, WY - Comment: #29, letter #11)*

## 1.46 Primary Topic: Historic trails

**Summary:** BLM should set out careful management goals, objectives and actions for all historic trails. All the trails should be considered as part of the larger landscape context and BLM should consider current and future conditions in the EIS.

*Comment: When considering national historic trails, the BLM should identify goals, objectives, and measures to achieve them, as well as allowable uses and surface restrictions to avoid potential adverse affects. (BLM Handbook H-1601-1, Appendix C, III.A.1. p. 27) Land managers are no doubt well aware of the significance Split Rock had to wagon trains heading west on the Oregon trail. The historic context, current and future landscape conditions should be incorporated into a Revised Management Plan. (National Outdoor Leadership School, Lander, WY - Comment: #136, letter #16)*

*Comment: The Oregon, California, Pony Express, and Mormon Trail segments in the Lander Field Office area are of special concern and should be given attention in the RMP process. It is critical that the remnants of these trails be protected as fully as possible to as to ensure their historical values are not lost. Use of the Mormon Trail by members of the Church of Jesus Christ of Latter Day Saints has, of course, become a very popular activity. We urge BLM to carefully manage this use to ensure enjoyment of the trail can continue, but in a way that does not degrade the historical value of the trail. It is also crucial to ensure that use of the trail does not become so heavy that other public lands users are effectively precluded from pursuing their activities, or that other public lands values and resources are damaged. (Wyoming Outdoor Council, Lander, WY - Comment: #298, letter #19)*

*Comment: I). Historic Trails need to be addressed in this RMP. This RMP should develop a plan that will state how these trails are to be managed on into the future. Examples of trails that should be addressed include the Bridger Trail, the Yellowstone Highway, the Casper to Lander Trail, and the Rawlins to Fort Washakie Trail. (Wyoming Outdoor Council, Lander, WY - Comment: #368, letter #19)*

*Comment: 4. Protection of our national and historic trails. (Individual, Riverton, WY - Comment: #20, letter #7)*

*Comment: We would suggest that the religious monuments on public land at Martin's Cove and at the bottom of Rocky Ridge either be revised to better reflect a national perspective or be removed to Church property. Because the Sweetwater Valley contains some of the most significant remnants as well as natural setting of the four National Historic Trails (NHTs) in the entire western United States, we recommend the area be managed as a landscape-level system. (Alliance for Historic Wyoming, Casper, WY - Comment: #31, letter #11)*

## 1.47 Primary Topic: Land tenure

**Summary:** Commentors would like to see the BLM include/promote land tenure adjustments (land disposal and acquisition via sale/exchange) in the RMP, but reasons vary from conservation of lands to recreation access to easier management by disposal of isolated BLM parcels.

*Comment: Recreational access to public lands is an issue, and management is easier if public lands are blocked up. The RMP should include and promote actions such as land exchanges to accomplish those purposes, as well as conservation easements, where appropriate. (Wyoming Game and Fish, Cheyenne, WY - Comment: #179, letter #18)*

*Comment: B). Many of the areas discussed below include areas where small BLM holdings are intermingled with private and state land. We advocate for a no net loss of these lands on the part of the BLM and stress the need to retain these lands in order to protect wildlife habitat, environmental quality, and/or recreational opportunities. Isolated parcels of land may still provide valuable resources for the surrounding environment. (Wyoming Outdoor Council, Lander, WY - Comment: #357, letter #19)*

*Comment: Please include my request to purchase BLM land in your upcoming Resource Management Plan (RMP) for the Lander Resource Area, that we talked about in our March 3rd, 2005 telephone conversation. I have included all the information from my previous request to purchase the BLM land in question. The enclosed information includes: (a) the original letter of request (November 18th, 1988 (b) the regulations pursuant to the sale authority (43 USC S1713, and 43 CFR 2710.0-1) (c) A map of the property that we own and a map of the property we wish to purchase. (d) Your letter explaining the reasons for not granting the sale (November 28, 1988) (e) A letter from Harry B. Durham to me indicating the rejection of our sale request (November 30, 1988) My wife and I are requesting that you please include, and reconsider our 1988 request to purchase the BLM land in question during your next RMP process. (Individual, Casper, WY - Comment: #402, letter #21)*

*Comment: Land acquisition and exchange needs and opportunities should be identified and analyzed in the RMP revision. Emphasis should be placed on conservation and enhancing public use. Access easement needs should also be analyzed. Land disposals (e.g. sale of public land) should be limited to legitimate community and public purpose needs. Sales just to "get rid of" isolated parcels or just to generate revenue should not be included. The overall goal should be no net loss of public lands. (Individual - Comment: #439, letter #26)*

*Comment: Isolated tracts of public lands located in areas where ownership of surface is dominated by private lands should be classified as available for disposal. (Sweetwater County Conservation District, Rock Springs, WY - Comment: #465, letter #28)*

*Comment: All land exchanges must be coordinated with affected permittees, leaseholders adjacent land owners and local governments. (Sweetwater County Conservation District, Rock Springs, WY - Comment: #466, letter #28)*

*Comment: Isolated tracts of public lands located in areas where ownership of surface is dominated by private lands should be classified as available for disposal. All land exchanges must be coordinated with affected permittees, leaseholders adjacent land owners and local governments. (Wyoming Coalition of Local Governments - Comment: #566, letter #29)*

## **1.48 Primary Topic: Law enforcement**

**Summary:** A lack of BLM law enforcement was cited as a concern.

*Comment: 8. Lack of law enforcement. (Individual, Riverton, WY - Comment: #23, letter #7)*

## 1.49 Primary Topic: Laws and regulations

**Summary:** BLM's management guidelines should follow FLPMA, NEPA, and Land Use Planning Handbook guidance.

*Comment: The provisions the National Environmental Policy Act, the Federal Land Policy Management Act, all other applicable federal laws and BLM Land Use Planning Handbook should continue to set the management guidelines under Lander Field Office jurisdiction. (Alliance for Historic Wyoming, Casper, WY - Comment: #25, letter #11)*

## 1.50 Primary Topic: Locatable minerals

**Summary:** The RMP should include provisions that would ensure full compliance with BLM's hardrock mining regulations.

*Comment: The location of a mining claim alone does not give rise to a vested property right. Instead, a mining claim only creates a vested property right if there has been a discovery of a valuable mineral; until that condition has been demonstrated, no rights exist. In determining whether such a discovery has been made, the BLM must take into account the cost of the recovery of the mineral and the costs associated with compliance with all State and Federal laws and regulatory requirements, including those intended to protect the environment. Unless a claimant can prove that it can recover the mineral at a profit, the BLM has no choice but to reject a claimant's mining plan of operations. The BLM has the authority to contest mining claims on these grounds "when such action is deemed to be in the public interest." Of determinative importance in defining the "public interest" is the requirement that BLM "shall" take actions to prevent unnecessary or undue degradation of the public lands, and this provision has special force and effect relative to "hard rock" mining. 43 U.S.C. § 1732(b). The RMP must include binding provisions that reflect these requirements. Full compliance with the regulations at 43 C.F.R. Part 3809 should be ensured (BLM's hardrock mining regulations). (Wyoming Outdoor Council, Lander, WY - Comment: #286, letter #19)*

## 1.51 Primary Topic: Management situation analysis

**Summary:** The Management Situation Analysis is the foundation for defining the existing environment and is essential for development of alternatives. It should include descriptions of the existing environment, resource trends, and opportunities for change.

*Comment: The Analysis of the Management Situation (AMS) will be the foundation necessary to address this issue. A comprehensive analysis of resource conditions is essential to identifying solutions that can be included in an alternative with a theme/goal of restoring the ecological health of the public lands. (Individual - Comment: #421, letter #26)*

*Comment: The Management Situation Analysis (MSA) should be used as the basis for describing the Affected Environment and Management Alternatives. The MSA must identify the existing environment, trend and need for change. (Sweetwater County Conservation District, Rock Springs, WY - Comment: #444, letter #28)*

*Comment: The Management Situation Analysis (MSA) should be used as the basis for describing the Affected Environment and Management Alternatives. The MSA must identify the existing*

*environment, trend and need for change.* (Wyoming Coalition of Local Governments - Comment: #545, letter #29)

## 1.52 Primary Topic: Minerals leasing

**Summary:** Comments were largely in favor of no leasing or highly restrictive leasing, with one comment in favor of analysis for complete leasing within the planning area.

*Comment: Continue current withdrawals and no leasing on Dubois Badlands WSA, East Fork elk winter range, and Whiskey Mountain bighorn sheep range for protection of wilderness values and wildlife habitat.* (Individual, Lander, WY - Comment: #67, letter #12)

*Comment: Information on what is currently leasable, what has been leased, and the location and potential for mineral development should be made available to the public.* (National Outdoor Leadership School, Lander, WY - Comment: #143, letter #16)

*Comment: We believe the revised RMP should prohibit future oil or gas leasing prior to completion of an EIS that analyzes the site-specific impacts of proposed leasing. It is crucial that this "look before you leap" policy be adopted in the RMP to ensure that a lease is not issued before the site specific resource values in an area are fully understood. This is necessary to ensure that an informed balancing can be made pursuant to NEPA as to whether leasing is appropriate, or is outweighed by other resource values. Waiting to do site-specific analyses until after a lease is granted is simply too late. If leasing under the revised RMP occurs prior to completion of a site-specific EIS, options are foreclosed, in contravention of NEPA, the ESA, and the definition of multiple-use in FLPMA. Alternatively, the RMP should specify that all leases should be issued with a no surface occupancy stipulation on the entire lease pending completion of a site-specific EIS to determine if surface occupancy can be allowed. We believe these recommendations are consistent with the provisions in BLM's Land Use Planning Handbook. See BLM Handbook H-1601-1, at Appendix C page 16.* (Wyoming Outdoor Council, Lander, WY - Comment: #238, letter #19)

*Comment: The RMP should guide and regulate the configuration and timing of lease offerings when parcels are offered for lease. Currently, industry nominates parcels that are typically scattered throughout millions of acres of public lands. As a result, pre-leasing environmental analyses are not based on common airsheds, river drainages, or other ecological units; nor do they adequately assess cumulative impacts. The RMP should ensure that these problems are not perpetuated.* (Wyoming Outdoor Council, Lander, WY - Comment: #240, letter #19)

*Comment: D). We advocate for no new leasing on any BLM mineral estate around the Dubois area due to the designation of this area as grizzly bear habitat and in recognition of the important elk and bighorn sheep winter range in the Dubois area. It appears that there is little oil and gas potential in this area. We believe that wildlife should take precedence in this area.* (Wyoming Outdoor Council, Lander, WY - Comment: #359, letter #19)

*Comment: Areas to be closed to mineral leasing for the life of the plan must be withdrawn in accordance with FLPMA, 43 U.S.C. 1714(c). See Mountain States Legal Foundation v. Andrus, 499 F. Supp. 383, 392-93 (D. Wyo. 1980) (BLM could not decline to issue leases in National Forest wilderness study areas without complying with §204 of FLPMA); Mountain States Legal Foundation v. Hodel, 668 F. Supp. 1466, 1474 (D. Wyo. 1987) (Forest Service violated FLPMA when it imposed an oil and gas leasing moratorium pending completion of its land use plan). Congress has also expressed the view that FLPMA withdrawals apply to mineral leasing when it directed Interior Secretaries to issue withdrawal orders. Pacific Legal Foundation v. Watt, 529 F. Supp. 982, 985-986 (D. Mont. 1982) (committee directed Secretary to withdraw National Forest wilderness from mineral leasing); National Wildlife Federation v. Clark, 577 F. Supp.*

825, 829 (D. D.C. 1984) (committee directed Secretary to withdraw Fort Belknap from coal leasing). (Sweetwater County Conservation District, Rock Springs, WY - Comment: #489, letter #28)

Comment: Areas to be closed to mineral leasing for the life of the plan must be withdrawn in accordance with FLPMA, 43 U.S.C. 1714(c). See *Mountain States Legal Foundation v. Andrus*, 499 F. Supp. 383, 392-93 (D. Wyo. 1980) (BLM could not decline to issue leases in National Forest wilderness study areas without complying with §204 of FLPMA); *Mountain States Legal Foundation v. Hodel*, 668 F. Supp. 1466, 1474 (D. Wyo. 1987) (Forest Service violated FLPMA when it imposed an oil and gas leasing moratorium pending completion of its land use plan). Congress has also expressed the view that FLPMA withdrawals apply to mineral leasing when it directed Interior Secretaries to issue withdrawal orders. *Pacific Legal Foundation v. Watt*, 529 F. Supp. 982, 985-986 (D. Mont. 1982) (committee directed Secretary to withdraw National Forest wilderness from mineral leasing); *National Wildlife Federation v. Clark*, 577 F. Supp. 825, 829 (D. D.C. 1984) (committee directed Secretary to withdraw Fort Belknap from coal leasing). (Wyoming Coalition of Local Governments - Comment: #588, letter #29)

Comment: The BLM must conduct analyses for the full and complete leasing of minerals within the planning area. (Devon Energy, Worland, WY - Comment: #2, letter #1)

## 1.53 Primary Topic: Mitigation

**Summary:** BLM should consider new mitigation methods/guidelines that address long term and indirect effects from development, including off-site mitigation.

Comment: Traditional "mitigation" seems to mean slightly reduced vegetation impact, seasonal restriction and so on. EPF does not believe this is real mitigation. Once vegetation is impacted, equipment in place, the damage is done. Recent studies on the Pinedale Anticline demonstrate "avoidance behavior" by game birds and big game. The result is far more "impact" than just the well pads or roads. Further, it can take decades, given the life of a well before total reclamation is done. With advances in technology, well life can expand beyond what we now believe. (Individual, Orem, UT - Comment: #147, letter #9)

Comment: EPF recommends that the agencies give greater consideration to large scale, off-site habitat mitigation, done in cooperation with those extracting resources, private interest groups and etc. (Individual, Orem, UT - Comment: #148, letter #9)

Comment: The plan should clearly describe compensatory (off site) mitigation. This should be accomplished by providing a brief description in Chapter 2 that refers the reader to the Appendix where IM No. 2005-069 is displayed. This will prevent future misapplication and implementation of off-site mitigation. (Sweetwater County Conservation District, Rock Springs, WY - Comment: #488, letter #28)

Comment: The plan should clearly describe compensatory (off site) mitigation. This should be accomplished by providing a brief description in Chapter 2 that refers the reader to the Appendix where IM No. 2005-069 is displayed. This will prevent future misapplication and implementation of off-site mitigation. (Wyoming Coalition of Local Governments - Comment: #587, letter #29)

## 1.54 Primary Topic: Monitoring

**Summary:** The BLM needs to include sections on monitoring and implementation of RMP management actions in the RMP.

Comment: *Monitoring of RMP implementation and the impacts resulting from plan implementation are crucial. A number of legal requirements apply to plan monitoring, and they should be carefully adhered to. See, e.g., 43 C.F.R. §§ 1610.4-9, 1610.5-3; BLM Handbook H-1601-1.IV-VII. Likewise, the RMP should make provision for the effective enforcement of its provisions.* (Wyoming Outdoor Council, Lander, WY - Comment: #210, letter #19)

Comment: *In addressing livestock grazing in this plan, we urge the BLM to pay special attention to the following. Monitoring and follow-up monitoring needed to ensure any changes necessary to meet the standards and guidelines must be provided for in the RMP. The condition of springs and riparian areas, including biotic and abiotic components, and whether they are in proper functioning condition must be given special attention. The condition of upland areas, including cryptobiotic crusts must be carefully monitored and protected. In all cases where these important resources and areas are not functioning properly, the BLM must include in the RMP mandatory steps that will be taken to remedy these failures.* (Wyoming Outdoor Council, Lander, WY - Comment: #267, letter #19)

### **1.55 Primary Topic: Multiple use**

**Summary:** The RMP must reflect multiple use principles.

Comment: *Management prescriptions in the revised RMP must reflect multiple use resource principles. Congressional mandates, federal statutes, and implementing regulations call for multiple use on BLM-administered lands, and these mandates, statutes, and regulations should be an integral part of the plans for the revised RMP.* (Wyoming Department of Agriculture, Cheyenne, WY - Comment: #166, letter #17)

### **1.56 Primary Topic: Native American relations**

**Summary:** The BLM should solicit tribal views, opinions, and active participation throughout the RMP process.

Comment: *Another concern is consultation with Native American tribes during the planning process. BLM is required to consult with tribes under FLPMA, NEPA, American Indian Religious Freedom Act, NAGPRA, and Executive Order 13007, in order to learn of tribal concerns and places of traditional religious or cultural importance to the tribe within the planning area. BLM Manual MS-8120.51.A describes consultation requirements during land use planning. See also BLM Handbook H-8160-1 (Procedural Guidance for Native American Consultation); BLM Manual MS-8160 (Native American Consultation). The BLM must specifically request the views of tribal officials, and must solicit the views of traditional leaders or religious leaders. BLM must be diligent in its pursuit of this information.* (Wyoming Outdoor Council, Lander, WY - Comment: #296, letter #19)

Comment: *J). Native American concerns need to be formally recognized and addressed through this RMP process. There is a sense that many concerns that have been expressed by Native Americans in the past have not received the attention that they have deserved. Areas of particular concern include sacred sites, rock art and burial grounds.* (Wyoming Outdoor Council, Lander, WY - Comment: #369, letter #19)

Comment: *BLM must continue to enhance the relationship with the Bureau of Indian Affairs and the Shoshone and Arapahoe Tribes to facilitate the management of the lands and minerals on the Wind River Reservation within the Lander RMP area.* (Devon Energy, Worland, WY - Comment:

#4, letter #1)

## 1.57 Primary Topic: No surface occupancy

**Summary:** BLM should tailor No Surface Occupancy restrictions to specific locations or ESA habitat.

*Comment: No Surface Occupancy should be tailored to specific sites, based on slope, soils, or ESA habitat. Drilling rights on future leases may be limited but only if the area can be technically and economically accessed by directional or horizontal drilling and without harm to private and State landowner property and development rights. Such designations must not prevent the protection of any mineral estate from drainage (Sweetwater County Conservation District, Rock Springs, WY - Comment: #485, letter #28)*

*Comment: No Surface Occupancy should be tailored to specific sites, based on slope, soils, or ESA habitat. Drilling rights on future leases may be limited but only if the area can be technically and economically accessed by directional or horizontal drilling and without harm to private and State landowner property and development rights. Such designations must not prevent the protection of any mineral estate from drainage (Wyoming Coalition of Local Governments - Comment: #584, letter #29)*

## 1.58 Primary Topic: Noise

**Summary:** BLM needs to address issues related to noise.

*Comment: The EIS and the RMP itself should address issues related to noise, and its impact on the remoteness and quietness that so many seek on the public lands. We particularly ask that the EIS address, and the RMP provide requirements to minimize, the noise created by oil and gas development activities, especially the noise problems from compressors and compressor stations. Noise occurring due to oil and gas exploration and well drilling should also be minimized. ORV noise should also be addressed. (Wyoming Outdoor Council, Lander, WY - Comment: #274, letter #19)*

## 1.59 Primary Topic: OHV

**Summary:** The BLM should consider incorporating a comprehensive Off Highway Vehicle strategy/management in the RMP which would include designations for open-closed use areas, and designated roads/trails.

*Comment: Consider designation of OHV use areas at Coal Mine Draw & along Dubois dump road (north side of county road). By providing designated use areas and effective law enforcement OHV impacts may be reduced in Government Draw area and Dubois Badlands WSA. (Individual, Lander, WY - Comment: #51, letter #12)*

*Comment: Determine appropriate OHV cross country use in laying out seismic operations, O&G, range management, and other so-called necessary tasks. (i.e., fence maintenance- yes; livestock gathering/herding- no) (Individual, Lander, WY - Comment: #52, letter #12)*

*Comment: Designate OHV uses closed/limited to designated or existing routes on Lander Slope, Green Mountain, and Whiskey Mountain. (Individual, Lander, WY - Comment: #53, letter #12)*

*Comment: Off Road Vehicle (ORV) use is addressed by Executive Orders 11644 (1972) and 11989 (1977), and by regulations at 43 C.F.R. § 8340 et seq. Section 8342.1 provides that: (a) Areas and trails shall be located to minimize damage to soil, watershed, vegetation, air or other resources of the public lands, and to prevent impairment of wilderness suitability; (b) Areas and trails shall be located to minimize harassment of wildlife or significant disruptions of wildlife habitats. Special attention will be given to protect endangered or threatened species and their habitats; (c) Areas and trails shall be located to minimize conflicts between off-road vehicle use and other existing or proposed recreational uses of the same or neighboring public lands, and to ensure the compatibility of such uses with existing conditions in populated areas, taking into account noise and other factors; (d) Areas and trails shall not be located in officially designated wilderness areas or primitive areas. Areas and trails shall be located in natural areas only if the authorized officer determines that off-road vehicle use in such locations will not adversely affect their natural, esthetic, scenic or other values for which such areas are established. Based on this language, and on the enormous potential for damage posed by the use of ORVs, we urge the BLM to require the following in the RMP: The RMP should designate specific trails open for ORV use; Trails designated as open should be clearly marked so that all users will be aware of where ORV use is, and is not, allowed (this will also assist in effective law enforcement); The RMP should prohibit ORV use unless routes are specifically marked and designated as available for that use (i.e., BLM should adopt a "closed unless posted open" policy); Even where a route is recognized, constructed, and maintained, BLM still has a responsibility to determine whether recreational ORV use is appropriate on that route. Similarly, where routes are open for administrative purposes (including authorized uses by permittees), BLM should still ensure the authorization is tailored as narrowly as needed to ensure resource protection while allowing for the valid administrative access. The RMP should make provisions that reflect these requirements. The RMP should implement effective, frequent monitoring of ORV impacts, and set clear benchmarks which, if exceeded, trigger closure of an area to ORVs. If monitoring and enforcement cannot be effectively accomplished due to lack of personnel or resources, the RMP should not allow the use. In accordance with 43 C.F.R. § 8342.2(c), the RMP should prohibit ORV use in wilderness study areas, other areas the BLM has inventoried and found to have wilderness character, and areas within citizen-proposed wilderness areas. These lands comprise a fraction of the lands within the RMP area, and leave plenty of lands open for ORV use elsewhere. The RMP should prohibit ORV use in critical wildlife habitat, winter range, areas critical for nesting, breeding or other reproductive behaviors, and habitat for threatened, endangered or sensitive species, during critical seasons. Riparian areas and wetlands are of critical importance to the biological functioning of the RMP area, and are exceedingly rare. ORVs, except on designated trails, are not appropriate in these fragile ecosystems, and the RMP should so provide. Pursuant to 43 C.F.R. § 8342.2(a), ORV use impacts must be evaluated "on all resources and uses in the planning area." Thus, the EIS must evaluate the impacts of ORV use on the full range of resources present in the area, including wilderness quality lands, non-motorized recreation, grazing, water quality, wildlife habitat, scenic quality and other uses. The RMP should prohibit unrestricted, cross-country ORV use in the RMP area. (Wyoming Outdoor Council, Lander, WY - Comment: #271, letter #19)*

*Comment: G). Off Highway Vehicle (OHV) use has increased across the field office significantly since the last RMP was written and is having a significant impact in a number of areas. This RMP needs to revisit OHV traffic and use within the field office and determine what is open, what is closed, which areas are open with respect to existing trails, and which areas are open on designated trails only. The RMP decision should be specific with respect to "what" is allowed "where", especially with respect to the topic of "necessary tasks". For example, OHV use for fence maintenance may be an acceptable "necessary task" but herding livestock across country should not be allowed under this heading. (Wyoming Outdoor Council, Lander, WY - Comment: #364, letter #19)*

*Comment: Concerning off-highway vehicle use and travel management and access a delicate*

*balance of curbing unauthorized and destructive use of OHVs while ensuring a no net loss of motorized and non-motorized access needs to be achieved. Full sized license plates on all OHVs would certainly help in reporting violators...* (Individual, Lander, WY - Comment: #415, letter #24)

*Comment: An updated analysis of impacts related to OHV's should be a high priority for the RMP revision. OHV use and related impacts have increased significantly since the existing designations and RMP were approved. Three principal sources of impacts need to be curtailed; random "recreational" use off existing roads and trails, "hunting" off existing roads and trails using 4-wheelers and moving or checking on livestock using motorcycles or 4-wheelers off existing roads and trails. These activities not only cause the initial impact, but lead to establishment of new, unauthorized trails other OHV users then follow. Updated designations need to be published and implemented in a manner that provide for effective enforcement.* (Individual - Comment: #438, letter #26)

*Comment: Opportunities for areas open to OHV use should be maintained and additional areas designated based on assessment of existing and future demand for OHV recreation. Any reductions must also disclose the impacts to other land ownerships, where OHV use may then be concentrated on other areas.* (Sweetwater County Conservation District, Rock Springs, WY - Comment: #491, letter #28)

*Comment: Opportunities for areas open to OHV use should be maintained and additional areas designated based on assessment of existing and future demand for OHV recreation. Any reductions must also disclose the impacts to other land ownerships, where OHV use may then be concentrated on other areas.* (Wyoming Coalition of Local Governments - Comment: #590, letter #29)

*Comment: designation of one open area for off-highway vehicles (OHV) use* (Individual, Lander, WY - Comment: #11, letter #4)

*Comment: 2. No off road motorized travel (big concern - environmental & wildlife damage). 9. Designation and retention of backcountry, non-motorized areas.* (Individual, Riverton, WY - Comment: #17, letter #7)

## **1.60 Primary Topic: OHV, Second Topic: Travel management**

**Summary:** BLM should include a travel management plan as part of the land use planning process, and include clearly marked roads/areas that are open, closed, and designated.

*Comment: Furthermore, too often we have seen RMPs promise to develop travel plans later, but they never do materialize as other post-planning priorities take over. Moreover, the stopgap method of allowing ORV use on "existing" trails pending completion of the trail designation process should not be pursued because it equates to an open designation as ORVs create new tracks. The "existing trails" designation also creates enforcement problems, with BLM rangers unable to determine if a trail was existing or just-created.* (Wyoming Outdoor Council, Lander, WY - Comment: #272, letter #19)

*Comment: In general, BLM should evaluate the road system in the RMP area and determine the minimum system of routes necessary. Based on that analysis, BLM should close redundant routes; roads with no destination or purpose; illegal, "ghost," or "wildcat" routes; and roads in sensitive areas. The RMP should make these closures immediately effective, provide for the reclamation of closed routes, and ensure sufficient funding for reclamation, monitoring, and enforcement.* (Wyoming Outdoor Council, Lander, WY - Comment: #273, letter #19)

## 1.61 Primary Topic: OHV, Second Topic: Wildlife

**Summary:** Roads and off highway vehicles have greatly affected the mule deer population in areas.

*Comment: The trophy bucks have disappeared as the number of roads in the area has increased. There is new roads in every gully and on every ridge. I would like to see the BLM close most of these roads to vehicle traffic and allow the area to revegetate and the mule deer population to recover. (Individual, Lander, WY - Comment: #15, letter #6)*

## 1.62 Primary Topic: Oil and gas

**Summary:** Impacts to and from oil/gas (fluid minerals) leasing, exploration, and development need to be analysed in the EIS. The RMP should set out goals, objectives, and management actions for the fluid minerals program.

*Comment: Remove selected areas from leasing and development (i.e., NHTS corridor, South Pass historic landscape). (Individual, Lander, WY - Comment: #66, letter #12)*

*Comment: BR encourages the BLM to carefully analyze surface impacts to allow for reasonable development of oil and gas resources in the LFO area in a responsible manner that minimizes surface impacts, including the size of well location footprints and visual impacts. However, this analysis should take into account the risks and difficulties, both economically and physically, of certain technologies, such as directional drilling, which might minimize such surface impacts. Directional drilling technology cannot be used in every area or situation. It is risky and difficult in many areas, such as undeveloped areas, those with excessive gas production and those with formations that require sharp, high angle deviation. (Burlington Resources - Comment: #77, letter #14)*

*Comment: It is the BLM's responsibility to assess the occurrence of mineral potential in the study area. The lack of current industry interest or even mineral potential must not be the basis for closing lands or imposing unjustified constraints on future leasing and/or development. As mentioned in the previous bullet, industry interest, due to new technology, new information, and economics, can change dramatically over time. Areas previously deemed unknown or low potential for oil and gas resources may change to high potential in the near future. (Burlington Resources - Comment: #82, letter #14)*

*Comment: BLM must include the basic elements of the SPG as planning criteria for the RMP revision. The SPG requires consideration of mineral resources in the planning process and elevates mineral resources to an equal level with all other resource values. Additionally, per the SPG and Planning Manual, BLM must use the least restrictive management option to protect sensitive resources. BR suggests that a discussion of the specific requirements of a resource to be protected, along with a discussion of the perceived conflicts between it and oil and gas activities be included in the RMP revision. An examination of less restrictive measures must also be included. BR recommends that the following factors be included by the BLM in the analysis: examination of management options that would protect or enhance opportunities to explore for and develop oil and gas resources; management options for surface resource management that are compatible with oil and gas resource management objectives; reasonable mitigation measures designed to limit or avoid impacts to surface resources as a means to lessen restrictions on access to public lands for leasing; and the lack of oil and gas resource potential or current industry interest must not be used as a basis for closing lands or imposing constraints on*

*exploration and development activities. Additionally, access to public lands for purposes of exploration and production of oil and gas resources must be considered a separate issue from economic impacts. Compliance with leasing laws, that require all lands to be evaluated, is an access issue that should be considered separate from economic impacts as well. (Burlington Resources - Comment: #83, letter #14)*

*Comment: BR urges the BLM to follow the requirements found in Instruction Memorandum (IM) 2001-191 during the RMP planning process. This IM states that "When a RMP is being amended or revised BLM will continue to process site-specific permits, sundry notices, and related authorizations on existing leases in an expeditious manner while ensuring compliance with NEPA and other laws, regulations, and policies." (Burlington Resources - Comment: #84, letter #14)*

*Comment: It should be noted that the SPG has a dual purpose that must be met. In addition to requiring consideration of mineral resources in the planning process, the SPG also assigns mineral resources equal importance with all other resource values. Hence, it is necessary for these resources to be represented equitably in not only the planning criteria, but also factors which will be considered by alternative, effects to be addressed in the analysis of environmental consequences and determinations used to select a preferred alternative. (Public Lands Advocacy, Denver, CO - Comment: #88, letter #15)*

*Comment: Management options that would protect or enhance opportunities to explore for and develop oil and gas resources will be examined. (Public Lands Advocacy, Denver, CO - Comment: #89, letter #15)*

*Comment: Reasonable mitigation measures designed to limit or avoid impacts to surface resources as a means to lessen restrictions on access to public lands for leasing (Public Lands Advocacy, Denver, CO - Comment: #90, letter #15)*

*Comment: Lack of oil and gas resource potential or current industry interest will not be used as a basis for closing lands or imposing constraints on exploration and development activities (Public Lands Advocacy, Denver, CO - Comment: #91, letter #15)*

*Comment: Management options for surface resource management that are compatible with oil and gas resource management objectives (Public Lands Advocacy, Denver, CO - Comment: #92, letter #15)*

*Comment: In accordance with the National Energy Policy and Executive Order 13211, BLM issued Instruction Memorandum 2002--053 - Preparation of a Statement of Adverse Energy Impact. This new directive requires all BLM decisions to fully consider potential adverse impacts on the President's National Energy Policy. A statement of adverse energy impact is now required whenever a decision or action will have a direct or indirect adverse impact on energy development, production, supplies or distribution. The Statement is to specifically include: justification of the decision, including the rationale explaining why an energy-related use cannot co-exist with other uses; alternatives considered in the adoption of the decision that preclude or limit energy production and distribution; and the extent of impacts such as lost production or missed exploration opportunities, as well as steps taken to offset the losses. These statements will be reviewed by the Energy Office to determine the progress of BLM in implementing the National Energy Policy and for accounting purposes at the end of each fiscal year. Industry is willing to work with BLM on determining how best to comply with this new requirement, specifically in quantification of such impacts. (Public Lands Advocacy, Denver, CO - Comment: #114, letter #15)*

*Comment: Thus, BLM should define the scope of the EIS to include analysis of the cumulative effects of actions/projects that have impacts in common with those resulting from oil and gas development. Impacts and actions that should be addressed in a cumulative fashion include, but are not limited to: road construction effects, activities leading to soil and vegetation disturbance, activities leading to changed habitat structure, activities leading to habitat fragmentation, and*

*activities causing air or water pollution. These cumulative impacts result from a number of cumulative actions, including oil and gas development, and thus they must be addressed in a comprehensive manner. Similarly, the scope of the EIS must include consideration of direct and indirect impacts of oil and gas development activities. 40 C.F.R. § 1508.25. (Wyoming Outdoor Council, Lander, WY - Comment: #201, letter #19)*

*Comment: Therefore, in the context of oil and gas development BLM must use the scoping process to develop alternatives that emphasize needed environmental protection even if such alternatives limit and/or strongly regulate oil and gas development and not dismiss such options without a thorough and careful analysis in the EIS. (Wyoming Outdoor Council, Lander, WY - Comment: #203, letter #19)*

*Comment: While the purposes and needs for the RMP are broadly defined by the FLPMA and other law, BLM should give specific attention to the purposes and needs for oil and gas related activities that will be analyzed in the EIS. BLM should address in detail what the purpose of future leasing is. It should address what the purpose of future potential exploration and development activities would be. These considerations should be made with explicit recognition of the relative value of the RMP area for meeting local, regional, and national energy needs and what alternatives exist for meeting those needs locally, regionally and nationally. Alternative forms of energy such as wind power must be considered when determining the purpose and need for oil and gas development along with the relative contributions of alternatives and fossil fuels to climate change. The relative value of the area for meeting energy needs versus supplying environmental amenities/needs/values should be considered in identifying the purpose(s) and need(s) of oil and gas development. Similarly, identification of where specifically oil and gas leasing, exploration, and development is appropriate and inappropriate in the RMP area, and why, should be addressed in the EIS as part of the definition of the purpose and need for the RMP. (Wyoming Outdoor Council, Lander, WY - Comment: #207, letter #19)*

*Comment: BLM should determine what the desired outcome(s) from oil and gas leasing, exploration, and development activities are, particularly with reference to the desired outcome(s) for endangered species protection, prevention of habitat fragmentation, protecting the naturalness of landscapes and their aesthetic appeal, the prevention of unnecessary or undue degradation of public lands, the prevention of air and water pollution, and the protection of surface owner rights on split-estate lands. Mechanisms for resolving conflicts between the desired outcomes for oil and gas development relative to other resources should be identified in the EIS and adopted in the RMP. The requirement for BLM to prevent unnecessary or undue degradation of the public lands should be paramount in such balancing. Furthermore, some statutes, such as the Endangered Species Act, require that where there are conflicts between what is desired for oil and gas-related activities versus other resources, the objectives for oil and gas development must recede. The RMP should acknowledge this and make provisions for meeting this requirement. For example, closure of lands to certain resources uses, such as oil and gas development, is specifically provided for as a means to achieve desired outcomes. BLM Handbook H-1601-1.II.B.2. Measures for protecting the land to achieve desired outcomes should be developed at an appropriate scale, with a landscape or bioregional scale being the appropriate scale for many actions, particularly endangered species protection. BLM Handbook H-1601-1.III.A.4. Development of a statement of desired outcomes will be addressed further in the concluding section of these comments. (Wyoming Outdoor Council, Lander, WY - Comment: #208, letter #19)*

*Comment: As noted above, FLPMA requires consideration of the relative scarcity of the values involved, and the availability of alternative sites for producing those values must be considered. See, FLPMA § 202(c). Often, the most appropriate opportunities for oil and gas development from both an economic perspective and ecological perspective are within known and operating oil and gas fields, while the dwindling wildlife, scenic, wilderness and other resource values throughout the rest of the area are irreplaceable and should be protected. The EIS should*

*consider this issue, and again, in our view, oil and gas drilling is not appropriate in potential wilderness quality lands, ACECs, important wildlife habitat, and in areas with important archeological, historical, or paleontological resources due to the great relative value of the resources involved. (Wyoming Outdoor Council, Lander, WY - Comment: #241, letter #19)*

*Comment: BLM's regulations regarding environmental protection at the field development and well drilling stage are general and non-specific. See 43 C.F.R. § 3162.5-1(b). Consequently, the RMP should adopt specific definitions of what constitutes "due care and diligence," "undue damage to surface or subsurface resources" and what specifically must be achieved to "reclaim the disturbed surface . . ." At a minimum, the requirements of Onshore Oil and Gas Order No. 1, especially relative to reclamation plans, must be strictly complied with, and the EIS should analyze whether wells reclaimed in the past pursuant to these requirements have actually been effectively reclaimed. If not, appropriate modifications should be made to ensure effectiveness. Just as important, it is crucial that the RMP and any subsidiary instruments (leases, APDs, surface use plans, etc.) provide assurance, based on a realistic assessment of past, current and projected budgets and allocations of personnel, of adequate inspection and enforcement as a precondition to lease issuance and operations. Monitoring and enforcement needs are addressed further, below. (Wyoming Outdoor Council, Lander, WY - Comment: #244, letter #19)*

*Comment: The lease acreages limits specified at 43 C.F.R. § 3101.2-1(a) should be monitored and enforced by BLM, and the RMP should make provision for such. BLM Instruction Memoranda (IM) also address the need to comply with these limits on lease acreage holdings, and BLM should insure compliance with these IMs. BLM's LR2000 database makes this a relatively simple undertaking. To the extent BLM views this as an activity for the State Office or other BLM administrative level, the EIS should nevertheless discuss what actions are being taken at that other level and provide citizens with information so they can become aware of and monitor those efforts. (Wyoming Outdoor Council, Lander, WY - Comment: #245, letter #19)*

*Comment: BLM employs Sundry Notices pursuant to 43 C.F.R. § 3162.3-2(a) (authorizing use of Form 3160-5, the Sundry Notice). In our experience, Sundry Notices are used for a wide array of activities, and not necessarily just for "further well operations", as required by the regulations. The RMP should define precisely when the use of Sundry Notices is appropriate, and in our view they are inappropriate for anything other than the enumerated activities mentioned at 43 C.F.R. § 3162.3-2(a). Additionally, the RMP should define when NEPA compliance is required and what opportunities exist for public involvement relative to Sundry Notices. (Wyoming Outdoor Council, Lander, WY - Comment: #254, letter #19)*

*Comment: The EIS should include a realistic assessment and analysis of oil and gas well plugging, abandonment, reclamation, and enforcement needs and problems. The RMP must provide that wells are abandoned and plugged in accordance with the provisions of 43 C.F.R. § 3162.3-4 and Onshore Oil and Gas Order No. 1. In addition, the BLM must not only quantify the needs that projected development will entail in terms of personnel and costs, it must also explain how it will ensure that these needs will in fact be met. In our view, if BLM lacks resources to engage in monitoring and enforcement sufficient to ensure compliance with all requirements applicable to oil and gas drilling on public lands within the RMP area, then it should not allow further development to occur: it should deal with the backlog of cleanup needs first. BLM has sufficient authority, and a responsibility, to prevent development if it lacks sufficient resources to ensure compliance with requirements applicable to oil and gas development. See, e.g., 43 U.S.C. 1732(b). (Wyoming Outdoor Council, Lander, WY - Comment: #258, letter #19)*

*Comment: In considering oil and gas development potential in the RMP area, BLM should address the viability of recovering oil and gas from existing: proven: fields as opposed to creating new fields where the oil and gas potential is less known. In our view, it is appropriate from economic and environmental perspectives for BLM to favor development in existing fields and discourage it or prohibit it in undeveloped areas, especially in areas with other important*

*resources. See 43 U.S.C. § 1732(b).* (Wyoming Outdoor Council, Lander, WY - Comment: #304, letter #19)

*Comment: G). Oil and gas development has increased dramatically over the last decade in Wyoming. This RMP needs to look out across this field office and the surrounding field offices in developing a comprehensive plan that addresses the concerns of the cumulative impacts of this development rather than addressing them on the project-by-project level. This would help provide for the protection of wildlife and recreation resources while allowing for the development of oil and gas in a more ecologically sensitive manner.* (Wyoming Outdoor Council, Lander, WY - Comment: #366, letter #19)

*Comment: The existing planning area is located in several different counties in Wyoming and contains approximately 2.5 million surface acres of BLM administered public lands. With continued geopolitical instability the need for reliable, domestic sources of clean burning fuel continues to grow. Areas such as the Gun Barrel Unit in the Frenchie Draw field area, the Madden Unit and the Pappy Draw area must be utilized to their full extent for energy development. As gas produced from traditional supply sources decline, the untapped oil and gas potential in the areas of the Lander Field Office, as well as other federal lands, must take a larger role in meeting the nation's continually increasing energy needs. We encourage the BLM to impose only reasonable restrictions on oil and gas leasing and development, as required by Section 363 of the Energy Policy Act of 2005, Pub. L. No. 109-58, section (b)(3), 119 Stat, 594, 722 (2005).* (Bjork, Lindley, Little P.C., Denver, CO - Comment: #406, letter #23)

*Comment: Oil and gas leasing and development analysis in the existing RMP are in need of updating based on the increasing levels of activity and impacts on the public lands. New assessments and consultations under the Endangered Species Act and the various laws for protection of cultural/historic resources are also warranted as part of the RMP revision.* (Individual - Comment: #430, letter #26)

*Comment: The RMP/EIS revision process is a timely opportunity for a cumulative analysis of oil and gas related impacts to guide leasing decisions, necessary mitigation and planning for development activities. Oil and gas leases should not be issued for the public lands in the existing ACEC's, any new ACEC's or the WSA's (even if Congress does not designate them as formal wilderness areas). In addition to the no lease areas, no surface occupancy and seasonal restrictions should be identified to protect wildlife habitats, cultural resources, water resources, etc.* (Individual - Comment: #431, letter #26)

*Comment: Restrictions placed over areas with existing oil and gas leases must be consistent with existing lease stipulations and the RMP must disclose the lack of legal authority to retrofit the existing leases with new stipulations.* (Sweetwater County Conservation District, Rock Springs, WY - Comment: #487, letter #28)

*Comment: Surface Operating Standards and Guidelines for Oil and Gas Exploration and Development (Gold Book) should guide all oil and gas related development activity with respect to roads.* (Sweetwater County Conservation District, Rock Springs, WY - Comment: #494, letter #28)

*Comment: Restrictions placed over areas with existing oil and gas leases must be consistent with existing lease stipulations and the RMP must disclose the lack of legal authority to retrofit the existing leases with new stipulations.* (Wyoming Coalition of Local Governments - Comment: #586, letter #29)

*Comment: Surface Operating Standards and Guidelines for Oil and Gas Exploration and Development (Gold Book) should guide all oil and gas related development activity with respect to roads.* (Wyoming Coalition of Local Governments - Comment: #593, letter #29)

*Comment: Next to livestock grazing, the next most important issue is oil and gas leasing and development. While oil and gas activities only take place on a tiny fraction of the Lander Field*

*Office, this too has long lasting impacts to our public lands. (Western Watersheds Project, Pinedale, WY - Comment: #642, letter #27)*

### **1.63 Primary Topic: Oil and gas, Second Topic: Cumulative impacts**

**Summary:** The EIS needs to address past, present and future impacts as part of the cumulative impacts from oil and gas development.

*Comment: We recommend that BLM use a method that incorporates historical data on what types of impacts have typically occurred in the area. It will be impossible to determine exactly how many miles of roads will be needed or how big a specific well pad may be until an Application for Permit to Drill (APD) is filed. Therefore, the agency should use a local average for these types of uses. Furthermore, the discussion of cumulative impacts related to possible development should include not only possible impacts of oil and gas activities, but also the measures available to mitigate adverse effects. In addition, we recommend that BLM utilize a new approach for defining cumulative impacts that addresses acceptable levels of surface disturbance rather than the number of wells in then planning area. This gives both BLM and industry needed flexibility in future development opportunities, such as drilling multiple wells from a single pad or taking into consideration wells that have been plugged and abandoned. This concept, termed "net effects" by PLA, includes acknowledging the difference between exploration and development wells, allows for acreage that is not developed to be essentially thrown "back into the pot" so that additional wells can be drilled without exceeding the levels of surface disturbance analyzed in the EIS, and gives industry and BLM alike more management flexibility. (Public Lands Advocacy, Denver, CO - Comment: #109, letter #15)*

### **1.64 Primary Topic: Oil and gas, Second Topic: Directional drilling**

**Summary:** The RMP/EIS should address the feasibility of directional drilling for oil and gas development.

*Comment: Determinations of the feasibility of directional drilling or any other unconventional drilling technology can be made only by the operator. Additionally, the feasibility of directional drilling technology is determined on a well-specific basis. Generally, directional drilling is used for field development rather than exploration activities. It should be noted that exploratory drilling is already a difficult and expensive undertaking because it is an attempt to determine where a structure may occur without the added knowledge of data from previously drilled wells in the area. The technical limitations of directional drilling do not make it a reliable tool for most exploration wells. Additionally, directional drilling is unpredictable and costly in areas with excessive gas production because well control becomes difficult and the odds of encountering serious well control problems are radically increased. Formations that require sharp, high angle deviations are also not good candidates for directional drilling. Deviated wells may be problematic even in the production stage due to the high angle turn in the pipe. The exponential increase in cost coupled with increased mechanical challenges could prevent many directional projects from ever being drilled and thus related revenues not realized the by the state or the nation. (Public Lands Advocacy, Denver, CO - Comment: #105, letter #15)*

*Comment: BLM should address the economics: as well as the technical feasibility: of requiring*

*oil and gas companies to utilize directional drilling and other techniques that reduce the "footprint" of oil and gas development activities. Oil and gas companies have a vested interest in reducing short-term costs. In contrast, BLM has a duty to define what drilling techniques will be utilized on public lands (as well as when they will be used and where they will be used) on the basis of broader public interest considerations. See 43 U.S.C. §§ 1732(b); 1702(c) (multiple use to be based on relative values and "not necessarily the combination of uses that will give the greatest economic return or the greatest unit output"). (Wyoming Outdoor Council, Lander, WY - Comment: #305, letter #19)*

## **1.65 Primary Topic: Oil and gas, Second Topic: Energy development**

**Summary:** The RMP should set well spacing density.

*Comment: The regulations at 43 C.F.R. § 3162.3-1(a)(3) allow BLM to regulate well spacing pursuant to "any other program established by the authorized officer": well spacing designations of the State oil and gas commission are not controlling, at least relative to surface spacing of wells. BLM should fully utilize this authority by specifying, in the final RMP, well spacing surface densities that are appropriate for protecting other resource values in an area, as required pursuant to 43 U.S.C. § 1732(b) and other law. (Wyoming Outdoor Council, Lander, WY - Comment: #246, letter #19)*

## **1.66 Primary Topic: Oil and gas, Second Topic: Hazardous materials**

**Summary:** The BLM should follow all laws, policy, guidance and regulations relating to handling hazardous materials from oil and gas development activities, and address these issues in the EIS.

*Comment: The use of hydraulic fracturing and the impacts of drilling fluids (muds) and chemicals must be considered in the EIS. Hydraulic fracturing and drilling fluids contain a wide array of chemicals, many of which are clearly toxic or hazardous. The appropriateness of using these chemicals must be addressed in the EIS. We specifically recommend that, if "fracing" is contemplated, the option of requiring water only - i.e., prohibiting the use of toxic chemicals - be considered. The RMP should provide specific guidance regarding the requirements oil and gas companies must abide by to meet the requirements of applicable laws, and provide for complete and thorough compliance, monitoring, and enforcement by BLM. Spill prevention and cleanup requirements must be specified, and provisions for collecting and disposing of these wastes must be provided for in detail, again with sufficient monitoring and enforcement to ensure compliance. While Federal pollution and toxic and hazardous waste law may provide some exemptions for the oil and gas industry, BLM still has sufficient authority, and responsibility, under NEPA and FLPMA to require inventory and monitoring of these chemicals, as well as spill prevention, cleanup, and mitigation plans. See, e.g., 43 U.S.C. 1732(b); 43 C.F.R. §§ 3162.4-1(a), 3162.5-1(c)-(d); Onshore Oil and Gas Order No. 1. See also Executive Order No. 13,016 (delegating authority to land management agencies to enforce CERCLA on lands they manage); BLM Manual MS-1703 (Hazardous Materials Management). In a related issue, BLM should ensure that oil and gas drilling operations (including well pads) comply with any applicable stormwater discharge requirements. See 72 Fed. Reg. 10,308, 10,335 (Mar. 7, 2007) (adopting BLM's revised Onshore Order No. 1, which requires operators to take measures to minimize*

*erosion and sedimentation in section IV.c.*). (Wyoming Outdoor Council, Lander, WY - Comment: #255, letter #19)

Comment: *BLM should work with the EPA and the State relative to regulation of hazardous and toxic wastes generated from oil and gas development activities. EPA's report on the oil and gas extraction industry (see footnote 2) provides information regarding these substances and data on rates of inspection and enforcement actions for this industry. These data show oil and gas extraction facilities receive little in the way of inspection and enforcement relative to the other 29 industrial sectors, despite the significant levels of toxic and hazardous materials used and generated by the industry. The RMP should make provisions for ensuring that, in cooperation with the EPA and the State, the rate of inspections (and as necessary, enforcement) is increased.* (Wyoming Outdoor Council, Lander, WY - Comment: #256, letter #19)

### **1.67 Primary Topic: Oil and gas, Second Topic: Historic trails**

**Summary:** The BLM should review its National Historic Trails management plan and continue the quarter-mile buffer zone requirement in oil/gas development areas.

Comment: *We have explicit concerns with the manner in which BLM currently attempts to manage designated and potential National Historic Trails. It has come to our attention that BLM frequently prescribes mitigation that far exceeds the trail management direction contained in the current Lander RMP. Specifically, a controlled surface use stipulation or condition of approval (CSU) has been placed within ¼ mile of the center of the trail or line of sight, whichever is less. Mitigation in excess of this standard is excessive. Moreover, it is unwarranted for BLM to strive for reduction of potential visual impacts from oil and gas activities outside the ¼ mile corridor, especially when many, many other uses are allowed to continue unchecked. The oil and gas industry is committed to working in a manner to reduce impacts without succumbing to unnecessary requirements.* (Public Lands Advocacy, Denver, CO - Comment: #113, letter #15)

### **1.68 Primary Topic: Oil and gas, Second Topic: Interim development**

**Summary:** BLM should follow interim development guidance during development of the RMP/EIS.

Comment: *We urge BLM to follow the requirements in the Instruction Memorandum during the current planning process.* (Public Lands Advocacy, Denver, CO - Comment: #106, letter #15)

### **1.69 Primary Topic: Oil and gas, Second Topic: Minerals leasing**

**Summary:** The RMP should protect valid, existing mineral leasing rights, and should not close lands to leasing simply due to a lack of industry interest.

Comment: *BLM must ensure that valid, existing rights are not abrogated by the RMPA. BR requests the inclusion in the RMP revision of language clearly stating that valid, existing rights*

*will be protected and how these rights could be impacted, if at all.* (Burlington Resources - Comment: #79, letter #14)

*Comment: We would like to emphasize that the lack of potential or lack of current industry interest should not be considered a basis for closing lands or imposing severe constraints on future development. Levels of interest can change unexpectedly, rendering an area previously considered to have low potential highly prospective due to new information, technology or economics. It is important that future opportunities to explore for and develop oil and gas resources not be indiscriminately foreclosed.* (Public Lands Advocacy, Denver, CO - Comment: #108, letter #15)

*Comment: As spelled out in the previously cited SPG, valid existing lease rights cannot be changed by a new plan. Voluntary compliance to the new plan may be sought from lessees if activities are initiated. Nevertheless, BLM needs to detail in the planning documents if and how valid existing lease rights could be impacted by the new leasing decisions. Specifically, potential conditions of approval for operations and other changes should be identified.* (Public Lands Advocacy, Denver, CO - Comment: #112, letter #15)

## **1.70 Primary Topic: Oil and gas, Second Topic: Mitigation**

**Summary:** The RMP/EIS should identify reasonable mitigation measures for reducing or avoiding resource impacts from oil/gas development.

*Comment: The application and viability of reasonable mitigation.* (Public Lands Advocacy, Denver, CO - Comment: #96, letter #15)

*Comment: Section 1502 of the Council on Environmental Quality Regulations on the National Environmental Policy Act (NEPA) directs that mitigation measures be identified in the EIS which may be employed to reduce or entirely avoid impacts to other resource values. This must not be construed to mean that only lease stipulations need be identified. It is also important to discuss other types of mitigation that may be utilized at the time of oil and gas drilling, both exploration and development, such as area-wide standards and guidelines for oil and gas operations. This information is necessary because it illustrates that with appropriate mitigation, oil and gas activities are compatible with other resource uses, including those in sensitive areas. We specifically request that all mitigation measures be accounted for and incorporated into the chapter on environmental consequences.* (Public Lands Advocacy, Denver, CO - Comment: #110, letter #15)

## **1.71 Primary Topic: Oil and gas, Second Topic: Natural resources - general**

**Summary:** BLM needs to analyse the impacts to oil and gas development from other surface management decisions.

*Comment: Generally, past BLM planning documents address the impacts that oil and gas activities may have on other resources, but fail to address the effects that surface management decisions may have on future subsurface opportunities and activities. BR urges the BLM to describe the impacts of surface management decisions and trade-offs selected as they relate to oil and gas opportunities.* (Burlington Resources - Comment: #78, letter #14)

*Comment: Many previous BLM planning documents discussed the potential impacts oil and gas*

activities may have on other resource values. Unfortunately, they have failed to address or adequately describe the effects surface resource management decisions may have on future subsurface opportunities and activities. Therefore, we strongly urge BLM to fully explain the impacts of surface management decisions and trade-offs selected as they relate to limitations of oil and gas opportunities. (Public Lands Advocacy, Denver, CO - Comment: #111, letter #15)

### **1.72 Primary Topic: Oil and gas, Second Topic: Socio-economics**

**Summary:** The EIS should include a comprehensive analysis of the socio-economic benefits of oil and gas development activities.

*Comment: A comprehensive analysis of the socio-economic benefits of oil and gas development activities in the area should be included in the review. A chart representing costs of administering the mineral program and industry's financial contributions to local, state and federal treasuries would also be appropriate. The Buffalo Field Office's Powder River Basin EIS contains a useful analysis which could be used as a model for the Lander RMP revision. (Public Lands Advocacy, Denver, CO - Comment: #107, letter #15)*

### **1.73 Primary Topic: Oil and gas, Second Topic: Split estate**

**Summary:** The RMP/EIS should address split-estate issues.

*Comment: Private landowners who live on "split estates" are often severely affected by BLM's oil and gas leasing decisions. BLM has often ignored or given little attention to the legitimate concerns of surface owners and their communities. BLM must minimize conflicts between surface owners and companies developing subsurface minerals by proactively seeking and addressing their concerns in the design and review of projects, including leasing itself. The RMP should provide for this. BLM should make full use of provisions in the Surface Mining Control and Reclamation Act that apply to all mineral development, not just coal. Areas used primarily for residential or related purposes can be deemed unsuitable for mineral development and withdrawn from leasing, or have development activities conditioned appropriately. 30 U.S.C. §1281. BLM also has general withdrawal authority pursuant to 43 U.S.C. § 1714. BLM should make use of these provisions, as well as its general authority to condition development, to protect private surface owners who could be adversely affected by oil and gas development. BLM has also issued IMs regarding surface owner protections as well as releasing recent reports to Congress pursuant to direction in the Energy Policy Act of 2005, and BLM should ensure full compliance with that guidance. (Wyoming Outdoor Council, Lander, WY - Comment: #247, letter #19)*

### **1.74 Primary Topic: Oil and gas, Second Topic: Stipulations**

**Summary:** The RMP should not include restrictive or excessive stipulations on oil and gas developments.

*Comment: Effects on opportunities to explore for lease and develop oil and gas resources*

*resulting from restrictive surface management decisions.* (Public Lands Advocacy, Denver, CO - Comment: #95, letter #15)

*Comment: Limit the study to any residual effects that may be present after standard lease terms and conditions have been imposed. (For example, under the 43 CFR 3101 regulations, a two-month occupancy restriction can be imposed under standard terms and conditions of a lease for purposes of protecting critical habitat. Therefore, if the typical restriction used to protect calving areas is two months, no stipulation is needed because the BLM has the authority to restrict an operator, if necessary, to protect such areas under the standard terms of the lease. A lease notice apprising the lessee that calving grounds exist on the lease should be sufficient.)* (Public Lands Advocacy, Denver, CO - Comment: #97, letter #15)

## **1.75 Primary Topic: Oil and gas, Second Topic: Travel management**

**Summary:** The RMP/EIS needs to address access issues related to fluid mineral development and exploration.

*Comment: Access to public lands for purposes of exploring for and producing oil and gas resources must be considered a separate issue from economic impacts.* (Public Lands Advocacy, Denver, CO - Comment: #93, letter #15)

*Comment: It must be explained how surface management constrains the availability of public lands for leasing, exploration and potential development. Moreover, compliance with the various leasing laws that require all lands to be evaluated for lease is an access issue that has nothing to do with economics.* (Public Lands Advocacy, Denver, CO - Comment: #94, letter #15)

## **1.76 Primary Topic: Oil and gas, Second Topic: Wildlife**

**Summary:** The EIS needs to address impacts on wildlife from fluid mineral development.

*Comment: There is significant potential for increased oil/gas development, and particularly coal bed methane. The RMP should address the foreseeable level of development and the probable impacts on wildlife habitat. This should include habitat fragmentation, associated roadway impacts (such as erosion resulting in sedimentation to both ephemeral and perennial waterways) and other cumulative impacts associated with mineral, oil or gas extraction. The RMP should also address mitigation approaches to minimize these impacts. All seasonal closures for wildlife on BLM lands should be maintained in the revised RMP.* (Wyoming Game and Fish, Cheyenne, WY - Comment: #176, letter #18)

*Comment: Given the high level of oil/gas development in some of the Lander Resource Area, the upcoming RMP should identify some important wildlife habitat areas and limit surface development in these areas with conditions on unleased areas, and apply NSO and other Activity Plan and APD stipulations to areas already leased. A landscape-scale planning approach should be implemented in the RMP for balancing loss of habitat effectiveness in areas that are or will be developed (e.g., Madden Unit or Gunbarrel Unit) with those areas that will remain functional for wildlife habitat.* (Wyoming Game and Fish, Cheyenne, WY - Comment: #177, letter #18)

## **1.77 Primary Topic: Planning criteria**

**Summary:** BLM should include planning criteria to provide for mineral and energy exploration and development, and to include basic elements of the Supplemental Program Guidance manual.

*Comment: It is imperative that these criteria be modified to provide for mineral and energy resource exploration and development and provide for reasonable access for resource development. Such changes are consistent with the President's National Energy Policy, particularly in stating where access could be curtailed. (Public Lands Advocacy, Denver, CO - Comment: #86, letter #15)*

*Comment: It is, therefore, necessary to include the basic elements of the SPG as planning criteria. (Public Lands Advocacy, Denver, CO - Comment: #87, letter #15)*

## **1.78 Primary Topic: Public participation**

**Summary:** BLM should include provisions in the RMP that will create better opportunities to work with members of the public and cooperating agencies.

*Comment: An open dialogue with public participation is imperative. (Public Lands Advocacy, Denver, CO - Comment: #104, letter #15)*

*Comment: The revised plan should allow BLM officials, grazing permittees, and company officials the opportunity to work cooperatively, and the flexibility to make the best site-specific, case-by-case decisions that are in the best interests of the affected resources and citizens. (Wyoming Department of Agriculture, Cheyenne, WY - Comment: #153, letter #17)*

*Comment: Local residents and other concerned citizens wanting to be involved in the actual development of oil and gas fields and/or drilling of wells are often stymied. One reason participation is stymied is that BLM does not make Notices of Staking (NOS) and APDs readily available to the public in a timely fashion. In some cases citizens are expected to physically review NOSs and APDs by visiting the BLM office, or if they do not live nearby, to make weekly telephone calls to the BLM office to request that these documents be faxed to them. That is unacceptable, and in this day and age there is no reason they should not simply be posted on BLM websites in a timely fashion. Any proprietary or privileged information can be redacted. The lack of availability of NOSs and APDs hampers public participation, which violates NEPA. The BLM should include provisions in the RMP that will correct these problems. This recommendation is consistent with and required by the public participation provisions in the CEQ NEPA regulations, 43 C.F.R. §3162.3-1. The Mineral Leasing Act provision related to notifying persons of APDs is a minimum requirement and does not supercede or abrogate other requirements, such as those in the CEQ NEPA regulations. See 30 U.S.C. § 226(f) (providing "[t]he requirements of this subsection are in addition to any public notice required by other law.") (emphasis added). (Wyoming Outdoor Council, Lander, WY - Comment: #252, letter #19)*

## **1.79 Primary Topic: RFD**

**Summary:** The BLM should follow all applicable instruction memorandum, guidance, and policy when developing the Reasonably Foreseeable Development Scenario, and make it a scientifically based, economically rational document.

*Comment: When developing the RFD Scenario for the LFO RMP, the BLM must comply with the terms and guidance of WO IM 2004-089. This IM requires the BLM to analyze the RFD as a*

*baseline scenario of activity assuming all potentially production areas can be open under standard lease terms and conditions, except those areas designated as closed to leasing by law, regulation or executive order. Furthermore, the BLM must not unreasonably limit the scale of the RFD Scenario based on known oil and gas potential as new technology may expand the potential for oil and gas recovery, new oil and gas reserves and fields may be discovered, and changing economics may open previously unprofitable areas to exploration and development.* (Burlington Resources - Comment: #80, letter #14)

*Comment: BLM must carefully describe in the RMP revision that the RFD is not a limit or threshold on future development rather it is a tool to estimate the potential impacts of oil and gas development. The Washington Office of the BLM recently issued guidance, WO IM 2004-089, on the use and purpose of the RFD Scenario that must be incorporated and referenced in the LFO RMP. The IM clarifies that the RFD is not intended as a limit to future development, but is instead a baseline scenario to provide the "mechanism to analyze the effects that discretionary management decisions have on oil and gas activity."* (Burlington Resources - Comment: #81, letter #14)

*Comment: Suffice it to say here that development of a realistic, well supported, economically rational, and scientifically based RFD is crucial for a proper analysis and determination of connected, related, and cumulative impacts.* (Wyoming Outdoor Council, Lander, WY - Comment: #202, letter #19)

*Comment: The BLM must objectively analyze any purported "limits" on oil and gas development in the RMP process, and continue regulating this activity as required by law. The BLM should focus analysis of the purported "adverse effects" of lease stipulations on energy supplies on realistic estimates of economically recoverable resources, not just "technically recoverable" resources. If oil and gas is not economical to extract, there will be no adverse impacts on supply from stipulations designed to protect wildlife, archeological sites, recreation sites and other public assets. The BLM should use well-supported high and low range estimates of gas and oil prices in any analysis of the amounts of oil and gas affected by stipulations.* (Wyoming Outdoor Council, Lander, WY - Comment: #243, letter #19)

*Comment: As noted above, consideration of oil and gas development potential in the RMP area must address potential oil and gas reserves/resources from the standpoint of economically recoverable resources and not just technically recoverable resources. The purpose of the RMP is to guide actual management actions for approximately 10 years; oil and gas extraction activities will be largely driven by real world economics, not by technical feasibility, which only sets a theoretical outer boundary to the actual level of development. It would, of course, be appropriate and useful for BLM to address economically recoverable oil and gas resources from the standpoint of "high" and "low" price scenarios.* (Wyoming Outdoor Council, Lander, WY - Comment: #302, letter #19)

*Comment: Specifically, economic recoverability should guide BLM's development of the Reasonably Foreseeable Development Scenario (RFD) applicable to oil and gas development in the RMP area. Basing the RFD, and resulting forecasts (like job growth and revenues) and decisions on technically recoverable resources unrealistically inflates the likely level of oil and gas development and has little utility in the real world. As mentioned above, development of the oil and gas RFD on the basis of economically recoverable resources is also necessary for a proper analysis of connected, related, and cumulative actions and impacts, as required by NEPA.* (Wyoming Outdoor Council, Lander, WY - Comment: #303, letter #19)

*Comment: Reasonable Foreseeable Development (RFD) projections must be developed in compliance with Instruction Memorandum No. 2004-098. Additionally, this IM provides that a baseline RFD (well numbers and number of acres) be developed based on mineral potential and development of said area under standard lease stipulations. Reductions in RFD from each Alternative must be shown in order to disclose impacts to Oil & Gas. To insure RFD is reported*

*correctly the reduction resulting from each management action must be reported in impact analysis.* (Sweetwater County Conservation District, Rock Springs, WY - Comment: #484, letter #28)

*Comment: Reasonable Foreseeable Development (RFD) projections must be developed in compliance with Instruction Memorandum No. 2004-098. Additionally, this IM provides that a baseline RFD (well numbers and number of acres) be developed based on mineral potential and development of said area under standard lease stipulations. Reductions in RFD from each Alternative must be shown in order to disclose impacts to Oil & Gas. To insure RFD is reported correctly the reduction resulting from each management action must be reported in impact analysis.* (Wyoming Coalition of Local Governments - Comment: #583, letter #29)

*Comment: The analysis for the Reasonably Foreseeable Development scenario must provide latitude for changes in technology and market fluctuations over time.* (Devon Energy, Worland, WY - Comment: #1, letter #1)

*Comment: The RMP should explicitly prohibit oil and gas leasing whenever the reasonably foreseeable development scenario (RFD) has been exceeded, especially if this development is occurring due to new technological innovations that have not been subject to adequate environmental review. Coalbed methane (CBM) is a clear example in this regard: many development proposals for this method of extracting methane far outstrip the RFDs in existing RMPs, largely because this technology was not even envisioned when many RMPs were prepared. Moreover, the environmental impacts may not have been adequately evaluated (water from CBM development is the obvious example). Under these conditions, leasing should not proceed until updated environmental analyses are completed, and the RMP should so provide. Recent decisions of the Interior Board of Land Appeals require the unique impacts of CBM development to be analyzed.* (Wyoming Outdoor Council, Lander, WY - Comment: #242, letter #19)

## **1.80 Primary Topic: RMP - general**

**Summary:** Comments reflect a spectrum of ideas that address the planning process, intent and definition of BLM's multiple use mandate, and requirements for analysis in the Environmental Impact Statement.

*Comment: The BLM must create a plan that will provide flexibility to address changing conditions.* (Devon Energy, Worland, WY - Comment: #5, letter #1)

*Comment: There is every indication that this area will continue to be designated for multiple use. AHW's overriding concern is that we, as responsible citizens, not lose sight of the fact that the public lands are just that, public, and multiple-use of these public lands should be safeguarded at all cost.* (Alliance for Historic Wyoming, Casper, WY - Comment: #43, letter #11)

*Comment: Lands in need of restoration should receive decisions that return these lands to a productive and sustainable condition.* (Individual, Lander, WY - Comment: #45, letter #12)

*Comment: A balanced approach to managing all resources must be an integral part of the process.* (Public Lands Advocacy, Denver, CO - Comment: #103, letter #15)

*Comment: The BLM should stick closely to the language in its own Land Use Planning Handbook, (H-1601-1), in particular Appendix C, Program-Specific and Resource-Specific Guidance.* (National Outdoor Leadership School, Lander, WY - Comment: #117, letter #16)

*Comment: The guidance presented for each resource should be addressed in conjunction with the guidance presented for other resources to maintain an integrated, interdisciplinary approach*

*to planning. (Appendix C, p. 1) (National Outdoor Leadership School, Lander, WY - Comment: #118, letter #16)*

*Comment: Natural, Biological, and Cultural Resources: Decisions identified must be made during the land use planning process if the resource exists in the planning area. (BLM Handbook H-1601-1, Appendix C, p. 1, 1. I) (National Outdoor Leadership School, Lander, WY - Comment: #119, letter #16)*

*Comment: Resource Uses: Decisions identified must be made during the land use planning process if the BLM anticipates it may authorize or allow a resource use. If uses are allowed, decisions must also be made regarding intensity and limits or restrictions. (Appendix C, p. 1, 1.II) (National Outdoor Leadership School, Lander, WY - Comment: #120, letter #16)*

*Comment: However, we strongly believe agencies have a mandate to manage all resources for sustainable yield into the future. As the BLM now considers a new RMP, we believe much more weight needs to be given habit restoration and protection. (Individual, Orem, UT - Comment: #146, letter #9)*

*Comment: Officials need to consider these effects: direct, indirect, economic, social, and environmental. (Wyoming Department of Agriculture, Cheyenne, WY - Comment: #150, letter #17)*

*Comment: Summary of Additional Issues Recommended for Inclusion in the BLM Lander Resource Management Plan: Access, Water Quality, Aquatic Nuisance Species, Travel Management, Vegetation Management and Ecological Processes (include weed management), Cumulative Effects, Riparian Potential (PFC), Trapping and Transplanting, Grazing Standards and Guidelines, Fencing Standards and Guidelines, Timber Management, Maximum road densities within gas fields, Oil and gas development practices (Wyoming Game and Fish, Cheyenne, WY - Comment: #196, letter #18)*

*Comment: All future actions must conform to the terms and conditions established in the RMP. Given this overarching importance, BLM must ensure careful adherence to the legal requirements applicable to an RMP established by FLPMA, and the requirements for preparing an EIS established by the National Environmental Policy Act (NEPA). (Wyoming Outdoor Council, Lander, WY - Comment: #197, letter #19)*

*Comment: The scoping stage of preparing an EIS requires BLM to make two determinations: (1) what is the scope of the project in this case the RMP to be analyzed in the EIS and (2) what are the issues that will be analyzed in depth in the EIS. 40 C.F.R. § 1501.7(a). See also BLM Handbook H-1790-1.V.B.1; BLM Handbook H-1601-1.III.A.1; 43 C.F.R. § 1610.4-1 (requiring scoping for RMPs to comply with Council on Environmental Quality scoping regulations). Other environmental reviews (such Biological Assessments and consultation for species listed pursuant to the Endangered Species Act) should be identified so that they can be done concurrently with the EIS and integrated with it. We believe the issues identified in these comments are within the legal scope of an RMP, and therefore they should be analyzed in depth in the EIS. Moreover, in these comments we identify a number of special places in the Lander Field Office that should be analyzed in depth in the EIS and provided for in the RMP. (Wyoming Outdoor Council, Lander, WY - Comment: #198, letter #19)*

*Comment: In determining the scope of the EIS, BLM must consider connected actions, cumulative actions, and similar actions. 40 C.F.R. § 1508.25. Connected actions are actions that are closely related to the RMP. Closely related actions include any reasonably foreseeable oil and gas development projects that would not occur but for authorization provided in the RMP. Examples of oil and gas development actions/projects that would not occur but for authorization in the RMP include leasing, exploration projects, and full-field development projects. Thus, the EIS should address each of these types of connected actions/projects in detail, and given the significant amount of historical data that exists for these types of actions/projects*

*they are reasonably foreseeable and a detailed consideration should be possible. (Wyoming Outdoor Council, Lander, WY - Comment: #199, letter #19)*

*Comment: Similar actions include authorizations for oil and gas development occurring on State and private lands in or adjacent to the geographic area of the RMP, Forest Service Forest Plans and other analyses authorizing oil and gas activities on nearby lands administered by the Forest Service, and RMPs for adjacent BLM Field Offices/Districts. The plans and activities on the Wind River Indian Reservation are obviously crucial similar actions that must be considered. The scope of the EIS should include a detailed analysis of these similar actions so as to foster informed public participation in the RMP revision and informed decision-making by BLM. (Wyoming Outdoor Council, Lander, WY - Comment: #200, letter #19)*

*Comment: The policies and goals of NEPA include, Encouraging productive and enjoyable harmony between man and his environment, Promoting efforts which will prevent or eliminate damage to the environment and biosphere, Using all practicable means and measures . . . to create and maintain conditions under which man and nature can exist in productive harmony . . ., Fulfilling the responsibilities of each generation as trustee of the environment for succeeding generations, Assuring all Americans safe, healthful, productive and esthetically and culturally pleasing surroundings, Allowing beneficial use of the environment without degradation . . . or other undesirable or unintended consequences, Preserving important historic, cultural and natural aspects of our national heritage . . ., Achieving a balance between population and resource use . . ., and Enhancing the quality of renewable resources and maximizing recycling of depletable resources. 42 U.S.C. §§ 4321-4331. See also BLM Handbook H-1790-1.V. B.2.a.(3). Thus, the issues that BLM must identify for analysis in its EIS include the above goals and policies, and we ask BLM to insure that these considerations are infused into oil and gas leasing, exploration, and development activities considered in the EIS and authorized by the RMP. (Wyoming Outdoor Council, Lander, WY - Comment: #205, letter #19)*

*Comment: Please save the Wyoming Range and please plant trees on the range for timber. Please help the ranchers more. Please pass the Green River Basin State Park, the eight million acre Red Desert Park and have more and make this 1. Grazing 2. Wildlife 3. Wild horse range 4. Wilderness 5. National park out of one park. The BLM in Wyoming saved no BLM land. Wyoming must do more for the people and nature and a plan to save a place of the Pass the Red Desert Park a part of the Green basin as a state park. Wyoming Range Wilderness Park. Gary DiBrito John DiBrito Larry DiBrito Robert Senase Robert Senase Wyoming state has coal big CBM coal to gas big How about a plan to make a huge park to save all of it as the last of the west. The largest place in the USA with out a fence and a street. The Red Desert where you can find sand dunes, bad lands, the Oregon Trail, the California Trail, cave paintings, a basin and a flat, the Great Divide, 326 kinds of wildlife. (Individual, Sheridan, IL - Comment: #405, letter #22)*

*Comment: First of all, if you are going to include the little Intimidation Clause/Notice referenced above you need to indicate whether or not that "personal identifying information" is required to have a person's comments considered in this ridiculously long process. Secondly, you obviously need to allow more room on this form for comments. The third necessary correction to make this initial input gathering process more meaningful is to advertise these sessions effectively. A 1 1/2 column inch incomplete mention in a bi-weekly newspaper (copy attached) is certainly not effective or sufficient. With these preliminary observations now stated, we can now begin to focus on the revision process itself. The "open house" format was less than desirable for the timely and organized dissemination of information about what the BLM is intending to do and how the BLM intends to go about it - but, the H-1610-1 handout was helpful in that respect. If that and the other handout (fact sheet) were made available to the general public, possibly on a requested basis, prior to such a gathering people could be much better prepared to discuss topics of interest or concern. (Individual, Lander, WY - Comment: #407, letter #24)*

Comment: *While looking over the various maps or visual aids and discussing them with various BLM employees there was no mention of co-ordinating this process or the revised management plan with the Fremont County or other county's established Land Use Plan. Why is that?* (Individual, Lander, WY - Comment: #408, letter #24)

Comment: *I also question whether or not it is really necessary to go to the expense of hiring some sort of professional fascilitator to run your future meetings on this process. Couldn't that money be better spent "on the ground"?* (Individual, Lander, WY - Comment: #409, letter #24)

Comment: *In regards to your list of "other resources and resource uses", a number of those terms need to be clearly defined before we, the public, can be sure of what you are referring to and respond accordingly, such as: Land Tenure Adjustments, Environmental Justice, Wilderness Characteristics, Withdrawals* (Individual, Lander, WY - Comment: #414, letter #24)

Comment: *The revision of the Lander RMP must be specific for the public lands within the Lander Field Office. This huge agency and public investment to revisit this RMP must address the resource conditions, issues and concerns unique to this area. The BLM will have to make a concerted effort to avoid ending up with a "generic" RMP. It would be a tragedy to have a management plan that doesn't provide long term guidance that meets the mandate in the FLPMA to sustain the productivity of these public lands.* (Individual - Comment: #419, letter #26)

Comment: *The BLM must authorize a Memorandum of Understanding (MOU) between it and the cooperation agencies to codify the rights and responsibilities. An additional MOU must be developed to provide for their participation in development of RMP implementation plans, project related plans and day-day relationships.* (Sweetwater County Conservation District, Rock Springs, WY - Comment: #441, letter #28)

Comment: *As cooperators, the County and District should be provided meaningful participation in the planning process to the extent as provided by law, regulation and guidelines. This participation should reflect the respective jurisdictions of the county and the district, and provide for participation in issues affecting vegetation, agriculture, soil, water, land uses, and infra-structure to name a few* (Sweetwater County Conservation District, Rock Springs, WY - Comment: #442, letter #28)

Comment: *Consistency with County and District's public land policy and resource related plans and policies is considered throughout plan development and not just in the final stages. The RMP must also be consistent with other local government and tribal plans and policies.* (Sweetwater County Conservation District, Rock Springs, WY - Comment: #443, letter #28)

Comment: *Planning must be conducted without predetermined outcomes.* (Sweetwater County Conservation District, Rock Springs, WY - Comment: #447, letter #28)

Comment: *Discussions of planning issues must not be held with individual cooperators without opportunity for inclusion of all cooperators.* (Sweetwater County Conservation District, Rock Springs, WY - Comment: #453, letter #28)

Comment: *The BLM must authorize a Memorandum of Understanding (MOU) between it and the cooperation agencies to codify the rights and responsibilities. An additional MOU must be developed to provide for their participation in development of RMP implementation plans, project related plans and day-day relationships.* (Wyoming Coalition of Local Governments - Comment: #542, letter #29)

Comment: *As cooperators, the County and District should be provided meaningful participation in the planning process to the extent as provided by law, regulation and guidelines. This participation should reflect the respective jurisdictions of the county and the district, and provide for participation in issues affecting vegetation, agriculture, soil, water, land uses, and infra-structure to name a few.* (Wyoming Coalition of Local Governments - Comment: #543, letter #29)

Comment: *Consistency with County and District's public land policy and resource related plans and policies is considered throughout plan development and not just in the final stages. The RMP must also be consistent with other local government and tribal plans and policies.* (Wyoming Coalition of Local Governments - Comment: #544, letter #29)

Comment: *The plan and its management actions should be outcome-based rather than numerous prohibitions or restrictions. For example, if there is an established need to protect a particular resource, such as winter habitat, the RMP must provide for achieving the goal, and allow flexibility as to how the goal might be achieved within the context of that specific project. The goal may be achieved through project design, avoidance or mitigation, as appropriate.* (Wyoming Coalition of Local Governments - Comment: #546, letter #29)

Comment: *Planning must be conducted without predetermined outcomes.* (Wyoming Coalition of Local Governments - Comment: #548, letter #29)

Comment: *Discussions of planning issues must not be held with individual cooperators without opportunity for inclusion of all cooperators.* (Wyoming Coalition of Local Governments - Comment: #554, letter #29)

Comment: *The RMP will not be morally or legally defensible if this most important of issues is not addressed properly. The RMP EIS must thoroughly and defensibly review the failures of the past RMP and what actions must be taken to correct these failures.* (Western Watersheds Project, Pinedale, WY - Comment: #641, letter #27)

Comment: *The EIS and RMP must analyze the successes and failures of the current RMP and analyze the validity of the assumptions and accuracy of the analysis of the EIS conducted to develop the current RMP. Such analyses are critical to learning from the mistakes of the past as well as to comply with NEPA* (Western Watersheds Project, Pinedale, WY - Comment: #649, letter #27)

Comment: *In order to comply with NEPA and the APA, the BLM must conduct a thorough review of the performance and accomplishments of the current RMP as well as the validity and accuracy of the current RMP's NEPA documents. Further, the BLM must analyze how effectively the RMP and ROD have been implemented, what goals and objective have been met and why aspects of the RMP and ROD were not implemented or not implemented effectively. Such analyses must form the foundation for any RMP revision. Such analyses are fundamental not only compliance with the law by basic management principles.* (Western Watersheds Project, Pinedale, WY - Comment: #705, letter #27)

Comment: *The BLM must base its management decisions upon inventories of the resources that occur on the public lands. The BLM must structure a comprehensive inventory program to inform the RMP process. This is a crucial and frequently overlooked aspect of the planning process.* (Western Watersheds Project, Pinedale, WY - Comment: #712, letter #27)

Comment: *The current RMP revision must eschew BLM's traditional faith-based, politics-based management in order to fulfill the BLM's mandate for accelerated restoration, sustainable management and protection of values and resources. Recent reports by the Interior Department's Inspector General regarding Endangered Species Act listings show political manipulation and abandonment of objective science. Similarly, during the recent preparation of BLM's revised grazing regulations, BLM scientists spoke out about their science being suppressed or altered to change the meaning of their conclusions. BLM must restore integrity to the process and demonstrate an ability to enforce, monitor and manage uses, otherwise those activities that can't be monitored or managed must be ended.* (Western Watersheds Project, Pinedale, WY - Comment: #717, letter #27)

Comment: *Prior to embarking on this RMP revision, the BLM should review the Standards of Ethical Conduct for Federal Employees (<http://www.usdoj.gov/jmd/ethics/generalf.htm>) that are based on Executive Order 12674, as amended by Executive Order 12731. In particular, three of*

*the broad principles I believe apply here are: "(1) Public service is a public trust, requiring employees to place loyalty to the Constitution, the laws and ethical principles above private gain. 40 (5) Employees shall put forth honest effort in the performance of their duties. (8) Employees shall act impartially and not give preferential treatment to any private organization or individual."* (Western Watersheds Project, Pinedale, WY - Comment: #718, letter #27)

*Comment: Just because the BLM will be outsourcing much of this process does not mean it has any less legal or ethical responsibilities to the American people. I bring this up because, after years of working on livestock grazing and other issues on public lands and, with other WWP staff, having reviewed EAs and EISs on hundreds of grazing allotments and other projects, it is my belief that these documents are used to justify decisions that are already made and basically constitute a "shell game" in which evident degradation by livestock is explained away in every case due to some other cause even though livestock grazing is widely recognized in the scientific literature as a cause of degradation to riparian areas, water quality, plant communities, soils and wildlife. I cannot recall a single instance in all these cases, no matter how serious the environmental degradation, when the agency (Forest Service or BLM) performed an objective, science-based monitoring and analysis process directed at making an objective and logical decision concerning livestock grazing. Invariably, the decisions arrived at through these NEPA documents have amounted to a continuation of the status quo with at best, cosmetic changes that make little or no difference on the ground. It is time for BLM to demonstrate to the public that it will engage in an honest, objective process in order to restore the public trust.* (Western Watersheds Project, Pinedale, WY - Comment: #719, letter #27)

*Comment: We would like to schedule a meeting with you and your staff once they have had a chance to review our input, so that we can discuss details and how this information will be incorporated into the EIS and RMP. Please let me know when would be a good time.* (Western Watersheds Project, Pinedale, WY - Comment: #720, letter #27)

## 1.81 Primary Topic: Reclamation

**Summary:** The RMP should require coordination with local governments and conservation districts during reclamation process and not limit reclamation to native plants. The EIS analysis should include all the backlogged reclamation needs.

*Comment: The RMP should ensure that reclamation standards are enforced and increase bonds to cover actual reclamation costs, so neither taxpayers nor landowners are left to foot the bill. In the past, BLM has estimated the cost of reclaiming just one well ranges from \$2,500 -\$75,000. The EIS should include up-to-date estimates for costs of reclamation of development activities in this area. The RMP should increase bonds as needed to ensure the full costs of reclamation are met and should not rely on per lease bonds (currently set at \$10,000) or on statewide bonds (now \$25,000) if they will not cover anticipated costs. BLM has this authority. See, e.g., 30 U.S.C. § 226(f); 43 C.F.R. §§ 3104.1(a), 3104.5, 3106.6-2. This authority and the responsibility of BLM to adjust bonds as needed to meet reclamation needs has been confirmed in recent BLM IMs.* (Wyoming Outdoor Council, Lander, WY - Comment: #259, letter #19)

*Comment: The RMP revision should identify and provide an analysis of "backlogged" reclamation needs on public lands. It should also include a decision that implements reclamation needs using a priority system that takes care of the greatest environmental concerns first. The reclamation needs include existing disturbances from all activities whether it is mining, oil and gas, livestock grazing related projects, roads or any other that has taken public lands out of production and impacted the natural landscape.* (Individual - Comment: #440, letter #26)

*Comment: The plan should require that BLM with coordination with local governments and*

*conservation districts develop an area-specific reclamation plan that describes how, when and to what standard reclamation will be accomplished. Such plan must clearly state when reclamation has been accomplished and provide for coordination with the affected parties, including conservation districts, grazing permittees, and landowners. (Sweetwater County Conservation District, Rock Springs, WY - Comment: #502, letter #28)*

*Comment: The plan should not limit the plants used in reclamation to native plants. Other species should be considered when analysis determines that other plants would better serve as replacement habitats, forage or wind or erosion control. (Sweetwater County Conservation District, Rock Springs, WY - Comment: #510, letter #28)*

*Comment: The plan should require that BLM with coordination with local governments and conservation districts develop an area-specific reclamation plan that describes how, when and to what standard reclamation will be accomplished. Such plan must clearly state when reclamation has been accomplished and provide for coordination with the affected parties, including conservation districts, grazing permittees, and landowners. (Wyoming Coalition of Local Governments - Comment: #601, letter #29)*

*Comment: The plan should not limit the plants used in reclamation to native plants. Other species should be considered when analysis determines that other plants would better serve as replacement habitats, forage or wind or erosion control. (Wyoming Coalition of Local Governments - Comment: #609, letter #29)*

## **1.82 Primary Topic: Recreation**

**Summary:** RMP goals and objectives should include an emphasis on recreation values in specific areas of the field office, and the EIS should include analysis of access issues during the recreation opportunity inventory.

*Comment: Recreation. Visitors and Off Road Highway Vehicles account for heavy use of the resource during the summer, while hunting and rock hounding occur year-round. (Alliance for Historic Wyoming, Casper, WY - Comment: #37, letter #11)*

*Comment: Current winter closure of Red Canyon elk habitat area to non-motorized uses (i.e., cross country skiing, snowshoeing, hiking) should be re-evaluated to allow for over-snow uses during non-critical wildlife habitat timeframes. (Individual, Lander, WY - Comment: #49, letter #12)*

*Comment: As the Lander BLM office undergoes its Recreation Opportunity Inventory, an area of focus should include ease of access to these areas while maintaining the primitive nature of recreation opportunities. (National Outdoor Leadership School, Lander, WY - Comment: #124, letter #16)*

*Comment: We are concerned, however, that the camping habits of private parties may affect our access, and we encourage the BLM to educate the public on Leave No Trace camping principles. (National Outdoor Leadership School, Lander, WY - Comment: #125, letter #16)*

*Comment: The recreation resource on public lands is becoming increasingly valuable: more people want to recreate on a finite amount of public land. Recreationists desire solitude, clean air, clean water, vast undeveloped landscapes, and a place to witness healthy natural systems thriving with native plants and wildlife. The RMP should accommodate those desires. (Wyoming Outdoor Council, Lander, WY - Comment: #299, letter #19)*

*Comment: In order to ensure the continued viability of these desired experiences, the BLM must manage public lands under a "recreation opportunity spectrum," or ROS. Increasing recreation*

*pressure dictates the need to include more lands within ROS classes that protect the land's undeveloped, wild character, i.e. primitive and semi-primitive non-motorized recreation classes. These designations allow for multiple activities of the sorts most desired by the public: camping, picnicking, hiking, climbing, enjoying scenery, wildlife or natural features viewing, nature study, photography, spelunking, hunting (big game, small game, upland birds, waterfowl), ski touring and snowshoeing, swimming, fishing, canoeing, sailing, and non-motorized river running. (Wyoming Outdoor Council, Lander, WY - Comment: #300, letter #19)*

*Comment: All lands within WSAs, proposed wilderness, and ACECs should be managed as ROS class primitive, while other spectacular and important lands in the RMP area, such as important wildlife habitat, should be managed as ROS semi-primitive non-motorized. (Wyoming Outdoor Council, Lander, WY - Comment: #301, letter #19)*

*Comment: Existing access should be maintained to support the demonstrated need for disbursed recreation opportunities. Any proposals to close access or reduce disbursed recreation must analyze and disclose the impacts to those physically impaired and the elderly. (Sweetwater County Conservation District, Rock Springs, WY - Comment: #490, letter #28)*

*Comment: Recreation Opportunity Spectrum is an inventory tool for recreation and must not be used as a basis for management of other resources or uses. (Sweetwater County Conservation District, Rock Springs, WY - Comment: #493, letter #28)*

*Comment: Existing access should be maintained to support the demonstrated need for disbursed recreation opportunities. Any proposals to close access or reduce disbursed recreation must analyze and disclose the impacts to those physically impaired and the elderly. (Wyoming Coalition of Local Governments - Comment: #589, letter #29)*

*Comment: Recreation Opportunity Spectrum is an inventory tool for recreation and must not be used as a basis for management of other resources or uses. (Wyoming Coalition of Local Governments - Comment: #592, letter #29)*

*Comment: I strongly encourage the BLM to keep these places [Baldwin Creek loop & Johnny Behind the Rocks] intact for recreational use for the future. I really don't know where I would go with my dogs and horses if these places were to become inaccessible. (Individual, Lander, WY - Comment: #6, letter #2)*

*Comment: We have a chance to preserve and maintain and even possibly enhance these areas for not only our use but the use of our kids kids. I am more in favor of nonmotorized areas but I also see the need and demand for motorized use as well. Please put these locally used areas as a high priority for protection and expansion (Individual, Lander, WY - Comment: #7, letter #3)*

*Comment: These areas have established trails for recreation and need to be protected from oil and gas development. These areas close proximity to Lander make these lands increasingly valuable for dispersed recreational opportunities. It would be beneficial for more active supervision of recreational uses (Individual, Lander, WY - Comment: #8, letter #4)*

*Comment: I believe that if the Lander RMP followed Fruita's plan that we would be a step closer to being on the right track. (Individual, Lander, WY - Comment: #9, letter #4)*

*Comment: I believe that if the Lander RMP followed Fruita's plan that we would be a step closer to being on the right track. (Individual, Lander, WY - Comment: #10, letter #4)*

*Comment: there is garbage, gun shell casings, old rusted cars, people shooting weapons in all directions (we had encounters with two different parties shooting and felt terribly unsafe riding our bikes), and not a hundred yards away people riding motorcycles all over and not adhering to roads or trails. This appears to be management at the worst. I am not badmouthing the BLM, but something needs to happen to create safety and clean BLM lands. (Individual, Lander, WY -*

Comment: #13, letter #4)

## 1.83 Primary Topic: Recreation, Second Topic: Special Recreation Management Areas

**Summary:** Comments suggest specific areas in the planning area for designation as Special Recreation Management Areas.

Comment: *Designate Cedar Ridge (Johnny Behind the Rock) trails and two track road as a non-motorized use area (hiking, horseback riding, mountain biking) community based SRMA.* (Individual, Lander, WY - Comment: #46, letter #12)

Comment: *Designate Baldwin Creek Road (The Bus) trails and two-track roads as a non-motorized use area (hiking, horseback riding, mountain biking) community based SRMA.* (Individual, Lander, WY - Comment: #47, letter #12)

Comment: *Designate Beaver Creek Ski Area as a non-motorized winter use area (exception granted for grooming equipment). Summer use OHV designation limited to designated roads. Non-motorized uses (i.e., hiking, equestrian, mountain biking) permitted on game and livestock trails as well as two-track roads.* (Individual, Lander, WY - Comment: #48, letter #12)

Comment: *Green Mountain, the Sweetwater Rocks, Sweetwater Canyon, Sinks Canyon, Baldwin Creek Canyon, Johnny Behind the Rocks, and the Bus Loop, to name a few, are all popular recreation destinations for the local population. All of them warrant careful management. NOLS encourages the BLM to take these areas into consideration in its evaluation of Special Recreation Management Areas.* (National Outdoor Leadership School, Lander, WY - Comment: #122, letter #16)

Comment: *Split Rock and Lankin Dome should be carefully considered when specific recreation management areas are addressed. These are ideal candidates for primitive recreation, and should be considered for an undeveloped market. Within the Sweetwater Rocks area, NOLS frequents the Great Stone Face, Point of Rocks, McIntosh Peak, and the Moonstone. Sinks Canyon also has obvious and apparent value to NOLS and the local climbing community, and should be managed as such.* (National Outdoor Leadership School, Lander, WY - Comment: #123, letter #16)

## 1.84 Primary Topic: Renewable energy

**Summary:** The RMP and EIS should address renewable or alternative energy source development, including any impacts from the developments and BLM's energy use while doing business (such as in BLM's vehicles and buildings).

Comment: *The EIS must fully address renewable sources of energy in at least two regards. First, it must address potential renewable sources of energy available from lands within the RMP area. It should address the relative merits of pursuing these types of energy developments versus fossil fuel development. It should fully address the potential negative impacts of renewable sources of energy. For example, wind energy farms can have negative consequences for avian species if not properly designed and sited. Biomass energy, if it is derived from old growth forests or other inappropriate sources, can wreak havoc on ecosystems or be little more than a guise for logging. The EIS must address these issues fully and openly. The RMP should adopt provisions to ensure these negative effects are avoided or at least mitigated. Second, the potential for renewable*

*energy sources developed elsewhere to obviate the need for fossil fuel development in the RMP area should be addressed. Almost all agree, fossil fuels are not a long-term solution to our energy needs and that renewable energy production must be fostered, so the EIS should address this aspect of energy development. (Wyoming Outdoor Council, Lander, WY - Comment: #262, letter #19)*

*Comment: The EIS should also consider ways the BLM itself can maximize the use of renewable or alternate energy sources, and increase the efficiency of energy use in all activities BLM undertakes, including in its buildings and automobile fleet. The RMP should require increased use of renewable or alternate sources of energy by BLM and should include requirements for increased energy use efficiency. These efforts should be documented and publicized. (Wyoming Outdoor Council, Lander, WY - Comment: #263, letter #19)*

## **1.85 Primary Topic: Rights-of-way**

**Summary:** The RMP/EIS should address rights-of-way in terms of corridors, impacts to resources, and limitations/restrictions to future rights-of-way.

*Comment: Rights-of-way are often part-and-parcel of energy development projects, as well as many other activities. All provisions in the Mineral Leasing Act and FLPMA must be adhered to relative to rights-of-way to help ensure environmental protection. We specifically request that the EIS address several issues. The issue of the impact of power lines on birds and bats should be addressed, particularly with regard to raptors. Electrocutions are one negative impact of power lines, and electrocutions could violate the Migratory Bird Treaty Act and Bald Eagle Protection Act, not to mention the ESA. The RMP should have provisions to ensure these laws are not violated if rights-of-way are granted, as well as provisions that specify thorough monitoring and the penalties that will be imposed by BLM for failure to comply. Perhaps just as importantly, power lines change the "structure" of habitat, which may create favorable conditions for some species but be unfavorable for others. For example, there is evidence that ferruginous hawks, which are becoming rare, can be placed at a competitive disadvantage to other raptors when power lines create perches in otherwise open habitat. Likewise, the increasingly imperiled sage grouse can be further threatened if raptors are provided hunting perches in habitat occupied by sage grouse. The EIS must take account of these kinds of effects, and the RMP must ensure they are avoided or at least mitigated. For example, the RMP should require that existing rights-of-way, with similar types of structures, be utilized to the extent possible. Similarly, the impacts rights-of-way have on habitat fragmentation must be analyzed in the EIS, and provision made to avoid or mitigate these impacts in the RMP. (Wyoming Outdoor Council, Lander, WY - Comment: #257, letter #19)*

*Comment: The plan should address the demand for new rights-of way, possible conflicts, limits or restrictions on future rights-of way. (Sweetwater County Conservation District, Rock Springs, WY - Comment: #471, letter #28)*

*Comment: The plan should address the demand for new rights-of way, possible conflicts, limits or restrictions on future rights-of way. (Wyoming Coalition of Local Governments - Comment: #570, letter #29)*

## **1.86 Primary Topic: Riparian**

**Summary:** BLM should set goals/objectives for the improvement, restoration, and maintenance of riparian areas at the Properly Functioning Condition level at a minimum in the RMP. However, some comments suggest that only select riparian areas that should be managed, not all riparian

areas.

*Comment: Riparian-wetland areas are some of the most productive resources found on public lands. They are highly prized for their recreation, fish and wildlife, water supply, cultural and historic values, as well their economic values, which stem from their use for livestock production, timber harvest, and mineral extraction (TR 1737-15). Most riparian acreages are privately controlled (due to homesteading around water sources) or intermingled with BLM ownership, making limited BLM riparian acreages even more important to be managed properly. Riparian areas are often the primary area, and sometimes the only area, where livestock that graze on arid rangelands can find water. Consequently, management of riparian areas in this climate will always be a challenge. Because of this, the RMP should especially address Proper Functioning Condition (PFC). The RMP should set riparian objectives and desired future condition beyond PFC evaluations. (Wyoming Game and Fish, Cheyenne, WY - Comment: #184, letter #18)*

*Comment: The RMP area contains remarkable riparian areas that are vitally important to the ecological health of the region. Properly managing riparian areas is a critical component of managing for biological diversity and for meeting many other needs. Only about 1% of the lands managed by the BLM are wetlands, yet these are some of the most ecologically important landscapes under BLM jurisdiction. Riparian areas and wetlands provide rare oases of lush vegetation and water in an arid environment. As a result, they are rich in wildlife like birds, deer, elk, amphibians, fish, cougar, bobcat, and other species. They also improve water quality by filtering sediment and other pollutants, stem erosion, improve groundwater reserves, reduce the risk of flash flooding, and provide shelter for wildlife. They are also often home to important cultural sites. See BLM's Riparian-Wetlands Initiative for the 1990's (RWI) at 7-8; BLM Handbook H-1737.08-09. (Wyoming Outdoor Council, Lander, WY - Comment: #339, letter #19)*

*Comment: Because of the critical importance of these areas, two Executive Orders require their protection. Executive Order 11988 (1977) requires federal agencies to avoid adverse impacts associated with the occupancy of floodplains. Executive Order 11990 (1977) requires federal agencies to minimize the destruction, loss, or degradation of wetlands, and to preserve and enhance the natural and beneficial value of wetlands. Further, all federally approved activities must include all practical measures to minimize adverse impacts to wetlands and riparian areas. (Wyoming Outdoor Council, Lander, WY - Comment: #340, letter #19)*

*Comment: The BLM's policy is to "maintain, restore, or improve riparian-wetland ecosystems to achieve a healthy and proper functioning condition that assures biological diversity, productivity, and sustainability. . ." BLM Handbook H-1737.06. RMPs must "recognize the importance of riparian-wetland values, and initiate management to maintain restore, improve or expand them." Id. at 1737.06.B.4. (Wyoming Outdoor Council, Lander, WY - Comment: #341, letter #19)*

*Comment: The cornerstone to effective protection of riparian areas is the completion of a comprehensive inventory of the riparian and wetlands resources within the bounds of the RMP area. These areas should be identified and their functioning condition should be evaluated. See RWI at 16 (noting need for inventories). "Improving the functioning condition of these areas is the focus of BLM's riparian-wetland restoration goal." RWI at 11. (Wyoming Outdoor Council, Lander, WY - Comment: #342, letter #19)*

*Comment: Based on the critical importance of riparian areas, and the considerations set forth above, we urge the BLM to incorporate into the RMP specific, measurable riparian and wetland area protections. These include, among other things: "Completion of "a broad inventory" of all riparian areas and an evaluation of their functioning condition pursuant to BLM Manual MS-1737.22 ("Inventories are usually conducted prior to preparation of . . . RMPs;" and "an RMP will generally require broad inventory"). This inventory should be done prior to*

*preparation of the RMP EIS and should be presented in it. Specification of the steps that will be undertaken so that riparian areas that are not in properly functioning condition can be restored, and how the condition of areas that are in properly functioning condition will be maintained.*

*Exclusion of ORVs from riparian areas and wetlands except on designated routes; Incorporation of riparian and wetland area protection with protection of the associated watersheds. BLM Manual MS-1737.32. Assurance that livestock grazing standards and guidelines and Fundamentals of Rangeland Health are complied with, and that livestock grazing is excluded from riparian areas as needed; Development of an effective monitoring program that measures biodiversity and wildlife populations, soil erosion, vegetation health, the presence of non-native species, water quality and quantity, and the impacts of other uses such as grazing, ORVs, recreation uses, and other activities; A prohibition on oil and gas leasing and development in riparian areas, or a requirement for no surface occupancy stipulations. Analysis should be provided in the EIS of how mineral development and associated impacts such as waste pits, roads, pipelines and other uses will be regulated so as to avoid impacts to riparian areas and wetlands; A prohibition on the issuance of rights-of-way in riparian and wetlands areas, or in areas where such use would adversely impact riparian areas; Identification of lands for acquisition in riparian or wetlands areas that are ecologically, hydrologically or geologically linked to BLM wetlands and crucial to their functioning; Designation of riparian areas and wetlands as ACECs . (Wyoming Outdoor Council, Lander, WY - Comment: #343, letter #19)*

*Comment: The attached illustration should be expanded to include the entire Sweetwater Watershed. It includes information (riparian functional ratings) that should be included in the Analysis of the Management Situation and the RMP/EIS Revision. It illustrates the urgency and gravity of the degraded riparian conditions and illustrates why we are at a threshold for restoration. It also shows that the Sweetwater Watershed is a threatened watershed justifying designation as an ACEC with a management prescription for restoration of ecological health. (Individual - Comment: #418, letter #25)*

*Comment: The seriousness of the degraded public land riparian areas goes well beyond the riparian habitats themselves because this essential component of the landscape affects the value of all the associated upland rangeland habitats as well. The value of entire watersheds is compromised by the significant acreage of the interrelated riparian and upland rangelands that are not healthy. Significant public benefit from wildlife, recreation and water resources are lost because of these unhealthy conditions on the public lands. The RMP/EIS revision needs to include a detailed analysis of this most significant issue. (Individual - Comment: #426, letter #26)*

*Comment: Structures and facilities may be built within flood plains, wetland or riparian areas when determined that they will not adversely affect the function of the wetlands. (Sweetwater County Conservation District, Rock Springs, WY - Comment: #515, letter #28)*

*Comment: Wetlands management will be limited to those areas shown to have a nexus to interstate water bodies. (Sweetwater County Conservation District, Rock Springs, WY - Comment: #516, letter #28)*

*Comment: Wetlands management will be limited to those areas shown to have a nexus to interstate water bodies. (Wyoming Coalition of Local Governments - Comment: #614, letter #29)*

*Comment: PFC - The BLM initiated in 1991, a program called Riparian-Wetland Initiative for the 1990's, Among other things, this initiative called for management improvements to insure that at least 75% of the BLM stream miles reached the minimum of PFC by 1997. The BLM has failed miserably in meeting this goal. The RMP must commit to and provide the direction necessary to maintain all streams in the FO at a minimum of PFC (Western Watersheds Project, Pinedale, WY - Comment: #644, letter #27)*

*Comment: In 1991 the BLM initiated a program called "Riparian-Wetland Initiative for the 1990's" (See BLM/WO/GI-91/001+4340). This initiative called for achievement of four*

*overarching goals: Restore and maintain riparian-wetland areas so that 75% or more are in proper functioning condition by 1997. Protect riparian-wetland areas and associated uplands through proper management and to avoid or mitigate negative impacts. Ensure an aggressive riparian-wetland information and outreach program. Improve partnerships and cooperative restoration Strategies to implement these goals include: Inventory and Classification to determine current status and potential. Land Use and Activity Planning revisions describing actions needed to meet these objectives. Monitoring to determine if management actions are meeting goals and objectives. Avoiding or mitigating impacts on riparian-wetland areas (Western Watersheds Project, Pinedale, WY - Comment: #656, letter #27)*

*Comment: Since 1991, only a small fraction of the Lander FO's streams (304 miles out of a total of 5,453 miles, or 5.5%) and wetlands have even been surveys. Only 600 stream segments have been surveyed, 395 in 1997 and 98 and 205 in 2003. None have been done since then. From review of BLM documents as well as my own observations over the years, few of these streams are improving. Most of the streams in the Sweetwater watershed are non-functional or severely impaired. The RMP must address this poor performance and lay out an action plan to achieve the goals laid out in the BLM's "Riparian-Wetland Initiative for the 1990's". (Western Watersheds Project, Pinedale, WY - Comment: #657, letter #27)*

*Comment: We would like the reader to note that attaining PFC is only the lowest acceptable level. PFC is not a goal but the basis on which other resource goals are met. We request the BLM review its own manual, TR 1737-15, for a more complete description of what PFC is and is not. We especially direct the BLM's attention to page 16 of this manual for a very clear description of the fact that PFC is only the lowest basis on which all other values are built upon. As such, the RMP must delineate management objects that go far beyond PCF to include watershed health values, fisheries values, water quality values and wildlife values. (Western Watersheds Project, Pinedale, WY - Comment: #658, letter #27)*

## **1.87 Primary Topic: Riparian, Second Topic: Grazing**

**Summary:** The commenter is concerned about overgrazing on riparian areas.

*Comment: 3. Overgrazing of riparian and water source areas. (Individual, Riverton, WY - Comment: #18, letter #7)*

## **1.88 Primary Topic: Scenic byways**

**Summary:** Commenters would like to see U.S. Highway 287 through the Sweetwater Valley designated as a National Scenic Byway.

*Comment: The road to Muddy Gap should be considered for a National Scenic Byway designation. This is a relatively unknown and exceptionally scenic drive of sweeping vistas and historic significance. Such a designation would be consistent with the BLMs direction to Designate BLM Scenic or Back Country Byways. (BLM Handbook H-1601-1, Appendix C, III.B.5. p. 28) (National Outdoor Leadership School, Lander, WY - Comment: #141, letter #16)*

*Comment: 15. Highway 287 from Muddy Gap to Sweetwater Crossing: Specific location of the area: This area would encompass the length of 287 from the field office boundary on the east at Muddy Gap to the area around the bridge at Sweetwater Crossing on the west. Specific values and concerns of the area: The highway through this area passes through a notably scenic portion of the state as well as paralleling the historic trails that pass through this area including the*

*Oregon, Mormon and Pony Express Trails. Specific management proposals for this area: We would like the BLM to support the management of this area as a Scenic Byway, which would also involve the protection of the viewshed on either side of Highway 287. (Wyoming Outdoor Council, Lander, WY - Comment: #384, letter #19)*

## **1.89 Primary Topic: Scenic trails**

**Summary:** The Continental Divide National Scenic Trail should be managed as a Special Recreation Management Area and be designated a non-motorized trail.

*Comment: 13. Continental Divide Trail System: Specific location of the area: This area includes the path of the Continental Divide Trail as it passes through the Lander Field Office from the southern end of the Wind Rivers along its path through the Red Desert as well as its surrounding viewshed. Specific values and concerns of the area: This trail system crosses one of the truly magnificent natural features of our country, the hydrologic divide between east and west. In this field office it also passes through the unique feature of the Great Divide Basin, the only significant basin that exists along our Continental Divide. This trail provides a draw for a variety of travelers. However, significant portions of this trail are faced with the prospect of significant oil and gas development. Specific management proposals for this area: We would like to see this trail continue to be protected as a Special Recreation Management Area. The trail should be inventoried throughout its passage through the field office to determine what areas still retain their remote qualities. These areas, and their surrounding viewshed, need to be protected in order to maintain the remote nature of this trail and provide for primitive camping and travel opportunities as well as wildlife habitat and migration corridors. In these areas we would like to see particular attention paid to the protection of the surrounding viewshed in order to preserve the sense of remoteness. Where the trail has retained a remote quality it should have its Visual Resource Management designation upgraded to reflect these qualities and managed to protect those qualities over time. (Wyoming Outdoor Council, Lander, WY - Comment: #382, letter #19)*

*Comment: 5. The vision of the Continental Divide Scenic Trail to be a non-motorized hiking and saddle and pack stock trail be retained. (Individual, Riverton, WY - Comment: #19, letter #7)*

## **1.90 Primary Topic: Science/Studies**

**Summary:** Commenters suggest that peer-reviewed science and studies should be the basis for plan decisions, and contributed articles, references, and photos for BLM to consider as part of the EIS and MSA analysis.

*Comment: It is critical that BLM make its land use decisions using reliable scientific data rather than pseudo-science proffered by special interest groups. In addition, BLM's 1624 Manual Supplemental Program Guidance (SPG) requires that the least restrictive stipulation required to protect the resource be utilized. This approach can be successful only when rigorous scientific standards are maintained in conjunction with meticulous monitoring of the efficacy of restrictions and other land use decisions. This is especially important in wildlife habitat where BLM seems to take the most restrictive management strategy. (Public Lands Advocacy, Denver, CO - Comment: #85, letter #15)*

*Comment: Peer-reviewed science should underlie the revised plan decisions and science should be identified in the decisions and discussions regarding this revised RMP. (Wyoming Department of Agriculture, Cheyenne, WY - Comment: #168, letter #17)*

*Comment: Summary of Reports (Data Sources) Recommended for Inclusion in the BLM Lander Resource Management Plan (We can provide these items upon request.) Species of Greatest Conservation Need (Comprehensive Wildlife Conservation Strategy) Aquatic and Wildlife Strategic Habitat Plans with Regional Priorities ACEC Designations Basin Management Plans (and associated databases) Conservation Agreement and Strategy for Yellowstone cutthroat trout in the States of Montana, Idaho, Utah, and Wyoming Management Consideration for native nongame fishes of Wyoming Native nongame fishes conservation assessment, Feb 2003. Wyoming Game and Fish Department Administrative Report. Big Game Job Completion Reports (JCR) for Lander Region Wyoming Game and Fish Dept. 2005 (or most current) Annual Fisheries Progress Reports Final Wyoming Greater Sage-Grouse Conservation Plan, July 2003 Wind River/Sweetwater River Local Sage-grouse Conservation Plan (Pending Completion) Recommendations for Development of Oil & Gas Resources within Crucial & Important Wildlife Habitats (A Strategy for Managing Energy Development Consistently with the FLPMA Principles of Multiple Use and Sustained Yield) The Wyoming Guidelines for Managing Sagebrush Communities with Emphasis on Fire Management Fish and Wildlife Objectives/Habitat Needs Nongame Best Management Practices (Wyoming Game and Fish, Cheyenne, WY - Comment: #195, letter #18)*

*Comment: In this regard we ask BLM to consider the report "Fragmenting Our Public Lands, The Ecological Footprint From Oil and Gas Development," The Wilderness Society (C. Weller et al., authors), September 2002. (Wyoming Outdoor Council, Lander, WY - Comment: #204, letter #19)*

*Comment: It is rarely possible for the BLM (or any other Federal agency) to obtain perfect amounts of information. BLM must not allow this fact to stymie environmentally informed decision-making by BLM. CEQ regulations essentially establish a presumption in favor of obtaining information that is essential to reasoned decision-making. See 40 C.F.R. § 1502.22. See also BLM Handbook H-1790-1.III.A.2.d. BLM should take steps to gather needed information in all but the narrow range of exceptions permitted by the CEQ regulations. But if BLM concludes information is not essential to reasoned consideration of alternatives, or the cost of obtaining the information is exorbitant, or the means for acquiring the information are unknown, the BLM must nevertheless scrupulously abide by CEQ guidance in this regard, namely ensuring that "credible scientific evidence" be presented relative to reasonably foreseeable significant adverse impacts (including low likelihood but catastrophic impacts) so that the impacts can be assessed based on approaches that are "generally accepted in the scientific community." See 40 C.F.R. § 1502.22(b). See also 40 C.F.R. § 1502.24 (requiring professional and scientific integrity in an EIS). (Wyoming Outdoor Council, Lander, WY - Comment: #209, letter #19)*

*Comment: We include as an appendix, a few photographs from the Lander FO which show just a few of the areas where unnecessary and undue degradation has occurred. The focus of these pictures is primarily on riparian area degradation. Soil loss and compaction in uplands areas as well as loss of productivity is not presented in these photos. We will be glad to supply the BLM with a copy of a recent soil condition survey WWP contracted to have done on the Green Mountain Common allotment. The BLM certainly has a vast array of soils and productivity data showing loss of productivity. (Western Watersheds Project, Pinedale, WY - Comment: #714, letter #27)*

*Comment: Attached we provide a range of information we request the BLM to review and provide analysis of in the EIS and move into management direction in the RMP. If the BLM feels that any of the information supplied is not applicable to the RMP planning process, we request the BLM to supply rationale in the EIS to justify that decision. Without such justification the BLM will not be complying with NEPA and the APA. Diminished Sweetwater River Flows, Corning Core Sampling of Selected High Cold Desert Wetlands in the Sweetwater Watershed, Corning The Role of Drought in Range Management, Thurow and Taylor, J. Range Manage. 52:413-419 September 1999 - This is an excellent review of drought impacts and the lack of appropriate*

*responses by land management agencies. Impact of Grazing Intensity During Drought in an Arizona Grassland, Loeser, Sisk and Crews, Conservation Biology Volume 21, No. 1, 87-97 - This paper discusses drought impacts to species composition. Tonto National Forest Drought Policy - We provide this as a template for the Lander FO Drought Policy Administrative Procedures Act Petition to Develop Region-wide Drought Policy, Forest Guardians - The APA Petition provides useful background on the need for a drought policy. Drought Management on Range and Pastureland, Nebraska Cooperative Extension Service - A basic review of drought responses and research. Effects of Drought on Rangelands, USDA Forest Service, 1996 - A literature review of the effects of drought on plants. Rangeland Management Before, During, and After Drought, University of Arizona - This paper provides basic range management prescriptions to deal with drought. Appendix A - This review of range science was sent to the Lander FO in 2005. We are resending it to insure that it gets into the RMP process. Appendix B - This excellent resource provides a review of legal framework for management on BLM lands as well as a scientifically defensible process for determining current capability and suitability of BLM lands for livestock grazing. We request that the processes contained in this paper be included in the NEPA process. Appendix C - This document contains the Western Heritage Alternative presented to the Rock Springs FO for their RMP revision process. We submit this to the Lander FO as most of the information contained in it is fully applicable to this process. Prineville BLM RMP Grazing documents - We provide these as possible examples of dealing with livestock grazing in the EIS. Determining Allowable Use Levels for Livestock Movement in Riparian Areas, Pete Bengeyfield and Dan Svoboda Guidelines for Establishing Allowable Levels of Streambank Alteration, Ervin R. Cowley BLM, Idaho State Office, March, 2002 Key Scientific Documents Relevant to Dixie, Fishlake, And Manti-La Sal National Forest Management for Sustainability Caribou National Forest Riparian Grazing Implementation Guide v1.2, USDA Forest Service, 2005 - This document not only provides a thorough and up-to-date literature review of the impacts of livestock grazing in riparian areas, it also provides an easy to implement decision tree to set riparian grazing criteria. While this was developed on the Caribou National Forest, it is fully applicable to riparian management on the Lander FO. Managing the Grazing of Riparian Areas in the Intermountain West, USDA FS GTR-INT-263, Clary and Webster Utah Bureau of Land Management - Riparian Management Policy (Supersedes UT 93-93) This is useful policy information critical to the RMP process. Monitoring Streambanks and Riparian Vegetation - Multiple Indicators - Idaho BLM Technical Bulletin No. 2005-02 - This simple and straight forward resource should be incorporated into the RMP monitoring plan. We have attached various resources on the changing economic of the West which needs to be taken into account during the EIS process. We request the BLM obtain a copy of USDA FS RMRS-GTR-54 Managing for Enhancement of Riparian and Wetland areas of the Western United States: An Annotated Bibliography. This document was too large for us to provide an electronic version. We also request the BLM and Forest Service to review its own analyses, management and monitoring direction contained in: BLM Application of Environmental Laws, September 1995 BLM TR 1734-6 Interpreting Indicators of Rangeland Health BLM TR 1737-20 Grazing Management Processes and Strategies for Riparian-Wetland Areas BLM TR 1737-17 A Guide to Managing, Restoring and Conserving Springs in the Western United States USDA FS RMRS-GTR-160 Survey Responses From the Intermountain West: Are we Achieving the Public's Objectives for Forests and Rangelands US EPA Managing Change - Livestock Grazing on Western Riparian Areas, 1993 USDA FS Research Paper INT-RP-492 Response of a Depleted Sagebrush Steppe Riparian System to Grazing Control and Woody Plantings, 1996 USDA FS Research Paper INT-425 Bird and Small Mammal Populations in a Grazed and Ungrazed Riparian Habitat in Idaho, 1990 Montana BLM Riparian Technical Bulletin #3 Effective Cattle Management in Riparian Zones - A Field Survey and Literature Review Montana BLM Riparian Technical Bulletin #4 Successful Strategies for Grazing Cattle in Riparian Zones, 1998 BLM TR 1737-14 Grazing Management for Riparian Wetland Areas, 1997 BLM TR 1730-2 Biological Soil Crusts: Ecology and Management, 2001 BLM TR 1737-3 Inventory and Monitoring of Riparian Areas, 1989 USDA FS PNW-GTR-361 Role of Nonmarket Economic Values in Benefit-Cost Analysis of*

*Public Forest Management, 1996 USDA FS RMRS-GTR-47 Monitoring the Vegetation Resources in Riparian Areas USDA FS RMRS-GTR-121 Guide to Effective Monitoring of Aquatic and Riparian Resources USDA FS RMRS-RP-40 Counter Misinformation Concerning Big Sagebrush, 2003 USDA FS RMRS-GTR-141 Big Sagebrush: A Sea Fragmented into Lakes, Ponds and Puddles, 2005 We incorporate by reference all of the above and request that the BLM analyze each of them and add these to the administrative record. (Western Watersheds Project, Pinedale, WY - Comment: #716, letter #27)*

### **1.91 Primary Topic: Socio-economics, Second Topic: Grazing**

**Summary:** Livestock grazing is important to the culture of the planning area.

*Comment: Livestock producers are good stewards of the land. We care about the resources because those resources are important to our livelihoods and to those for whom we produce food and fiber. We are the ones who work with Mother Nature on a daily basis. Many of our families have done so for several generations. Livestock producers are the eyes and the ears for what is happening with the rangelands. Livestock grazing is important to the culture of our area. (Fremont County Cattleman's Association, Riverton, WY - Comment: #74, letter #13)*

### **1.92 Primary Topic: Socio-economics, Second Topic: Oil and gas**

**Summary:** The RMP EIS should include comprehensive analysis for the socio-economic benefits from oil and gas activities.

*Comment: A comprehensive analysis of the socio-economic benefits of oil and gas development activities in the area should be included in the RMP revision. BR recommends that BLM include a chart that represents costs of administering the mineral program and industry's financial contributions to local, state and federal treasuries. Existing documents for other BLM Resource Areas, including the Draft EIS for the Roan Plateau Planning Area and the FEIS and Proposed Plan Amendment for the Powder River Basin Oil and Gas Project, aptly demonstrate the profound positive impacts of oil and gas development on Local and State economies. BR suggests the use of such existing documents as templates for the LFO RMP socio-economic impact analysis. (Burlington Resources - Comment: #75, letter #14)*

### **1.93 Primary Topic: Soils**

**Summary:** The BLM should work with cooperating agencies to complete Level III soil surveys.

*Comment: The plan must provide that the BLM will coordinate all soil related management activities with the appropriate conservation district. BLM should collaborate with state, local, federal agencies and conservation districts to complete Level III soil surveys. (Sweetwater County Conservation District, Rock Springs, WY - Comment: #495, letter #28)*

*Comment: The plan must provide that the BLM will coordinate all soil related management activities with the appropriate conservation district. BLM should collaborate with state, local, federal agencies and conservation districts to complete Level III soil surveys. (Wyoming*

Coalition of Local Governments - Comment: #594, letter #29)

## 1.94 Primary Topic: Solid minerals

**Summary:** Consideration of hardrock mining in the Sweetwater Rocks is in conflict with recreation uses in the area.

*Comment: Of chief concern to NOLS is the prospect of non-energy minerals development, such as granite. Without granite, in the Sweetwater Rock area, our climbing operations would come to a grinding halt. Previous extraction activity at the Moonstone and past potential for granite quarries in the area, threaten our operating area. The primitive recreation resource values in the Sweetwater Rock area are not consistent with the development of non-energy leasables. (National Outdoor Leadership School, Lander, WY - Comment: #144, letter #16)*

## 1.95 Primary Topic: Special Recreation Management Areas

**Summary:** Commentors nominated areas for consideration as SRMAs, and would like the SRMAs to direct recreation management in balance with other multiple uses

*Comment: 2. The area commonly referred to as "The Bus": Specific location of the area: This is the roughly two sections of BLM land that lie within the confines of the Squaw Creek/Baldwin Creek Loop Road with township and range T33N/R100W. Specific values and concerns of the area: This area provides a variety of recreational opportunities for the people living in the Lander area that include but are not limited to hiking, biking, and riding. Specific management proposals for this area: We would like to see this area managed as a Special Recreation Management Area. In the best case this land would be managed in conjunction with the state section and a third immediately to its west. These two land parcels combined form a valuable source of recreation for the people of Lander and provide a valuable viewshed for the local landowners. We believe an opportunity exists to work with the state land board to see this area protected for recreation and viewshed. We would also advocate for this area to be closed to grazing in order to assist in the management of invasive species, such as leafy spurge. We advocate that this area receive a non-motorized recreation designation. (Wyoming Outdoor Council, Lander, WY - Comment: #371, letter #19)*

*Comment: 7. Beaver Creek Ski Trails: Specific location of the area: BLM lands within the sections 30, 31, 32, and 33 in township and range T30N/R99W Specific values and concerns of the area: This area provides valuable recreational opportunities for the people of the Lander area and the high school ski teams around the state. This area also provides valuable mountain biking opportunities. Specific management proposals for this area: We would like to see this area protected as a Special Recreation Management Area. We would like to see the area around the ski trails closed to winter motorized use, except for the grooming equipment. We would like to see summer motorized use restricted to designated routes in this area. In order to protect the ski trails, we would like to see those trails closed to summer motorized use, except in those areas where the trail coincides with an established two track. (Wyoming Outdoor Council, Lander, WY - Comment: #376, letter #19)*

*Comment: As for your three predetermined "special recreation management areas", sincere efforts must be made to insure an equitable balance of multiple use and motorized access while preserving their historic aspects and values. (Individual, Lander, WY - Comment: #413, letter #24)*

Comment: *Special Recreation Management Areas are designated to direct recreation management in a given area and must not be used as a basis for management of other resources or uses.* (Sweetwater County Conservation District, Rock Springs, WY - Comment: #492, letter #28)

Comment: *Special Recreation Management Areas are designated to direct recreation management in a given area and must not be used as a basis for management of other resources or uses.* (Wyoming Coalition of Local Governments - Comment: #591, letter #29)

## 1.96 Primary Topic: Special designations

**Summary:** Comments suggest BLM should follow the Land Use Planning Guidance when making special designations, should restrict special designation areas, and want BLM to share the analysis information with Cooperating Agencies prior to alternative development.

Comment: *Special Designations: Special designation decisions identified must be made during the land use planning process when the BLM anticipates it may authorized or allow uses which could disqualify inventoried resource values from designation.* (BLM Handbook H-1601-1, Appendix C, p. 1, 1.III) (National Outdoor Leadership School, Lander, WY - Comment: #121, letter #16)

Comment: *No special designations that would prevent a full range of vegetative treatment should be considered on areas where the habitats and watersheds are not fully functional.* (Sweetwater County Conservation District, Rock Springs, WY - Comment: #504, letter #28)

Comment: *All analysis supporting the creation of special management designations must be made available to cooperating agencies prior to the development on the alternatives. This information must be presented in EIS/RMP drafts for public comment.* (Sweetwater County Conservation District, Rock Springs, WY - Comment: #535, letter #28)

Comment: *No special designations that would prevent a full range of vegetative treatment should be considered on areas where the habitats and watersheds are not fully functional.* (Wyoming Coalition of Local Governments - Comment: #603, letter #29)

Comment: *All analysis supporting the creation of special management designations must be made available to cooperating agencies prior to the development on the alternatives. This information must be presented in EIS/RMP drafts for public comment.* (Wyoming Coalition of Local Governments - Comment: #633, letter #29)

## 1.97 Primary Topic: Stipulations

**Summary:** The EIS must address exemptions and exceptions to stipulations.

Comment: *The EIS must address the issue of granting exemptions and exceptions to lease stipulations at the APD stage. At a minimum, the RMP must identify which stipulations cannot be relaxed and the specific conditions that must be met before a request to exempt or relax any of the others will be granted. In our view, relaxing environmental protections should not be allowed. All too often exemptions or exceptions are granted when a company needs "just a few more days" to complete drilling or other activities. This is not a sufficient reason in our view: the stipulations are clear and companies should be able to complete activities as agreed to, or wait a few months to complete them when resource damage is lessened. Allowing drilling to continue essentially for the convenience of a company leads to unnecessary or undue degradation. Another common*

*rationale for permitting exemptions or exceptions are claims that "game species aren't on the winter range yet" and other similar justifications. Rationales such as this are insufficient: drilling during a restricted period may prevent animals that would have moved onto the range from doing so, it may disturb and stress animals that are in areas adjacent to or nearby the area being drilled, it may concentrate animals in areas that are not being drilled, it may cause undisturbed areas to be overgrazed and degraded, etc. At a minimum, granting exceptions and exemptions to stipulations constitute Federal actions subject to NEPA; that is an EIS or EA needs to be prepared before they are granted. The public participation requirements of NEPA must be fully complied with. Even if the RMP provides guidance on the circumstances under which relaxation of environmental standards can be allowed, and such guidance was subject to NEPA (as it must be), BLM must still comply with NEPA when actual requests are made and the site-specific consequences can be analyzed. RMP level analysis supporting exemptions and exceptions is simply not site-specific enough to allow for approval of site-specific requests, and the RMP should so provide. (Wyoming Outdoor Council, Lander, WY - Comment: #253, letter #19)*

*Comment: Seasonal closures, avoidance areas and spatial buffers must provide for waivers, modifications and exception and by stipulation. The plan should clearly list the conditions under which they can be granted. These measures must also be supported by data. (Sweetwater County Conservation District, Rock Springs, WY - Comment: #446, letter #28)*

*Comment: Seasonal closures, avoidance areas and spatial buffers must provide for waivers, modifications and exception and by stipulation. The plan should clearly list the conditions under which they can be granted. These measures must also be supported by data. (Wyoming Coalition of Local Governments - Comment: #547, letter #29)*

## **1.98 Primary Topic: Stipulations, Second Topic: Minerals leasing**

**Summary:** Mineral leasing stipulations must be developed and included in the RMP, but they should not be excessive, and cumulative impacts from stipulations must be analysed.

*Comment: When considering areas available to fluid mineral development, areas open with constraints, and with severe constraints, should be considered. Such stipulations could help the BLM find compromise between developers and individuals seeking a primitive recreation experience. In general, when considering mineral development in the viewsheds surrounding the Sweetwater Rocks, the BLM should opt for a ?no surface occupancy? stipulation, or better yet, ?no leasing.? Additionally, the BLM should identify areas that might be recommended for closure as dictated by the mining law, as well as areas open to mineral materials development. (National Outdoor Leadership School, Lander, WY - Comment: #142, letter #16)*

*Comment: Furthermore, it is crucial that lease stipulations that ensure necessary protection of public lands be developed and included in the RMP for attachment to all leases. See 43 C.F.R. §§ 3101.1-2 to 3101.1-3. Non-waivable no surface occupancy stipulations should attach to leases that could threaten important wildlife habitat or use areas, water resources, recreation areas, etc., particularly if site-specific impacts are unknown or poorly known when the land is leased. All riparian and wetland areas should be subject to no surface occupancy stipulations. The RMP should adopt a prohibition against leasing in any Scenic or Recreational river corridors, or potential corridors, not just Wild river corridors, and failing that no surface occupancy stipulations should be required. ACECs should not be subject to leasing, or, at a minimum, should be subject to no surface occupancy stipulations. Archeological, paleontological, and historical resources must be adequately protected. Lease stipulations are discussed in more detail in the section below dealing with big game species. (Wyoming Outdoor Council, Lander, WY -*

Comment: #239, letter #19)

Comment: *BLM must allow leasing in all areas to the maximum extent possible without excessive stipulations that may deter the eventual development of those lease rights.*

*Cumulative impacts of stipulations on leases must be analyzed adequately so that development of leases can occur without rendering the lease uneconomic due to overlapping restrictions. (Devon Energy, Worland, WY - Comment: #3, letter #1)*

## **1.99 Primary Topic: Sweetwater watershed**

**Summary:** The Sweetwater Watershed should be a major focus of the RMP revision.

Comment: *The Sweetwater watershed must be a major focus of the RMP. This watershed contains most of the I Category allotments, most of these allotments are rated as "high" for "critical Resource Values", "high" or "extreme" for "Use Conflicts" and "high" or "extreme" for "Vegetative Resource Problems". Unfortunately, there has been little, if any, improvement in these allotments since the RMP was implemented over 20 years ago. Clearly, the system is broken. The Sweetwater watershed contains many of the Lander Field Office's most important resources, such as open space, wildlife, historic trails and riparian resources. (Western Watersheds Project, Pinedale, WY - Comment: #663, letter #27)*

## **1.100 Primary Topic: Threatened and endangered species**

**Summary:** The RMP and EIS must include Endangered Species Act provisions in the goals/objectives, including requirements for Section 7 consultation, but this should not overshadow other multiple uses. The RMP also needs to address management of the desert yellowhead.

Comment: *Several relevant provisions of the ESA that must be considered in the EIS and complied with in the RMP were mentioned above in the context of ACECs. Of course, the Section 7 "duty to ensure" listed species are not jeopardized, the duty to ensure critical habitat is not destroyed or adversely modified, and the duty to proactively seek to conserve listed species, apply to all management actions. These requirements can be furthered if the RMP: (1) adopts strong provisions for the protection and conservation of listed species, and (2) adopts measurable objectives for upward population trends for all listed species present or likely to be present in the RMP area. For example, the RMP should comply with and seek to implement any recovery plans and/or biological opinions applicable to listed species in the planning area. (Wyoming Outdoor Council, Lander, WY - Comment: #310, letter #19)*

Comment: *Additionally, there are two other areas of crucial importance relative to the Section 7 "duty to ensure" that BLM must abide by to protect threatened or endangered species. First is the need to engage in careful biological assessments (BA) or other ESA-related analyses to determine if listed species in the RMP area are likely to be adversely affected by the RMP, or by actions carried out under the RMP. It is critical that only credible and reputable scientists conduct BAs and other ESA-related analyses, and BLM must ensure that this is the case by establishing criteria for the quality of BAs and other ESA-related analyses: whether prepared by/for BLM or by/for an applicant: in the RMP. BLM should monitor and enforce these requirements. This is consistent with the requirement to use the best available science established by the ESA. See, also, BLM Manual MS-1601-1 at Appendix G pages 5,13-16; BLM Manual MS-6840.2.E.2-5. Additionally, BLM sometimes has totally merged BAs with accompanying EISs, making ESA compliance totally indistinguishable from NEPA compliance. In our view this is*

*inappropriate because the substantive requirements of the ESA (imposing mandatory duty to conserve listed species) cannot be met by totally merging them with the procedural requirements of NEPA (requiring analysis and disclosure of environmental impacts). The RMP should prohibit this approach and certainly it should not be utilized in the RMP EIS itself. (Wyoming Outdoor Council, Lander, WY - Comment: #311, letter #19)*

*Comment: Second is the need to engage in consultation with the Fish and Wildlife Service (the Services) relative to any listed species that occur in RMP area that may be adversely affected by the RMP or by actions authorized by the RMP or contemplated in the RMP. We believe that consultation regarding the RMP is required and should be initiated or reinitiated relative to all listed or proposed species and their critical habitat in the RMP area so as to ensure that the activities authorized or contemplated in the RMP do not jeopardize listed species or result in the destruction or adverse modification of critical habitat. Consultation should be completed and any biological opinion(s) other guidance issued by the Service adopted by BLM and made a binding part of the RMP (and activities occurring under it) prior to approval of the RMP. The RMP should establish criteria to ensure that the regulatory requirements for reinitiating consultation are complied with at the earliest possible time so as to ensure species are not jeopardized. See 50 C.F.R. § 402.16 (establishing reinitiation criteria). Moreover, the prohibition on foreclosing reasonable and prudent alternatives, as provided for in section 7(d) of the ESA, must be enforced by the RMP. These recommendations are consistent with BLM's Land Use Planning Handbook and its Special Status Species Manual. See BLM Handbook H-1601-1 at Appendix C Page 5-7; Id. at Appendix G; BLM Manual MS-6840.2.E. (Wyoming Outdoor Council, Lander, WY - Comment: #312, letter #19)*

*Comment: BLM's planning handbook requires that a result of consultation/conferencing and the planning process itself must be the establishment of "conservation elements" that are presented in the RMP. See BLM Handbook H-1601-1 at Appendix G page 5. It is imperative that these elements take account of all critical life stages (e.g., juveniles vs. adults) and ecological needs (e.g., breeding, feeding, shelter and cover) for all proposed and listed species, including ensuring protection of important habitat for these species. (Wyoming Outdoor Council, Lander, WY - Comment: #313, letter #19)*

*Comment: For years Center for Native Ecosystems and Biodiversity Conservation Alliance have been trying to persuade the BLM to meet its obligations to conserve the Threatened desert yellowhead (*Yermo xanthocephalus*), but there are many promised actions that the BLM has yet to undertake. Management of the desert yellowhead should be carefully addressed in the RMP revision. (Wyoming Outdoor Council, Lander, WY - Comment: #323, letter #19)*

*Comment: One of the main commitments that the BLM made in the Biological Assessment that the U.S. Fish and Wildlife Service relied on when issuing its Biological Opinion on the existing Lander RMP was that the entire critical habitat area would be withdrawn from mineral location and entry, but this has not yet occurred. The Service's consultation letter dated June 7, 2005 stated, "Processes to complete the withdrawal of this site are expected to be finalized December 2005" (p. vi). The Service concluded: Based on the Bureau's description of the Energy and Minerals program and the Bureau's commitment to conservation measures listed in the Appendix such as the Bureau's prohibition of surface disturbing activities and the Bureau's commitment to withdraw the desert yellowhead site from locatable mineral entry, the Service concurs that Bureau activities under the energy and minerals program are not likely to adversely affect the desert yellowhead or its designated critical habitat. (pp. vii-viii) Because the BLM has failed to meet this commitment, it should reconult on the impacts of the Energy and Minerals Management program, and may currently be in violation of the Endangered Species Act. (Wyoming Outdoor Council, Lander, WY - Comment: #324, letter #19)*

*Comment: The Service also based the conclusions of the Biological Opinion on the assumption that the emergency road closure instituted in 2005 would become permanent: Based on the*

*Bureau's description of the Off-Road Vehicle program, the Bureau's March 16, 2005 road closure of the area to ORV use, and the Bureau's conservation measures to protect the desert yellowhead population, the Service concurs that Bureau activities under this program are not likely to adversely affect the desert yellowhead designated critical habitat. The Service understands that this was an emergency road closure on the part of the Bureau. The Service has based its concurrence on the likelihood that this closure will remain in effect throughout the life of the Lander RMP. (p. xxi) (Wyoming Outdoor Council, Lander, WY - Comment: #325, letter #19)*

*Comment: The Service also based the conclusions of the Biological Opinion on the assumption that the emergency road closure instituted in 2005 would become permanent: Based on the Bureau's description of the Off-Road Vehicle program, the Bureau's March 16, 2005 road closure of the area to ORV use, and the Bureau's conservation measures to protect the desert yellowhead population, the Service concurs that Bureau activities under this program are not likely to adversely affect the desert yellowhead designated critical habitat. The Service understands that this was an emergency road closure on the part of the Bureau. The Service has based its concurrence on the likelihood that this closure will remain in effect throughout the life of the Lander RMP. (p. xxi) The Biological Opinion also stated, "The Service recommends that the Bureau maintain the road closure for the desert yellowhead site indefinitely" (p. 10). The BLM should ensure that the RMP revision closes roads and ORV use in the desert yellowhead's critical habitat permanently. All of the "Conservation Measures Committed to by the Bureau" (p. 14) in the Biological Opinion should be fully incorporated in the RMP revision. For example, we are uncertain whether this measure has been implemented: The Bureau will work with all interested parties in the development and implementation of a monitoring plan for the desert yellowhead and its designated critical habitat. The plan will include regular patrol of the site for unlawful uses of the land, and the monitoring of invasive weed populations. This plan will also include, but is not limited to, the inventory and monitoring of all vehicle access to the area for the purpose of restricting access of vehicles that pose a threat to the desert yellowhead population. (p. 14) Monitoring for compliance with ORV closures, and for potential impacts of livestock grazing, should be included in the RMP revision. Since consultation occurred in 2005, renewed interest in uranium has surfaced. The BLM should ensure that mineral withdrawal happens as quickly as possible, and the agency may need to reconsult with the Service based on this newly emergent threat. (Wyoming Outdoor Council, Lander, WY - Comment: #326, letter #19)*

*Comment: In 2000 the BLM completed a draft Conservation Agreement, Assessment and Strategy for the desert yellowhead that, to our knowledge, has yet to be finalized and adopted. We also are not aware of any work that has been done to convene a recovery team or adopt a recovery plan for this species. The BLM and Service should take these actions as soon as possible so that the RMP revision may incorporate strategies from both the BLM's own plan and from the official recovery plan. We remain concerned that the BLM has not fully met its Endangered Species Act obligations to the desert yellowhead. RMP revision provides a vehicle for the BLM to rectify this. (Wyoming Outdoor Council, Lander, WY - Comment: #327, letter #19)*

*Comment: As required by the ESA, BLM should seek to conserve the ecosystems upon which endangered and threatened species depend on in the RMP area. (Wyoming Outdoor Council, Lander, WY - Comment: #345, letter #19)*

*Comment: As for "special status species", if you are referring to sage grouse for example, action needs to be taken to insure that concern for them does not overshadow all other multiple uses to the point of exclusion. Adaptability, evolution and survival of the fittest are natural processes that should and will run their courses inspite of well intentioned but often misguided attempts at manipulation (Individual, Lander, WY - Comment: #416, letter #24)*

## **1.101 Primary Topic: Travel management**

**Summary:** A comprehensive travel management plan should consider all types of use and conditions of travel across BLM lands and be part of the RMP or developed within 5 years of the RMP.

*Comment: Travel Management deserves careful consideration, and the BLM should look at which areas are open or closed to motorized use. The Lander field office should keep in mind that "Comprehensive travel management planning should address all resource use aspects (such as recreational, casual, agricultural, commercial, and educational) and accompanying modes and conditions of travel on the public lands, not just motorized or off-highway vehicle activities." (BLM Handbook H-1601-1, Appendix C, II.D. p. 17) (National Outdoor Leadership School, Lander, WY - Comment: #126, letter #16)*

*Comment: The new plan should include specific road designations for areas open to motorized use. (National Outdoor Leadership School, Lander, WY - Comment: #127, letter #16)*

*Comment: The RMP should include a detailed travel management plan or set an explicit timeline for creating a detailed travel management plan. The travel management plan should limit total miles of roads to reduce habitat fragmentation, limit motorized travel to designated roads and trails, and should detail enforceable penalties for violations. (Wyoming Game and Fish, Cheyenne, WY - Comment: #181, letter #18)*

*Comment: Finally, Western can assist BLM in its travel management plan development. We have geographic data available that show the location of our transmission lines and access routes used by us. We typically conduct our own road maintenance activities. We also can work with your office to identify areas where gates or other types of barriers can be used to restrict access. (Western Area Power Administration, Lakewood, CO - Comment: #401, letter #20)*

*Comment: Rights of access to private and state lands should be respected. (Sweetwater County Conservation District, Rock Springs, WY - Comment: #472, letter #28)*

*Comment: The plan must make clear that management actions apply only to BLM administered roads and trails. Further it must provide that any road or trail related management must be coordinated with the appropriate county. (Sweetwater County Conservation District, Rock Springs, WY - Comment: #496, letter #28)*

*Comment: County roads and all known existing roads regardless of claimed ownership must be displayed on maps in the RMP/EIS. (Sweetwater County Conservation District, Rock Springs, WY - Comment: #497, letter #28)*

*Comment: If a transportation plan is not included in the RMP, such plan must be developed within five years of the plan implementation (Sweetwater County Conservation District, Rock Springs, WY - Comment: #498, letter #28)*

*Comment: Plan must provide for reasonable access across public lands to landlocked private and state lands. (Sweetwater County Conservation District, Rock Springs, WY - Comment: #499, letter #28)*

*Comment: Proposals for development projects must include a transportation plans that clearly identify road ownership, standards to which roads will be constructed or improved, plans for dust control and disposition of the road at the end of the project. (Sweetwater County Conservation District, Rock Springs, WY - Comment: #500, letter #28)*

*Comment: Road ownership issues must be resolved before transportation planning in order to limit confusion and future litigation. (Sweetwater County Conservation District, Rock Springs, WY - Comment: #501, letter #28)*

*Comment: Rights of access to private and state lands should be respected. (Wyoming Coalition of Local Governments - Comment: #571, letter #29)*

Comment: *The plan must make clear that management actions apply only to BLM administered roads and trails. Further it must provide that any road or trail related management must be coordinated with the appropriate county.* (Wyoming Coalition of Local Governments - Comment: #595, letter #29)

Comment: *County roads and all known existing roads regardless of claimed ownership must be displayed on maps in the RMP/EIS.* (Wyoming Coalition of Local Governments - Comment: #596, letter #29)

Comment: *If a transportation plan is not included in the RMP, such plan must be developed within five years of the plan implementation.* (Wyoming Coalition of Local Governments - Comment: #597, letter #29)

Comment: *Plan must provide for reasonable access across public lands to landlocked private and state lands.* (Wyoming Coalition of Local Governments - Comment: #598, letter #29)

Comment: *Proposals for development projects must include a transportation plans that clearly identify road ownership, standards to which roads will be constructed or improved, plans for dust control and disposition of the road at the end of the project.* (Wyoming Coalition of Local Governments - Comment: #599, letter #29)

Comment: *Road ownership issues must be resolved before transportation planning in order to limit confusion and future litigation.* (Wyoming Coalition of Local Governments - Comment: #600, letter #29)

## **1.102 Primary Topic: Travel management, Second Topic: Land tenure**

**Summary:** The BLM should consider acquisition of lands for key travel management access points.

Comment: *NOLS encourages the Lander BLM office to pursue options that might secure public access to the Sweetwater Rocks Wilderness Study Areas.* (National Outdoor Leadership School, Lander, WY - Comment: #128, letter #16)

Comment: *NOLS encourages the BLM to look carefully at access points when choosing land for potential acquisition. Though our access is still good, Split Rock is inaccessible to us in the fall due to hunting priorities for the rancher there. The back side of Lankin Dome is closed to the public in the spring due to calving (Incidentally, the signage closing calving grounds during calving season are confusing and should be improved). In general, the RMP should consider potential easements or parcels for acquisition in places where public access to Split Rock and the Lankin Dome is currently problematic.* (National Outdoor Leadership School, Lander, WY - Comment: #129, letter #16)

## **1.103 Primary Topic: Travel management, Second Topic: Wildlife**

**Summary:** The EIS and RMP should address the effects of roads on aquatic and wildlife resources.

Comment: *The effect of roads on aquatic and wildlife resources is a concern. Road management should be addressed in the RMP, particularly in reference to identifying best management*

*practices that reduce erosion and surface runoff resulting from road construction. For example, the RMP should address the issue of roads in the floodplain. Where streams must be crossed, best management practices should be employed to maintain stream equilibrium upstream and downstream of a crossing.* (Wyoming Game and Fish, Cheyenne, WY - Comment: #180, letter #18)

## **1.104 Primary Topic: Unnecessary/Undue degradation**

**Summary:** BLM should not allow unnecessary or undue degradation to public lands.

Comment: *"IN MANAGING THE PUBLIC LANDS THE SECRETARY SHALL, BY REGULATION OR OTHERWISE, TAKE ANY ACTION NECESSARY TO PREVENT UNNECESSARY OR UNDUE DEGRADATION OF THE LANDS"* This provision from the FLPMA is a mandatory requirement applicable to all resource uses and decisions affecting BLM lands. 43 U.S.C. § 1732(b). Consequently, it must serve as a bedrock for all analyses in the EIS, and activities undertaken pursuant to the RMP. It is crucial to recognize that unnecessary or undue degradation must be prevented; the RMP must provide that both prongs of this standard are met. Clearly, the BLM bears a heavy responsibility before it can authorize activities that may degrade the public lands. (Wyoming Outdoor Council, Lander, WY - Comment: #211, letter #19)

Comment: *We urge BLM not to define "unnecessary or undue degradation" by default, in a negative fashion. In the context of oil and gas development, we specifically recommend that BLM reject the position that because regulations provide that an oil and gas lease conveys the right to "use so much of the leased lands as is necessary to explore for, drill for . . . and dispose of all of the leased resource . . ." essentially anything an oil and gas lessee proposes to do to develop a lease is "necessary" or "due" and therefore any resulting degradation of the public lands is not "unnecessary" or "undue." See 43 C.F.R. § 3101.1-2. Instead, we urge BLM to require, in a direct and positive fashion, that oil and gas development not cause unnecessary or undue degradation, and to ensure that this is the case. The confusing, circuitous approach of defining unnecessary or undue degradation by default leads, for example, to an improper failure to require directional and horizontal drilling technologies, which may not be a lessee's first choice, but which will still allow development of a leasehold but with far less degradation of the public lands, which is what BLM must concern itself with. Given the direct, unambiguous command from Congress to do whatever is necessary to prevent unnecessary or undue degradation, the RMP should define, and prevent, unnecessary or undue degradation in an equally direct, positive fashion.* (Wyoming Outdoor Council, Lander, WY - Comment: #212, letter #19)

Comment: *This view of the proper interpretation of the "UUD" clause is supported by the court's decision in Mineral Policy Center v. Norton, 292 F.Supp.2d 30 (D.D.C 2003), which in no way countenanced a negative definition of unnecessary or undue degradation arrived at by default, but rather recognized it as a direct command from Congress to prevent such degradation. Nor did the court permit BLM to adopt a unitary view of the UUD clause: it creates two distinct mandatory obligations. The court determined unequivocally that the requirement to prevent unnecessary or undue degradation imposes dual requirements on BLM; it must prevent both unnecessary degradation as well as undue degradation. 292 F.Supp.2d at 42. We would also note that this decision stands as the final word as to what this term means: the Department of the Interior did not appeal this decision, and thus it is the final word of the court. Addressing this dual requirement, the court made plain that "Congress's intent was clear: Interior is to prevent, not only unnecessary degradation, but also degradation that, while necessary to mining, is undue or excessive." Id. That is, while unnecessary degradation may only prevent activities that are not generally recognized or used to pursue mining operations, the undue degradation prohibition establishes a further requirement to prevent activities that would unduly harm or degrade the*

*public lands. As stated by the court, "FLPMA, by its plain terms, vests the Secretary of the Interior with the authority: and indeed the obligation: to disapprove of an otherwise permissible mining operation because the operation, though necessary for mining, would unduly harm or degrade the public land." Id. BLM should address and define the UUD clause in the RMP and the EIS in a manner consistent with the Mineral Policy Center court's views. (Wyoming Outdoor Council, Lander, WY - Comment: #213, letter #19)*

*Comment: No unnecessary or undue degradation of the public lands can be allowed. 43 U.S.C. § 1732(b). (Wyoming Outdoor Council, Lander, WY - Comment: #349, letter #19)*

## **1.105 Primary Topic: Utility corridors**

**Summary:** BLM should be consistent with adjacent field offices when designating utility corridors, take care when designating new corridors that they don't conflict with sensitive areas, and use data from power companies when mapping existing utility corridors.

*Comment: ). Transmission Corridors are a growing issue around the west. This RMP should avoid locating transmission corridors in or around ACEC's, crucial wildlife habitat, and WSA's. An example of an area that should be avoided is the area around the proposed South Pass Historic Landscape and the South Pass area itself. (Wyoming Outdoor Council, Lander, WY - Comment: #365, letter #19)*

*Comment: Western is aware that any decision affecting public lands may likewise affect Western's ability to ensure the safe and reliable operation of the Federal power transmission system. Therefore, Western is writing at this time to ensure that BLM is aware of and includes Western's transmission lines in its planning effort. Western requests that any new land use decisions be made in the context of current land uses and that travel management plans, which typically create restrictions to vehicular travel and/or limit access, not be used to impede or hamper legitimate uses of the public lands. (Western Area Power Administration, Lakewood, CO - Comment: #398, letter #20)*

*Comment: Western believes the planned RMP revision and associated EIS provide opportunities for BLM to recognize Western's transmission facilities as existing rights-of-way and/or utility corridors. In addition, Western is asking BLM to specifically address these facilities in the EIS and provide management prescriptions for them, including possible upgrades of exiting facilities, construction of new facilities, and continuous access to conduct operation and maintenance activities on these facilities. (Western Area Power Administration, Lakewood, CO - Comment: #399, letter #20)*

*Comment: Since the facilities identified above traverse public lands administered by other BLM field offices, Western is concerned that decisions made by the Lander Field Office be consistent with adjacent field offices. We request that decisions related to our facilities be seamless from one local office to the next and that local solutions be integrated as a whole for linear rights-of-way or utility corridors that traverse more than one administrative jurisdiction. The problem is a real one when different field offices do not recognize and manage a transmission line corridor consistently from one jurisdiction to another. (Western Area Power Administration, Lakewood, CO - Comment: #400, letter #20)*

*Comment: Existing utility corridors (e.g. Jeffrey City) should be used for new power transmission lines and pipelines. New utility corridors should not be allowed in an area necessary to protect a South Pass National Historic Landscape. (Individual - Comment: #434, letter #26)*

## **1.106 Primary Topic: VRM**

**Summary:** The BLM needs to completely update Visual Resource Management classifications throughout the planning area following planning and VRM guidance, and analyse them in the EIS.

Comment: *Complete decisions on VRM classifications FO-wide.* (Individual, Lander, WY - Comment: #50, letter #12)

Comment: *While the Visual Resources surrounding Sweetwater Rocks are relatively intact and impressive, the current management status does not go far enough. As a result, possible threats to existing viewsheds are a concern to us. Currently, the spatial arrangement of viewshed management classes is incongruous, with Class 1 viewsheds abutting Class 4 viewsheds. NOLS encourages the BLM to consider recreation viewsheds.* (National Outdoor Leadership School, Lander, WY - Comment: #130, letter #16)

Comment: *It is BLM policy that visual resource management (VRM) classes are assigned to all public lands as part of the Record of Decision for RMPs. The objective of this policy is to "manage public lands in a manner which will protect the quality of the scenic (visual) values of these lands." BLM Manual MS-8400.02. Under the authority of FLPMA, the BLM must prepare and maintain on a continuing basis an inventory of visual values for each RMP effort. 43 U.S.C. § 1701; BLM Manual MS-8400.06. In addition, NEPA requires that measures be taken to "... assure for all Americans ... aesthetically pleasing surroundings." Once established, VRM objectives are as binding as any other resource objectives, and no action may be taken unless the VRM objectives can be met. See IBLA 98-144, 98-168, 98-207 (1998). The RMP must make clear that compliance with VRM classes is not discretionary.* (Wyoming Outdoor Council, Lander, WY - Comment: #288, letter #19)

Comment: *In order to comply with the laws and regulations, the visual qualities of all lands within the RMP area must be inventoried, and VRM classifications for such lands must be analyzed in the EIS. We submit that all areas with wilderness qualities, whether citizen-proposed or otherwise, must be designated as VRM I "to preserve the existing character of the landscape." This would also be true for any visual ACECs identified during the RMP revision process. Visual sensitivity within these areas is very high; the visual quality of these areas is of deep concern to thousands of individuals and local and national organizations; and any action that would impact visual resources within these areas would be extremely controversial and typically unnecessary or undue.* (Wyoming Outdoor Council, Lander, WY - Comment: #289, letter #19)

Comment: *The visual resource management classifications for public land landscapes need to be updated as part of the RMP revision. Management prescriptions should not only address protection during new development activities but restoration/reclamation/mitigation of impacts from past activities.* (Individual - Comment: #436, letter #26)

Comment: *The assignment of a VRM class must be based on the on-site inventory, the resource use allocations made in the RMP, as well as adjoining landownership, current use and existing leases and other property rights.* (Sweetwater County Conservation District, Rock Springs, WY - Comment: #511, letter #28)

Comment: *Definitions of VRM classes and their appropriate application must be taken from existing visual guidelines.* (Sweetwater County Conservation District, Rock Springs, WY - Comment: #512, letter #28)

Comment: *A VRM Class I should not be placed over a Wilderness Study Area as it is not consistent with provisions of the Interim Management Plan for such areas.* (Sweetwater County Conservation District, Rock Springs, WY - Comment: #513, letter #28)

Comment: *A VRM Class I or II must not be designated over areas with existing oil and gas leases unless such designation is already reflected in the current lease stipulations.* (Sweetwater County

Conservation District, Rock Springs, WY - Comment: #514, letter #28)

Comment: *The assignment of a VRM class must be based on the on-site inventory, the resource use allocations made in the RMP, as well as adjoining landownership, current use and existing leases and other property rights.* (Wyoming Coalition of Local Governments - Comment: #610, letter #29)

Comment: *Definitions of VRM classes and their appropriate application must be taken from existing visual guidelines.* (Wyoming Coalition of Local Governments - Comment: #611, letter #29)

Comment: *A VRM Class I should not be placed over a Wilderness Study Area as it is not consistent with provisions of the Interim Management Plan for such areas. A VRM Class I or II must not be designated over areas with existing oil and gas leases unless such designation is already reflected in the current lease stipulations.* (Wyoming Coalition of Local Governments - Comment: #612, letter #29)

### **1.107 Primary Topic: VRM, Second Topic: Oil and gas**

**Summary:** Any area not currently under oil and gas development should be classified as VRM class II.

Comment: *Oil and gas development severely degrades the visual quality of an area. We submit that all areas not currently being developed for oil and gas production should be classified as at least VRM II, in order to "retain the existing character of the landscape." The fact that development has occurred in the past, however, should not limit VRM classifications. Indeed, BLM objectives for visual resource classes contemplate rehabilitating such areas in order to meet the VRM class determined through the RMP revision process. In addition, it must be noted that other management actions must reflect VRM classifications. For example, oil and gas leasing may need to be prohibited or no surface occupancy may be required so as to comply with the VRM class.* (Wyoming Outdoor Council, Lander, WY - Comment: #290, letter #19)

### **1.108 Primary Topic: VRM, Second Topic: Utility corridors**

**Summary:** The BLM needs to consider viewsheds along rights-of-way.

Comment: *Rights-of-way should also be taken into consideration when considering viewsheds. The BLM should identify "Right-of way avoidance or exclusion areas (areas to be avoided but may be available for location of right-of-ways with special stipulations and areas which are not available for location of right-of-ways under any conditions). (see 43 CFR 2806)." (BLM Handbook H-1601-1, Appendix C, II.E.7. p. 21) A right-of-way corridor running through a Class I or Class II viewshed could dramatically affect the appearance of the land.* (National Outdoor Leadership School, Lander, WY - Comment: #132, letter #16)

### **1.109 Primary Topic: Vegetation**

**Summary:** The RMP should include goals/objectives for restoring, protecting, and improving native and special status plan species. Also, the BLM should manage for foraging livestock as well as wildlife, and allow treatment and surface disturbances in sensitive plant species areas when activities wouldn't adversely affect plants.

*Comment: The flip side of preventing invasive species from becoming established is protecting native plant species and communities, especially rare and special status species. The BLM should conduct surveys to determine the location and characteristics of native plant communities and rare or special status species. The survey results should be presented in the EIS, and the RMP should establish standards for protecting native plant communities and rare or special status species. BLM's grazing regulations and the PRIA establish that native species and plant communities are to be given preference over non-native species and communities (whether invasive or intentionally created), so the RMP should establish standards to ensure these requirements are met. To prevent invasive species dominance, and to favor native species and plant communities over non-natives, we make the following specific requests: The RMP must insure that no cross-country vehicular (motorized and bicycle) travel is allowed in known habitat or locations of sensitive plant species. The RMP must not allow surface disturbing activities in threatened, endangered or sensitive plant species habitat. The RMP must target areas with threatened, endangered, or sensitive plants for noxious weed control activities as a first priority. The RMP must exclude areas with threatened, endangered, or sensitive plants from fuelwood cutting areas. BLM must review grazing allotments and address the protection of areas with threatened, endangered, or sensitive plants species. The RMP must not permit communication sites, oil and gas drilling pads, utility rights-of-way, and road rights-of-way in known areas with special status species populations. BLM must augment law enforcement personnel and field staff, and instruct them to concentrate efforts in areas with special status species habitat in order to curb noncompliance activities and protect sensitive species from irreversible impacts. The RMP must not allow reseeding (particularly with non-native species) or surface-disturbing restoration after fires in areas with special status plant species, as the natural diversity and vegetation structure must be allowed to provide regeneration. BLM must survey the planning area to document all "relict" or undisturbed plant communities: areas that have persisted despite the warming and drying of the interior west over the last several thousand years, or have not been influenced by settlement and post-settlement activities (livestock grazing, roads, energy development). These are unique areas that can be used as a baseline for gauging impacts occurring elsewhere in the planning area. The RMP should provide that relict and undisturbed plant communities must be managed for their protection; no activities that could negatively affect these communities should be allowed. Protection of riparian plant communities should receive special attention in the RMP (see section on riparian habitat management, below), and native cottonwood and willow communities along riparian areas should be targeted for protection and reestablishment where they have been eliminated or degraded. (Wyoming Outdoor Council, Lander, WY - Comment: #277, letter #19)*

*Comment: There are a variety of vegetation restoration methods that can be used to restore and promote a natural range of native plant communities in the planning area. BLM must prohibit methods and projects that do not achieve the objective of restoring and promoting a natural range of native plant communities. Consequently, we believe BLM should establish the following standards in the RMP: Chaining, roller-chopping, or similar methods of vegetation manipulation must be prohibited due to the widespread disturbance they cause. Livestock must be excluded from a restoration/revegetation site for enough time to document that the restoration is successful. Although control of noxious weed species is a priority, chemical treatments of noxious weed species should be used only if damage to other resources in the area is significant, imminent and certain, and if damage to other resources (e.g., the damage to native species) is determined to be of less significance than the noxious weed problem. Other means of noxious weed control should be given first priority. BLM must prioritize areas for which fire could improve the vegetation communities and then allow natural fires to burn in these areas (see section on fire policy, below). BLM must establish monitoring plots to determine the effectiveness of the treatments used for invasive plant control and to provide baseline data of overall change in conditions. Fuelwood harvesting must be carefully regulated, and should be*

*concentrated in areas that have already been disturbed.* (Wyoming Outdoor Council, Lander, WY - Comment: #278, letter #19)

*Comment: The plan should provide for access and adequate vegetative treatment to meet the need for vegetation and habitat restoration and improvements contemplated in the various conservation initiatives currently being proposed such as the Wyoming Landscape Conservation Initiative.* (Sweetwater County Conservation District, Rock Springs, WY - Comment: #503, letter #28)

*Comment: Activities such as surface disturbance, vegetative treatments, range and habitat improvements, chemical treatments and fire suppression should be permitted in potential or occupied sensitive species habitat when it can be demonstrated that the proposed action would not adversely affect the plants.* (Sweetwater County Conservation District, Rock Springs, WY - Comment: #507, letter #28)

*Comment: The plan must provide that vegetation be managed for livestock as well as wildlife.* (Sweetwater County Conservation District, Rock Springs, WY - Comment: #508, letter #28)

*Comment: The plan should provide for access and adequate vegetative treatment to meet the need for vegetation and habitat restoration and improvements contemplated in the various conservation initiatives currently being proposed such as the Wyoming Landscape Conservation Initiative.* (Wyoming Coalition of Local Governments - Comment: #602, letter #29)

*Comment: Activities such as surface disturbance, vegetative treatments, range and habitat improvements, chemical treatments and fire suppression should be permitted in potential or occupied sensitive species habitat when it can be demonstrated that the proposed action would not adversely affect the plants.* (Wyoming Coalition of Local Governments - Comment: #606, letter #29)

*Comment: The plan must provide that vegetation be managed for livestock as well as wildlife.* (Wyoming Coalition of Local Governments - Comment: #607, letter #29)

## **1.110 Primary Topic: Vegetation, Second Topic: Science/Studies**

**Summary:** All grazing decisions need to be based on solid science and studies, and commentors cited/summarized some specific studies.

*Comment: The need for reductions in forage use must be supported by scientific and verifiable analysis, such as monitoring data, and identify species creating the impact. Reduction must be applied to the species creating the impact.* (Sweetwater County Conservation District, Rock Springs, WY - Comment: #509, letter #28)

*Comment: The need for reductions in forage use must be supported by scientific and verifiable analysis, such as monitoring data, and identify species creating the impact. Reduction must be applied to the species creating the impact.* (Wyoming Coalition of Local Governments - Comment: #608, letter #29)

*Comment: Grazing and rest requirements for key species of grass can be critical. Native cool-season perennial bunchgrasses can be very sensitive to defoliation and growing season use. For example, Anderson (Anderson, Loren D. 1991. Bluebunch wheatgrass defoliation, effects and recovery - A Review. BLM Technical Bulletin 91-2, Bureau of Land Management, Idaho State Office) stated in regards to bluebunch wheatgrass, "Effects of growing season defoliation injury are well documented: basal area, stem numbers and both root and forage yields are reduced and mortality can be high. & Defoliation to very short stubble heights during the boot stage has been*

*reported to essentially eliminate plants within as few as three years. & Vigor recovery has been found to require most of a decade, even with complete protection from grazing." The author went on to describe experiments in which a single clipping of the grass during the growing season produced 43% less herbage and 95% fewer flower stalks the following year than unclipped plants. Under a deferred system in eastern Oregon, it was reported that bluebunch wheatgrass could not be maintained at 30 - 40% use in the boot stage (early June). A one time removal of 50% of the shoot system during active growth may require six years' rest even in an area with 17" precipitation (Mueggler, W.F. 1975. Rate and pattern of vigor recovery in Idaho fescue and Bluebunch wheatgrass. Journal of Range Management 28(3):198-204). Anderson (1991) also makes the point regarding bluebunch wheatgrass that, "The belief that range improvement will occur after one or two years of rest following a single season of more than ~light' use during the growing season is erroneous." Mueggler (1975) also determined that Idaho fescue of moderately low vigor required 3 years of rest for recovery and that plants of bluebunch wheatgrass and Idaho fescue in very low vigor may require 8 years and 6 years of rest, respectively for recovery. BLM failed to consider the recovery, growth and maintenance requirements for these sensitive native grasses. (Western Watersheds Project, Pinedale, WY - Comment: #679, letter #27)*

### 1.111 Primary Topic: Water

**Summary:** The RMP should comply with all provisions of the Clean Water Act and include them as goals/objectives. BLM should also change their water discharge policy to allow disposal of produced water onto public lands. The RMP should include management actions that allow construction and development in flood plains, and full use and protection of existing water rights.

*Comment: The CWA establishes many requirements that BLM must adhere to in the RMP. It is imperative that BLM insure that waters on its lands comply with State water quality standards. It is critical to recognize that State water quality standards "serve the purposes" of the CWA, which, among other things, is to "restore and maintain the chemical, physical, and biological integrity of the Nation's waters. . ." 33 U.S.C. §§ 1313(c)(2)(A), §1251(a). That is, a purpose of water quality standards is to protect aquatic ecosystems, and BLM must ensure this comprehensive objective is met by ensuring water quality standards are complied with. Water quality standards are typically composed of numeric standards, narrative standards, designated uses, and an antidegradation policy. Sometimes, however, only numeric standards are viewed as "water quality standards." That narrow view is incorrect. The Supreme Court held in PUD No. 1 of Jefferson County v. Washington Dep't of Ecology, 511 U.S. 700 (1994), that all components of water quality standards are enforceable limits. Consequently, the RMP must ensure all components of State water quality standards are met, not just numeric standards. (Wyoming Outdoor Council, Lander, WY - Comment: #228, letter #19)*

*Comment: Adopting this legally sanctioned view of water quality standards is important. For example, a typical designated use for a stream might state that the stream is "protected for cold water species of game fish and other cold water aquatic life, including necessary organisms in their food chain." Designated uses of this sort encompass a far more holistic, ecosystem-based view than focusing on, say, the concentration of chloride in the stream (a numeric standard). Consequently, the RMP should provide that designated uses be fully achieved, and if they are not, require prompt management changes even if numeric standards are otherwise being met. Similarly, narrative standards can often embody a better ecological synthesis than numeric standards, and thus BLM should ensure that they too are achieved. For example, a State's narrative standard might make it illegal to contaminate a stream with "floating materials or scum that create objectionable odors or cause undesirable aquatic plant growth." If the State water quality standards applicable to the RMP area have made narrative provisions a component of water quality standards, the RMP should ensure these narrative standards are fully met, and*

*modify management where they are not.* (Wyoming Outdoor Council, Lander, WY - Comment: #229, letter #19)

*Comment: The State's antidegradation policy is also a critical component of water quality standards. See 40 C.F.R. § 131.12 and applicable State regulations. Of particular significance are Outstanding National Resource waters, where water quality must be maintained and protected. 40 C.F.R. §131.12(a)(3). Outstanding National Resource waters are waters that "constitute an outstanding National resource, such as waters of National and State parks and wildlife refuges and waters of exceptional recreational or ecological significance . . ." Id. (emphasis added). While States designate Outstanding National Resource waters, the Clean Water Action Plan makes it appropriate for BLM to identify waters that should be fully protected by this designation during its planning process, and to make recommendations to the State and EPA accordingly.* (Wyoming Outdoor Council, Lander, WY - Comment: #230, letter #19)

*Comment: In addition to the antidegradation policy's protections for waters that are meeting water quality standards, where State water quality standards have not been achieved despite implementation of point source pollution controls, section 303(d) of the CWA requires a State to develop a list of those still-impaired waters, with a priority ranking, and to set total maximum daily loads (TMDLs) of pollutants for the stream "at a level necessary to implement the applicable water quality standards. . . ." 33 U.S.C. §1313(d)(1)(C). Consequently, to the extent waters within the BLM's jurisdiction have been identified as water quality impaired segments, or contribute stream flow to such segments, the RMP should include affirmative steps toward reducing that impaired status, regardless of whether the State has made a specific allocation of pollutant load to BLM lands at the time the RMP is prepared. If any specific load allocation has been made by the State for activities on BLM lands, BLM should obviously ensure that these are complied with.* (Wyoming Outdoor Council, Lander, WY - Comment: #231, letter #19)

*Comment: The RMP should ensure full compliance with sections 401 and 404 of the CWA. Section 401 requires State certification of compliance with State water quality standards prior to authorization of certain actions on BLM lands. 33 U.S.C. § 1341. The RMP should fully implement this requirement. Section 404 requires permits before discharges of dredged or fill material can be made into navigable waters, and BLM, through the RMP, should assist the EPA and Army Corps of Engineers with implementation and enforcement of this requirement, which, of course, is a powerful means for the protection of wetlands. See 33 U.S.C. § 1344.* (Wyoming Outdoor Council, Lander, WY - Comment: #232, letter #19)

*Comment: As required by the Clean Water Act, BLM should seek to restore and maintain the chemical, physical, and biological integrity of all waters in the RMP area. Additionally, the plan should seek to eliminate the discharge of pollutants into waters in the RMP area, "provide for the protection and propagation of fish, shellfish, and wildlife," and provide for "recreation in and on the water[s]" in the RMP area. 33 U.S.C. § 1251(a)(1)-(2).* (Wyoming Outdoor Council, Lander, WY - Comment: #346, letter #19)

*Comment: The RMP revision should identify and recommend in-stream flow needs for river reaches on public lands that BLM should then work with the State of Wyoming to implement those recommendations. An example would be the public land reaches of the Sweetwater River. This effort should be coordinated with the Rock Springs Field Offices as they also administer important reaches of this important river system.* (Individual - Comment: #437, letter #26)

*Comment: If BLM is to continue its policy of prohibiting the disposal of produced water on public lands then areas of public land suitable for such activity should be identified as suitable for disposal under the Recreation and Public Purposes Act (RPPA). Currently BLM is forcing such disposal onto private lands, which due to historical settlement patterns, are near municipalities, residential areas or riparian areas. BLM policy places a disproportionate burden on the relatively small percent of private lands within the county. It also increases environmental impacts related to the travel to transport the liquids to the off-site disposal.* (Sweetwater County

Conservation District, Rock Springs, WY - Comment: #467, letter #28)

Comment: *Discharge of produced water to public lands, including stream channels and uplands should be permitted when found to be beneficial to other uses.* (Sweetwater County Conservation District, Rock Springs, WY - Comment: #517, letter #28)

Comment: *Development within the 100 year flood plain should not be prohibited if such activity can be designed so as not to interfere with the proper function of the flood plain.* (Sweetwater County Conservation District, Rock Springs, WY - Comment: #518, letter #28)

Comment: *FEMA maps should not be used to delineate the 100 year flood plain as there are often areas within these maps that have elevations above the flood plain. Alternatives should provide for identification and development of these areas if necessary. Flood plains should not be avoided when such avoidance would create additional surface disturbance.* (Sweetwater County Conservation District, Rock Springs, WY - Comment: #519, letter #28)

Comment: *No management actions should be proposed that prevent full use, protection and enjoyment of existing water rights. This includes access to points of diversion facilities and delivery systems. All access must be economically and technically feasible.* (Sweetwater County Conservation District, Rock Springs, WY - Comment: #520, letter #28)

Comment: *No management actions should be proposed that would prevent treatments to rehabilitate or enhance watersheds on which water rights exist.* (Sweetwater County Conservation District, Rock Springs, WY - Comment: #521, letter #28)

Comment: *If BLM is to continue its policy of prohibiting the disposal of produced water on public lands then areas of public land suitable for such activity should be identified as suitable for disposal under the Recreation and Public Purposes Act (RPPA). Currently BLM is forcing such disposal onto private lands, which due to historical settlement patterns, are near municipalities, residential areas or riparian areas. BLM policy places a disproportionate burden on the relatively small percent of private lands within the county. It also increases environmental impacts related to the travel to transport the liquids to the off-site disposal.* (Wyoming Coalition of Local Governments - Comment: #567, letter #29)

Comment: *Structures and facilities may be built within flood plains, wetland or riparian areas when determined that they will not adversely affect the function of the wetlands.* (Wyoming Coalition of Local Governments - Comment: #613, letter #29)

Comment: *Discharge of produced water to public lands, including stream channels and uplands should be permitted when found to be beneficial to other uses.* (Wyoming Coalition of Local Governments - Comment: #615, letter #29)

Comment: *Development within the 100 year flood plain should not be prohibited if such activity can be designed so as not to interfere with the proper function of the flood plain.* (Wyoming Coalition of Local Governments - Comment: #616, letter #29)

Comment: *FEMA maps should not be used to delineate the 100 year flood plain as there are often areas within these maps that have elevations above the flood plain. Alternatives should provide for identification and development of these areas if necessary. Flood plains should not be avoided when such avoidance would create additional surface disturbance.* (Wyoming Coalition of Local Governments - Comment: #617, letter #29)

Comment: *No management actions should be proposed that prevent full use, protection and enjoyment of existing water rights. This includes access to points of diversion facilities and delivery systems. All access must be economically and technically feasible.* (Wyoming Coalition of Local Governments - Comment: #618, letter #29)

Comment: *No management actions should be proposed that would prevent treatments to rehabilitate or enhance watersheds on which water rights exist.* (Wyoming Coalition of Local

Governments - Comment: #619, letter #29)

Comment: *The EIS and RMP must also address CWA compliance, including monitoring, anti-degradation and Class I waters issues. We are attaching a letter by Raymond Corning discussing some of these issues.* (Western Watersheds Project, Pinedale, WY - Comment: #715, letter #27)

### **1.112 Primary Topic: Weeds**

**Summary:** The RMP should comply with all executive orders, laws and regulations regarding control of invasive, non-native, noxious plant species, and weed plans should be coordinated with cooperating agencies.

Comment: *We ask that BLM ensure the RMP provides for compliance with Executive Order 13112, which established requirements and procedures Federal agencies are to adhere to relative to invasive species. Section 2 of the Executive Order requires BLM to identify actions that may affect the status of invasive species and to then: Use relevant programs and authorities to: (i) prevent the introduction of invasive species; (ii) detect and respond rapidly to and control populations of such species in a cost-effective and environmentally sound manner; (iii) monitor invasive species populations accurately and reliably; (iv) provide for restoration of native species and habitat conditions in ecosystems that have been invaded; (v) conduct research on invasive species and develop technologies to prevent introduction and provide for environmentally sound control of invasive species; and (vi) promote public education on invasive species and the means to address them . . .* (Wyoming Outdoor Council, Lander, WY - Comment: #275, letter #19)

Comment: *Just as important, the Executive Order requires BLM to "not authorize, fund, or carry out actions that it believes are likely to cause or promote the introduction or spread of invasive species in the United States or elsewhere unless, pursuant to guidelines that it has prescribed, the agency has determined and made public its determination that the benefits of such actions clearly outweigh the potential harm caused by invasive species; and that all feasible and prudent measures to minimize risk of harm will be taken in conjunction with the actions." The EIS should fully analyze the extent of the invasive species problem in this area, the causes, and options for both restoration and prevention in the future.* (Wyoming Outdoor Council, Lander, WY - Comment: #276, letter #19)

Comment: *Weed management plans must be coordinated with the county and conservation district and weed and pest boards.* (Sweetwater County Conservation District, Rock Springs, WY - Comment: #505, letter #28)

Comment: *Weed management plans must be coordinated with the county and conservation district and weed and pest boards.* (Wyoming Coalition of Local Governments - Comment: #604, letter #29)

### **1.113 Primary Topic: Weeds, Second Topic: Grazing**

**Summary:** Livestock grazing should be recognized as a method of weed control.

Comment: *Managed livestock grazing should be recognized as viable method of weed control.* (Sweetwater County Conservation District, Rock Springs, WY - Comment: #506, letter #28)

Comment: *Managed livestock grazing should be recognized as viable method of weed control.* (Wyoming Coalition of Local Governments - Comment: #605, letter #29)

## 1.114 Primary Topic: Wild and Scenic Rivers

**Summary:** The RMP should comply with National Wild and Scenic River Act provisions and all other regulations/policies for designating river segments. Comments nominated specific river segments for consideration.

Comment: *Suitability & eligibility completed by FO in 2003(?). Study should be open up for public comment and possible additions.* (Individual, Lander, WY - Comment: #57, letter #12)

Comment: *Designate Sweetwater River and tributaries within Sweetwater Canyon WSA as Wild.* (Individual, Lander, WY - Comment: #58, letter #12)

Comment: *Designate Baldwin Creek upper segment as Scenic and lower segment as Wild (may have these backwards).* (Individual, Lander, WY - Comment: #59, letter #12)

Comment: *Re-look at Warm Springs Creek (near Dubois) as both eligible/suitable as WSR due to adjacent FS recommendation of WSR status of portion within forest. BLM portion has historic flume values.* (Individual, Lander, WY - Comment: #60, letter #12)

Comment: *The Sweetwater River and the Baldwin Creek River are both eligible for special designation under the Wild and Scenic Rivers Act, and should be carefully considered. The BLM should "Assess all eligible river segments and determine which are suitable or non-suitable per Section 5(d)(1) of the Wild and Scenic Rivers Act of 1968, as amended (see BLM Manual 8351)." (BLM Handbook H-1601-1, Appendix C, III.B.2. p.27) Baldwin Creek Canyon is rugged, dramatic, and difficult to access. The Sweetwater Canyon Wilderness Study Area is a visual highlight of the historic and free-flowing Sweetwater River.* (National Outdoor Leadership School, Lander, WY - Comment: #137, letter #16)

Comment: *In formulating, analyzing, and making decisions regarding future management in the RMP area, the BLM must comply with the National Wild and Scenic Rivers Act of 1968. 16 U.S.C. §§ 1271-87. As Congress made clear, the purpose of the Act is to safeguard one of the Nation's most spectacular and critical resources: our rivers. To that end, the Act requires that rivers of the Nation which possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values, shall be preserved in free-flowing condition, and that they and their immediate environments shall be protected for the benefit and enjoyment of present and future generations.* (Wyoming Outdoor Council, Lander, WY - Comment: #281, letter #19)

Comment: *Recognizing the importance of rivers to every aspect of public land values, the Wild and Scenic Rivers Act requires the BLM, as part of its land use planning duties, to consider whether the rivers under its jurisdiction qualify for inclusion in the Wild and Scenic Rivers System. 16 U.S.C. § 1276(d); BLM Manual MS-8351 (Wild and Scenic Rivers Policy). To do this, the agency must first make a determination of which river segments are "eligible" for inclusion in the system. The agency must consider all stream segments under its jurisdiction and must recognize that all free-flowing rivers and streams with outstandingly remarkable values are eligible for Wild and Scenic River designation.* (Wyoming Outdoor Council, Lander, WY - Comment: #283, letter #19)

Comment: *Second, the BLM must determine which of the eligible segments are "suitable" for designation as Wild and Scenic Rivers. In this phase, BLM evaluates rivers eligible for inclusion in the system in terms of conflicting uses. Conflicting uses must be real and reasonably foreseeable, not theoretical or unsubstantiated. The BLM's suitability determinations must reflect that the law favors inclusion of eligible rivers in the Wild and Scenic Rivers System, as opposed to exclusion.* (Wyoming Outdoor Council, Lander, WY - Comment: #284, letter #19)

Comment: As *BLM practice makes clear, when the agency deems a river eligible for status as a Wild and Scenic River, it must manage the river to preserve its outstandingly remarkable qualities until the agency can address its suitability. In turn, once the agency determines a river is suitable, the agency must take all management steps necessary to protect the river so that Congress may have a meaningful opportunity to include the river in the Wild and Scenic Rivers System. To do otherwise would run counter to agency policy, undermine the Act, and disregard FLPMA's requirement that the BLM protect resources valuable to the American people, such as rivers that are eligible or suitable for Wild and Scenic River designation, for the benefit of future generations and without undue degradation of these resources. 43 U.S.C. § 1702(c); 43 U.S.C. § 1732(b). Additionally, BLM must reconsider rivers that have previously been inventoried to determine whether they may now possess the qualities required for designation as a Wild or Scenic River.* (Wyoming Outdoor Council, Lander, WY - Comment: #285, letter #19)

Comment: *3. Upper Baldwin Creek: Specific location of the area: This area includes the section of Baldwin Creek from the Forest boundary on the West to the boundary with private land in section 34 of township and range T33N/R101W on the east and the section of Baldwin Creek from the boundary with private land in section 34 of township and range T33N/R101W on the West to the boundary with private land on the east in section 13 of T33N/R101W. Specific values and concerns of the area: These areas provide a remote small stream environment that is becoming increasingly scarce in our area. Specific management proposals for this area: We would like to see this area given Wild and scenic River status in order to protect the remote character of this stream.* (Wyoming Outdoor Council, Lander, WY - Comment: #372, letter #19)

Comment: *No river segment should be included in the National Wild and Scenic River System unless Water is present and flowing at all times. The water-related value is considered outstandingly remarkable within the region, and that the rationale and justification for the conclusion are disclosed. BLM fully disclaims in writing any interest in water rights with respect to the subject segment. It is clearly demonstrated that including segment in the NWSR system will not prevent, reduce, impair, or otherwise interfere with the state and its citizen's enjoyment of complete and exclusive water rights in and to rivers of the state as determined by the laws of the state, nor interfere with or impair local, state, regional, or interstate water compacts to which the State or County is a party. The rationale and justification for the proposed addition, including a comparison with protections offered by other management tools, is clearly analyzed within the multiple-use mandate, and the results disclosed. It is clearly demonstrated that BLM does not intend to use such a designation to improperly impose Class I or II Visual Resource Management prescriptions. It is clearly demonstrated that the proposed addition will not adversely impact the local economy agricultural and industrial operations, outdoor recreation, water rights, water quality, water resource planning, and access to and across river corridors in both upstream and downstream directions of the proposed river segment.* (Sweetwater County Conservation District, Rock Springs, WY - Comment: #540, letter #28)

Comment: *The WSRA study for the plan must conform to all of the analytical procedures and criteria found in the DM 8351 -Wild and Scenic Rivers - Policy and Program Direction for Identification, Evaluation, and Management. Specifically there should be a separate eligibility determination with public comment. Eligibility must include potential impacts of the exercise of existing water rights on river segment. The second phase, suitability, should fully analyze suitability based on all of the manual criteria and also provide for public comment.* (Sweetwater County Conservation District, Rock Springs, WY - Comment: #541, letter #28)

Comment: *No river segment should be included in the National Wild and Scenic River System unless Water is present and flowing at all times. The water-related value is considered outstandingly remarkable within the region, and that the rationale and justification for the conclusion are disclosed. BLM fully disclaims in writing any interest in water rights with respect to the subject segment. It is clearly demonstrated that including segment in the NWSR system*

*will not prevent, reduce, impair, or otherwise interfere with the state and its citizen's enjoyment of complete and exclusive water rights in and to rivers of the state as determined by the laws of the state, nor interfere with or impair local, state, regional, or interstate water compacts to which the State or County is a party. The rationale and justification for the proposed addition, including a comparison with protections offered by other management tools, is clearly analyzed within the multiple-use mandate, and the results disclosed. It is clearly demonstrated that BLM does not intend to use such a designation to improperly impose Class I or II Visual Resource Management prescriptions. It is clearly demonstrated that the proposed addition will not adversely impact the local economy agricultural and industrial operations, outdoor recreation, water rights, water quality, water resource planning, and access to and across river corridors in both upstream and downstream directions of the proposed river segment. (Wyoming Coalition of Local Governments - Comment: #638, letter #29)*

*Comment: The WSRA study for the plan must conform to all of the analytical procedures and criteria found in the DM 8351 -Wild and Scenic Rivers - Policy and Program Direction for Identification, Evaluation, and Management. Specifically there should be a separate eligibility determination with public comment. Eligibility must include potential impacts of the exercise of existing water rights on river segment. The second phase, suitability, should fully analyze suitability based on all of the manual criteria and also provide for public comment. (Wyoming Coalition of Local Governments - Comment: #639, letter #29)*

### **1.115 Primary Topic: Wild and Scenic Rivers, Second Topic: Cultural resources**

**Summary:** Warm Springs Canyon should be designated a Wild and Scenic River status due to its remote character and historic values.

*Comment: 27. Warm Springs Canyon: Specific location of the area: This area is located in section 31 of T42N/R107W Specific values and concerns of the area: The portion of Warm Springs Canyon on USFS lands upstream from this BLM section is being considered for Wild and Scenic River status based on its remote character along with some historical "tie hack" structures. Specific management proposals for this area: We recommend that the section of this river that crosses BLM land also be recommended for Wild and Scenic River status in order to protect the remote character of this area along with its historical values. (Wyoming Outdoor Council, Lander, WY - Comment: #396, letter #19)*

### **1.116 Primary Topic: Wild and Scenic Rivers, Second Topic: Water**

**Summary:** The RMP should view streams and rivers as important for ecological preservation and conservation.

*Comment: In fulfilling the requirements of this statute, the BLM should consider that rivers and streams in the RMP area are of tremendous importance to the wildlife and fish, and the beauty and recreational appeal of the area. Water is the lifeblood of the arid west, and a priceless resource. Unless the BLM is willing to protect these vital corridors, its efforts to preserve ecosystem integrity, conserve wildlife and fish, and manage the public lands in the best interests of the American people, may be for naught. (Wyoming Outdoor Council, Lander, WY - Comment: #282, letter #19)*

## 1.117 Primary Topic: Wild horses

**Summary:** Wild horse numbers should be consistent with State of Wyoming v. Department of Interior court decree, and actual numbers should be maintained at levels favorable to wildlife and responsible livestock grazing.

*Comment: In regards to your predetermined number of feral - not really "wild" - horses, the actual number of these horses needs to be reduced and maintained at levels that are more favorable to actual wildlife and responsible livestock grazing. (Individual, Lander, WY - Comment: #412, letter #24)*

*Comment: Wild horses must be managed consistent with the decree in State of Wyoming v. Department of Interior. Herd management plans must be developed to insure compliance with the decree. (Sweetwater County Conservation District, Rock Springs, WY - Comment: #522, letter #28)*

*Comment: Wild horses must be managed consistent with the decree in State of Wyoming v. Department of Interior. Herd management plans must be developed to insure compliance with the decree. (Wyoming Coalition of Local Governments - Comment: #620, letter #29)*

## 1.118 Primary Topic: Wilderness

**Summary:** The RMP/EIS should address protection and management of existing Wilderness Study Areas, and analyse other areas in the Field Office for wilderness characteristics and designation for special management attention/prescriptions.

*Comment: Sweetwater Canyon WSA: Remove grazing Close all two-tracks within the WSA to motorized use (Individual, Lander, WY - Comment: #54, letter #12)*

*Comment: Dubois Badlands WSA: Extensive OHV impacts in Mason Draw and vicinity. See OHV comment for possible mitigation of impacts to WSA. (Individual, Lander, WY - Comment: #55, letter #12)*

*Comment: Sweetwater Rocks WSAs (4): Withdrawal locatable minerals from WSAs Decision of no sale of granite within WSAs (i.e., prevent granite quarries from WSAs as almost happened within the past five years) (Individual, Lander, WY - Comment: #56, letter #12)*

*Comment: Over the decades, the Sweetwater Rocks have become a critical area to us. The presence of diverse wildlife and the Sweetwater River create a rich backdrop for our courses. Split Rock and Lankin Dome in the Sweetwater Rocks area are ideal for our classes because they offer relatively easy access while simultaneously offering a remote feel. With over 1,000 user days each year in the Sweetwater Rocks Wilderness Study Areas, NOLS has an important stake in their future management. (National Outdoor Leadership School, Lander, WY - Comment: #115, letter #16)*

*Comment: We encourage the BLM to carefully consider a conservation component as the revised Management Plan is being drafted, as this area is likely the most diverse and popular for recreation use of all the public lands governed by BLM in the state. (National Outdoor Leadership School, Lander, WY - Comment: #116, letter #16)*

*Comment: We believe that these areas hold strong wilderness characteristics and encourage the BLM to recommend these areas as Wilderness. These areas have a wilderness feel, with sweeping views of the Ferris Mountains and views of the Green Mountain. Until congress considers these*

*lands for wilderness, the BLM should "Manage WSAs under the interim management policy (H-8550-1)..." (BLM Handbook H-1601-1, Appendix C, III.B.1. p. 27) In other words, the wilderness qualities should be preserved.* (National Outdoor Leadership School, Lander, WY - Comment: #139, letter #16)

*Comment: Additionally, the BLM is obligated to consider areas that have wilderness characteristics that may not currently be considered a Wilderness Study Area. The Oil Mountains below Beaver Rim, for instance, have strong Wilderness characteristics.* (National Outdoor Leadership School, Lander, WY - Comment: #140, letter #16)

*Comment: The EIS must address protection of existing wilderness study areas (WSA's). These include the Split Rock, Miller Spring, Savage Peak, Lankin Dome, Sweetwater Canyon, Copper Mountain, Dubois Badlands, and Whiskey Mountain WSAs. See Exhibit 1 (presenting map of WSAs and citizens' proposed wilderness areas). The provisions at 43 U.S.C. § 1782(c), 43 C.F.R. Part 6300, as well as the Wilderness Act itself, must be fully complied with. The RMP should establish standards to ensure that the wilderness qualities of existing wildernesses and WSA's are not impaired or degraded. For example, we believe oil and gas development activities in WSAs should be prohibited or regulated to the full extent permitted by law. Exploration leaves long-term marks on the landscape, which should be avoided. Oil and gas drilling activities also impair and degrade wilderness qualities and should be prohibited except under no surface occupancy stipulations.* (Wyoming Outdoor Council, Lander, WY - Comment: #279, letter #19)

*Comment: Likewise, we believe Citizen Wilderness Proposals (CWP) should be considered as to their wilderness qualities. CWP in the Lander Field Office are presented in Exhibit 1. The wilderness qualities of these areas should be protected to the maximum extent possible even if they are not eligible for wilderness designation. For example, they could be considered for designation as ACECs, or NSO stipulations if the area is subject to oil and gas leasing. While BLM may be currently limited in designating new WSAs, it does operate under guidance to consider and manage for wilderness qualities in areas such as these. We believe all the CWPs shown in Exhibit 1 have important wilderness qualities which should receive recognition and protection in the EIS and RMP, respectively.* (Wyoming Outdoor Council, Lander, WY - Comment: #280, letter #19)

*Comment: 8. Sweetwater Canyon Wilderness Study Area: Specific location of the area: This area includes the current boundaries of the existing Wilderness Study Area in and around T28N/R98W, T28N/R97W as well as the surrounding viewshed. Specific values and concerns of the area: This area provides valuable wilderness quality lands in a unique high plains river setting. This area is also valuable for the historical and cultural values of this area. This is also valuable habitat for elk, deer, pronghorn and moose. This area has been significantly affected by grazing and OHV use. Specific management proposals for this area: This area is currently managed as a Wilderness Study Area (WSA). We would like to see this area continue to be managed in this manner pending a decision on its permanent designation by Congress. In the event that Congress chooses to remove the WSA designation rather than designating it Wilderness, we would still like to see this land managed in order to preserve and protect the wilderness characteristics that are present in this area. We would also advocate for Wild and Scenic River Designation for the portion of the Sweetwater that runs through this canyon as well as for the feeder streams that empty into the canyon. Eighty percent of the feeder streams into the Sweetwater WSA are in a degraded state due to grazing impacts. This is having the result of decreasing the water storage capacity of this riparian area and degrading the quality of the forage in this area. We would also advocate for the protection of the surrounding viewshed in order to avoid the degradation of the WSA by development in the surrounding areas. We believe that this RMP should officially close this area to OHV use and should also provide notice of this in the Federal Register along with on the ground signage. The two-track that leads down to the junction of the Sweetwater and Strawberry Creek is a prime example of where motorized use is continuing despite the WSA designation for this area. These*

*extra measures need to be put in place in order to provide BLM with adequate enforcement authority to protect the resource. Sweetwater Canyon has been an area where there has been significant controversy over the issue of grazing. By the end of the 5 years of closure to grazing which ended 2 years ago there was improved stream bank stabilization, improved fisheries habitat, increased forage for wildlife, and improved aesthetics from reduced trampling and grazing activity. Since the reintroduction of livestock 2 years ago many of the improvements seen over the previous 5 years have been compromised. This riparian area is very valuable for the ecological health of the surrounding ecosystem. Overgrazing in this area threatens the ecological integrity of this area. (Wyoming Outdoor Council, Lander, WY - Comment: #377, letter #19)*

*Comment: 10. Honeycomb Buttes Citizens Wilderness Proposal: Specific location of the area: This is a spur of the formation that makes up the Honeycomb Buttes that extends into the Lander Field Office and falls within township and range T27N/R99W, T27N/R98W and is the boundary of the Citizens Wilderness Proposal as referenced in Exhibit 1. Specific values and concerns of the area: This area has continued to hold onto its wilderness characteristics, provides important habitat to a variety of species and contains significant paleological remains. Specific management proposals for this area: We would like to see this area managed in order to protect its wilderness characteristics, which should include stipulations to prevent the development of new roads, allow for travel on designated roads only, and a "No Surface Occupancy" clause with respect to any industrial development. (Wyoming Outdoor Council, Lander, WY - Comment: #379, letter #19)*

*Comment: 11. Antelope Hills: Specific location of the area: This area includes BLM lands in the township and range south of Sweetwater Canyon in T28N/R98W, T28W/R97W, T27N/R98W, T27/R97W Specific values and concerns of the area: Much of the area surrounding the Antelope Hills has retained its wilderness characteristics. This area also contains portions of the Oregon Trail and the Continental Divide Trail. Specific management proposals for this area: We would like to see these areas managed in order to protect these wilderness characteristics, which should include stipulations to prevent the development of new roads, allow travel on designated roads only, and a "No Surface Occupancy" clause with respect to any industrial development. (Wyoming Outdoor Council, Lander, WY - Comment: #380, letter #19)*

*Comment: 14. Sweetwater Rocks Wilderness Study Areas: Lankin Dome, Split Rock, Miller Springs, and Savage Peak and the surrounding area: Specific location of the area: This area in central Wyoming would include the boundaries of the existing Wilderness Study Areas and the Citizens Wilderness Proposals as presented in Exhibit 1 as well as their surrounding viewsheds. Specific values and concerns of the area: These Wilderness Study Areas encompass the wild and rugged landscape of the Sweetwater Rocks. This area is rich in historic and cultural heritage and also provides crucial wildlife habitat for a wide variety of species from elk, mule deer, pronghorn, bighorn sheep, moose, and a number of non-game species. These areas also provide a variety of recreational opportunities that include but are not limited to hiking, camping, rock climbing, riding, and hunting. Specific management proposals for this area: These areas are currently managed as Wilderness Study Area's (WSA). We would like to see these areas continue to be managed in this manner pending a decision on their permanent designation by Congress. In the event that Congress chooses to remove the WSA designation from these areas rather than designating them Wilderness, we would still like to see these lands managed in order to preserve and protect the wilderness characteristics that are present there. We are concerned about the possible sale of granite in this area and the possible development of uranium claims around these areas. We advocate for the removal of the area encompassed by the Sweetwater Rocks WSA's from sale or mineral entry with respect to these resources. We would also advocate for the protection of the surrounding viewshed in order to avoid the degradation of the WSA's by development in the surrounding areas. We advocate that the Citizens Wilderness Proposal areas around the Sweetwater WSA be managed in a way to protect their wilderness characteristics.*

*This would include a "No Surface Occupancy" designation, no new roads, and travel on designated roads only. (Wyoming Outdoor Council, Lander, WY - Comment: #383, letter #19)*

*Comment: 17. Oil Mountain: Specific location of the area: This is the area of badlands topography located east of highway 135 in T33N/R95W and sections 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, 33 of T33N/ R94W Specific values and concerns of the area: The area in and around Oil Mountain has retained much of its wilderness characteristics. Specific management proposals for this area: We would like to see this area managed in order to protect its wilderness characteristics, which should include stipulations to prevent the development of new roads, travel on designated roads only, and a "No Surface Occupancy" clause with respect to any development. (Wyoming Outdoor Council, Lander, WY - Comment: #386, letter #19)*

*Comment: 22. Copper Mountain Wilderness Study Area: Specific location of the area: This area, located at the eastern end of the Bridger Mountains, would include the boundaries of the existing WSA as well as the surrounding viewshed of Beaver Rim and the Wind River Range. Specific values and concerns of the area: As noted in the BLM wilderness inventory, this area has retained its wilderness qualities of remoteness, natural beauty and excellent backcountry recreation opportunities. This high sagebrush and juniper habitat is key winter range for elk and mule deer on the flanks of Copper Mountain. It is also important raptor habitat. Specific management proposals for this area: This area is currently managed as a Wilderness Study Area (WSA). We would like to see this area continue to be managed in this manner pending a decision on its permanent designation by Congress. In the event that Congress chooses to remove the WSA designation rather than designating it Wilderness, we would still like to see this land managed in order to preserve and protect the wilderness characteristics that are present in this area. We would also advocate for the protection of the surrounding viewshed in order to avoid the degradation of the WSA's by development in the surrounding areas. (Wyoming Outdoor Council, Lander, WY - Comment: #391, letter #19)*

*Comment: 23. Lysite Mountain, Lysite badlands, and Fuller Peak Citizens Proposed Wilderness: Specific location of the area: The boundaries of these areas include those defined by the Citizens Wilderness Proposal as referenced in Exhibit 1. Lysite Mountain is at the junction of the Bridger Mountains and the Southern Bighorns in the township/range of T40N/R91W, T40N/R90W, T41N/R90W. The Lysite Badlands fall within the township/range of T38N/R91W, T38N/R90W, T37N/R91W, T37N/R90W. Fuller Peak falls within the township/range of T40N/R92W, T40N/R91W, T39N/R92W, T39N/R91W. Specific values and concerns of the area: Much of the area surrounding Lysite Mountain, the Lysite Badlands, and Fuller Peak have retained their wilderness characteristics and provide important wildlife habitat. Specific management proposals for this area: We would like to see these areas managed in order to protect their wilderness characteristics and the existing wildlife habitat. The area surrounding these areas has seen significant oil and gas development. We believe that these areas need to be protected in order to prevent their eventual development and should receive a "No Surface Occupancy" designation and allow travel on designated routes only. Because of the surrounding development, these lands take on a higher level of importance to the local wildlife and should be protected. (Wyoming Outdoor Council, Lander, WY - Comment: #392, letter #19)*

*Comment: 24. Dubois Badlands WSA: Specific location of the area: This is the Wind River formation east of Dubois and south of the Absaroka Mountains and encompasses the boundaries of the existing WSA. Specific values and concerns of the area: Much of the area within and surrounding the Dubois Badlands has retained its wilderness characteristics. This area provides important wildlife habitat and migration corridors for bighorn sheep, mule deer, elk and pronghorn antelope in addition to other species such as raptors. Rare plants such as Dubois milkvetch have been discovered here. Specific management proposals for this area: We would like to see this area managed in order to protect these wilderness characteristics by enforcing the no-motorized use of the WSA. In the past serious OHV traffic has threatened to degrade this area, despite strong local support for the Dubois Badlands WSA as an easily accessible hiking area.*

*We also advocate for this area being removed from sale or mineral entry and advocate for its removal from oil and gas leasing. This area is currently managed as a Wilderness Study Area (WSA). We would like to see this area continue to be managed in this manner pending a decision on its permanent designation by Congress. In the event that Congress chooses to remove the WSA designation rather than designating it Wilderness, we would still like to see this land managed in order to preserve and protect the wilderness characteristics that are present in this area.* (Wyoming Outdoor Council, Lander, WY - Comment: #393, letter #19)

*Comment: 25. Whiskey Mountain Wildlife Habitat Management Areas: Specific location of the area: These areas encompass the three parcels that lie around the eastern flank of Whiskey and Arrow Mountains southeast of Dubois. They are contiguous with the Fitzpatrick Wilderness on the Shoshone National Forest. Specific values and concerns of the area: Much of the area within and surrounding Whiskey Mountain has retained its wilderness characteristics. This is important wildlife habitat and migration corridor for the largest herd of bighorn sheep in the country, as well as, mule deer, elk, moose and other species such as raptors. Specific management proposals for this area: We would like to see this area managed in order to protect these wilderness characteristics by enforcing the no-motorized use of the WSA and the Wildlife Habitat Management Area (WHMA). In the past serious OHV traffic has threatened to degrade this area, despite strong local support for the Whiskey Mountain WSA and WHMA as an easily accessible area for hunting, hiking and horseback riding. We also advocate for this area being removed from sale or mineral entry and advocate for its removal from oil and gas leasing.* (Wyoming Outdoor Council, Lander, WY - Comment: #394, letter #19)

*Comment: Concerning the reference to eight (8) more wilderness study areas, the Wyoming Wilderness Act made it very clear that we really do not need or want any more areas withdrawn from multiple use utilization. No more new defacto wilderness areas should be established by designating them as "study areas".* (Individual, Lander, WY - Comment: #411, letter #24)

*Comment: New analysis is needed to address the threats posed to the Sweetwater Rocks WSAs related to the demand and potential sale and development of granite for decorative or building material. These WSA's should not be considered for sale, location or development of granite materials. This is a potential threat to these WSA's that was not addressed in the existing wilderness studies and RMP/EIS.* (Individual - Comment: #433, letter #26)

*Comment: Any proposal to manage public lands for lands for Wilderness Characteristics violates FLPMA, and the 2003 Settlement Agreement between Utah and the Department of Interior.* (Sweetwater County Conservation District, Rock Springs, WY - Comment: #536, letter #28)

*Comment: Any proposal to manage public lands for lands for Wilderness Characteristics violates FLPMA, and the 2003 Settlement Agreement between Utah and the Department of Interior.* (Wyoming Coalition of Local Governments - Comment: #634, letter #29)

*Comment: 6. Retain and expand wilderness areas.* (Individual, Riverton, WY - Comment: #21, letter #7)

## **1.119 Primary Topic: Wilderness, Second Topic: Desired future conditions**

**Summary:** The RMP should include a desired outcome goal following the intent of the Wilderness Act.

*Comment: The Wilderness Act should provide the desired outcome for all BLM roadless areas, namely they should be managed so that they remain "an area where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain." 16 U.S.C. §*

1131(c). (Wyoming Outdoor Council, Lander, WY - Comment: #351, letter #19)

## 1.120 Primary Topic: Wildlife

**Summary:** The RMP should include special management actions that specifically enhance wildlife resource values. The EIS should analyse impacts to wildlife from other resources and resource uses.

*Comment: Our wildlife is going to be severely affected by any development that you may be considering. In addition to the impact that will be felt by wintering mule deer herds the long-term damage to the habitat will affect antelope and sage grouse populations.* (Individual, Casper, WY - Comment: #24, letter #8)

*Comment: Certain areas, particularly in the immediate South Pass vicinity, are designated as sage-grouse lek and brood-rearing area that require special management and protection.* (Alliance for Historic Wyoming, Casper, WY - Comment: #38, letter #11)

*Comment: NOLS would like to remind the BLM of its obligation to Designate priority species and habitats, in addition to special status species, for fish or wildlife species recognized as significant for at least one factor such as density, diversity, size, public interest, remnant character, or age. (BLM Handbook H-1601-1, Appendix C, I.E. p.6)* (National Outdoor Leadership School, Lander, WY - Comment: #133, letter #16)

*Comment: Wildlife, if protected more now, can replace depleting oil and gas as populations expand and look to enjoy either observation or even hunting long after oil & gas are gone. Please make more effort to support and increase wildlife and wildlife habit in the new RMP.* (Individual, Orem, UT - Comment: #149, letter #9)

*Comment: The RMP should assure that adequate forage is available for wildlife during the necessary seasons of use.* (Wyoming Game and Fish, Cheyenne, WY - Comment: #190, letter #18)

*Comment: The ability to move animals into or out of specific areas for the purposes of managing or re-establishing fish and wildlife populations should be addressed in the RMP.* (Wyoming Game and Fish, Cheyenne, WY - Comment: #194, letter #18)

*Comment: BLM must ensure full compliance with BLM Manual MS-6840.06.E (Special Status Species Management). BLM Manual MS-6840.06.E requires that "protection provided by the policy for candidate species shall be used as the minimum level of protection for BLM sensitive species": that is: Consistent with existing laws, the BLM shall implement management plans that conserve candidate species and their habitats and shall ensure that actions authorized, funded, or carried out by the BLM do not contribute to the need for the species to become listed.* (Wyoming Outdoor Council, Lander, WY - Comment: #314, letter #19)

*Comment: BLM Manual MS-6840.06.C & .06.E. See BLM Manual MS-6840.06.C (1&3) (discussing BLM's responsibility to confer with U.S. Fish & Wildlife Service regarding individual species' needs). BLM Manual MS-6840.06.C.2 imposes a series of additional substantive obligations on the BLM regarding candidate [and therefore sensitive] species management: 2. For candidate species [and sensitive species] where lands administered by the BLM or BLM authorized actions have a significant effect on their status, [the BLM shall] manage the habitat to conserve the species by: a. Ensuring candidate [and BLM sensitive species] are appropriately considered in land use plans (BLM 1610 Planning Manual and Handbook, Appendix C). b. Developing, cooperating with, and implementing range-wide or site-specific management plans, conservation strategies and assessments for candidate [and sensitive] species that include specific habitat and population management objectives designed for conservation, as well as*

*management strategies necessary to meet those objectives. c. Ensuring that BLM activities affecting the habitat of candidate [and sensitive] species are carried out in a manner that is consistent with the objectives for managing those species. d. Monitoring populations and habitats of candidate [and sensitive] species to determine whether management objectives are being met. (Wyoming Outdoor Council, Lander, WY - Comment: #315, letter #19)*

*Comment: Additionally, BLM must ensure compliance with BLM Manual MS-6840.22. Provisions here require BLM to take a broad and proactive approach to special status species management, and in the context of planning require that, "Land use plans shall be sufficiently detailed to identify and resolve significant land use conflicts with special status species without deferring conflict resolution to implementation-level planning." (Wyoming Outdoor Council, Lander, WY - Comment: #316, letter #19)*

*Comment: BLM has a duty to protect the diversity of all native wildlife on public lands by providing for ecosystem-based management. The FLPMA requires public land management to protect ecological and other values, and also requires that they be managed for multiple use and sustained yield. 43 U.S.C. §§ 1701(a)(7)-(8). The NEPA requires BLM to fulfill its trustee obligation for future generations, assure productive surroundings, avoid environmental degradation, preserve important natural aspects of our national heritage, and enhance the quality of renewable resources. 42 U.S.C. §§ 4331(b)(1)-(6). The CWA established the objective of restoring and maintaining the chemical, physical, and biological integrity of the Nation's waters, which of course includes the RMP area. 33 U.S.C. § 1251. The ESA establishes the purpose of conserving the ecosystems upon which threatened and endangered species depend on. 16 U.S.C. § 1531(b). BLM's livestock grazing standards and guidelines establish standards of ecological health applicable not only to livestock grazing, but to resource management generally. See 43 C.F.R. subpt. 4180. Read together, these and other legal standards establish that BLM must ensure the ecosystems it manages are fully protected so as to enhance biological diversity. With this in mind, we ask that the RMP provide for the following steps to ensure that wildlife diversity is protected. As requested above, all riparian areas should be designated ACECs and given special management. It is widely recognized that (1) riparian areas in the west are crucial centers of biological diversity and (2) most BLM riparian areas are in unhealthy condition. Consequently, special management provisions for these areas must be made in the RMP. Riparian area management is discussed in more detail below. The RMP must also ensure that other special habitats are protected and enhanced. As noted, all wildlife requires adequate habitat for feeding, reproducing, and hiding or resting (sheltering), and the plan must ensure that such is provided for all species at all critical life stages. Wintering areas, colonial or other concentrated avian nesting areas, spawning beds, and traditional birthing areas are examples of the special habitats the RMP should provide for and protect. (Wyoming Outdoor Council, Lander, WY - Comment: #329, letter #19)*

*Comment: In addition to protecting special habitats, the plan must provide for protecting certain species to ensure that biological diversity is protected. Certainly species listed pursuant to the ESA and BLM and/or State sensitive species must receive species-specific attention, but other species should receive special emphasis as well. The plan should identify and provide for the protection of "keystone" species, which can be literally key to preventing undesirable, cascading ecological effects, such as widespread extinctions. Prairie dogs are an example of a keystone species that demand special management efforts. The status of carnivores is often indicative of the overall environmental health of an area, and thus they warrant special management prescriptions, and in any event there is widespread public demand and support for protecting these magnificent creatures. It is also important to note that there are keystone resources that are critical for protecting a host of species. Springs or other water holes, deep pools in streams, and salt or mineral licks are examples. BLM should ensure that the RMP makes special provision for protecting keystone resources, as well as keystone species. (Wyoming Outdoor Council, Lander, WY - Comment: #330, letter #19)*

*Comment: The EIS must carefully evaluate problems resulting from habitat fragmentation and the need for maintaining the connectivity or linkage of habitats. Habitat fragmentation is strongly associated with the road building that accompanies most, if not all, traditional management activities. By altering the physical environment, roads and highways modify animal behavior. Many species shift home ranges, change movement patterns and even reproductive and feeding behaviors to avoid roads. Perhaps the most pervasive, yet insidious, impact of roads is providing access to natural areas and encouraging further development. It is apparent that the RMP must limit habitat fragmentation resulting from road building, protect current roadless areas, provide for aggressively closing unneeded or ecologically destructive roads, and provide for maintaining needed roads so as to reduce negative environmental impacts. The RMP must also limit habitat fragmentation resulting from other activities, such as the construction of well pads. (Wyoming Outdoor Council, Lander, WY - Comment: #331, letter #19)*

*Comment: More generally, the BLM should consider the principles of island biogeography so as to ensure that fragmentation does not degrade existing wildlife habitats. That is, it must insure that small islands of habitat are not created by management activities such as logging, chaining, or oil and gas development. The RMP should ensure both that the total areas of important habitats are maintained and that these habitats are not further fragmented. Creating habitat fragments impedes dispersal, colonization, and foraging. Moreover, fragmented habitats can have altered environmental conditions and allow for intrusions of pests (weed invasions and cowbird nest parasitism are classical examples). We specifically requests that BLM limit any further fragmentation of sagebrush communities, which are critical to many species on many BLM lands, and which is an increasingly imperiled ecosystem. (Wyoming Outdoor Council, Lander, WY - Comment: #332, letter #19)*

*Comment: The flip side of habitat fragmentation is maintaining migration corridors and other ecological linkages. The conservation biology literature indicates it is probably more effective to preserve existing corridors/linkages than to attempt to create new ones. It is crucial the EIS identify existing migration and other movement corridors. The RMP must ensure that management actions authorized by the RMP protect the ecological integrity of these corridors and linkages. Big game migration routes have been widely documented, but riparian areas, mountain ranges and ridges, and other areas serve as important linkages among habitats (and even eco-regions) that must be preserved. Ensuring that corridors remain as wide as possible is the best way to ensure that they are in fact effective. (Wyoming Outdoor Council, Lander, WY - Comment: #333, letter #19)*

*Comment: We also request that BLM consider and enunciate in the RMP a policy relative to habitat "edge." Increasing edge has been common in classical wildlife management because it was perceived as a means to increase biological diversity, or more particularly, as a means to benefit certain games species. Modern conservation biology, however, recognizes a number of problems associated with increasing the amount of edge, such as: modifying microclimates needed by some species, increasing impacts of wind in some communities, increasing the incidence of fire, and increasing predation and competition from exotic and pest species that are often well adapted to the disturbed conditions that characterize ecological edges. Furthermore, even if increasing edge increases overall biological diversity, it can be harmful to certain, usually rare and/or specialized, species. Similarly, increasing edge can be problematic for species that require large, undisturbed blocks of habitat, such as many predators. We believe it would be inappropriate to increase edge to the detriment of rare or highly specialized native species or species that need large contiguous habitats, and the RMP must ensure that this does not occur. Sagebrush obligate species (sage grouse, Brewer's sparrow, etc.) should receive special consideration in this regard in the Lander Field Office area. (Wyoming Outdoor Council, Lander, WY - Comment: #335, letter #19)*

*Comment: It may be impossible to fully protect biological diversity (and to effectively manage many other resources) without considering other landowners and landholdings within the RMP*

*area. Therefore, we request that the EIS consider other landholdings relative to BLM's efforts to protect biological diversity. Land exchanges could be warranted in some circumstances, and if so the RMP should provide for initiating any needed legislative authority or other processes. The Land and Water Conservation Fund, as well as the new Land Conservation, Preservation and Infrastructure Improvement Fund, are two funds that might allow acquisition of important inholdings, or other lands, in fee simple or perhaps via other mechanisms such as conservation easements. The RMP should establish a program or at least guidance for how BLM will attempt to work with other landowners relative to biodiversity protection efforts, and make provision for accessing funding needed to implement those efforts. (Wyoming Outdoor Council, Lander, WY - Comment: #336, letter #19)*

*Comment: Wildlife must not be the dominate use driving the development of management actions in this plan. The Federal Land Policy and Management Act (FLPMA) recognizes six principal multiple uses, "domestic livestock grazing, fish and wildlife development and utilization, mineral exploration and production, rights-of-way, outdoor recreation, and timber production." 43 U.S.C. 1702(l). No one of the principal multiple uses should override the other. Vegetation condition and availability must be the basis for wildlife considerations, not population goals. Other public land uses must enjoy equate share in vegetation and habitat management. (Sweetwater County Conservation District, Rock Springs, WY - Comment: #450, letter #28)*

*Comment: Plan must determine if habitat can support population objectives established by the Wyoming Game and Fish without adversely affecting livestock grazing numbers and other multiple uses before adopting them in the RMP, (Sweetwater County Conservation District, Rock Springs, WY - Comment: #525, letter #28)*

*Comment: RMP should include history of game populations, including the increases in game population objectives since the last RMP was written. (Sweetwater County Conservation District, Rock Springs, WY - Comment: #526, letter #28)*

*Comment: Plan must provide that wildlife habitat management conforms to Wyoming Standards for Healthy Rangelands. (Sweetwater County Conservation District, Rock Springs, WY - Comment: #527, letter #28)*

*Comment: Spatial buffers and seasonal closures should not be applied to potential habitats and only to occupied crucial or critical habitats when scientifically proven to be effective and after analysis of socio-economic impacts to local communities have been analyzed. (Sweetwater County Conservation District, Rock Springs, WY - Comment: #529, letter #28)*

*Comment: Restrictions on human disturbance must not be placed on any areas. (Sweetwater County Conservation District, Rock Springs, WY - Comment: #530, letter #28)*

*Comment: No introductions or re-introduction should be made unless it has been demonstrated that viable habitats for the subject species exist in the area and that such actions are not incompatible with existing uses. Introduction and reintroduction must also occur with coordination with local governments. (Sweetwater County Conservation District, Rock Springs, WY - Comment: #531, letter #28)*

*Comment: Management actions for wildlife must not be used to restrict the development of livestock improvements, change season of use; restrict use or timing of use of water developments or conversions in type of livestock. (Sweetwater County Conservation District, Rock Springs, WY - Comment: #532, letter #28)*

*Comment: The plan must provide for feasible access to all areas for predator control. Predator control must be coordinated with local boards. (Sweetwater County Conservation District, Rock Springs, WY - Comment: #533, letter #28)*

*Comment: Wildlife must not be the dominate use driving the development of management actions in this plan. The Federal Land Policy and Management Act (FLPMA) recognizes six principal*

*multiple uses, "domestic livestock grazing, fish and wildlife development and utilization, mineral exploration and production, rights-of-way, outdoor recreation, and timber production." 43 U.S.C. 1702(l). No one of the principal multiple uses should override the other. Vegetation condition and availability must be the basis for wildlife considerations, not population goals. Other public land uses must enjoy equate share in vegetation and habitat management.* (Wyoming Coalition of Local Governments - Comment: #551, letter #29)

*Comment: Plan must determine if habitat can support population objectives established by the Wyoming Game and Fish without adversely affecting livestock grazing numbers and other multiple uses before adopting them in the RMP,* (Wyoming Coalition of Local Governments - Comment: #623, letter #29)

*Comment: RMP should include history of game populations, including the increases in game population objectives since the last RMP was written.* (Wyoming Coalition of Local Governments - Comment: #624, letter #29)

*Comment: Plan must provide that wildlife habitat management conforms to Wyoming Standards for Healthy Rangelands.* (Wyoming Coalition of Local Governments - Comment: #625, letter #29)

*Comment: Restrictions on human disturbance must not be placed on any areas.* (Wyoming Coalition of Local Governments - Comment: #628, letter #29)

*Comment: No introductions or re-introduction should be made unless it has been demonstrated that viable habitats for the subject species exist in the area and that such actions are not incompatible with existing uses. Introduction and reintroduction must also occur with coordination with local governments.* (Wyoming Coalition of Local Governments - Comment: #629, letter #29)

*Comment: Management actions for wildlife must not be used to restrict the development of livestock improvements, change season of use; restrict use or timing of use of water developments or conversions in type of livestock.* (Wyoming Coalition of Local Governments - Comment: #630, letter #29)

*Comment: The plan must provide for feasible access to all areas for predator control. Predator control must be coordinated with local boards.* (Wyoming Coalition of Local Governments - Comment: #631, letter #29)

*Comment: The RMP must provided clear management direction for the protection of ESA listed and BLM Sensitive Species* (Western Watersheds Project, Pinedale, WY - Comment: #650, letter #27)

*Comment: The RMP must provide scientifically defensible and clear direction for the recovery and management ESA listed and BLM Sensitive Species. We provide a literature review on just a few of these species below.* (Western Watersheds Project, Pinedale, WY - Comment: #682, letter #27)

*Comment: BLM must ensure full compliance with BLM Manual MS-6840.06.E (Special Status Species Management). BLM Manual MS-6840.06.E requires that "protection provided by the policy for candidate species shall be used as the minimum level of protection for BLM sensitive species": that is: Consistent with existing laws, the BLM shall implement management plans that conserve candidate species and their habitats and shall ensure that actions authorized, funded, or carried out by the BLM do not contribute to the need for the species to become listed. BLM Manual MS-6840.06.C & .06.E. See BLM Manual MS-6840.06.C (1&3) (discussing BLM's responsibility to confer with U.S. Fish & Wildlife Service regarding individual species' needs).* (Western Watersheds Project, Pinedale, WY - Comment: #683, letter #27)

*Comment: BLM Manual MS-6840.06.C.2 imposes a series of additional substantive obligations on the BLM regarding candidate [and therefore sensitive] species management: 2. For candidate*

*species [and sensitive species] where lands administered by the BLM or BLM authorized actions have a significant effect on their status, [the BLM shall] manage the habitat to conserve the species by: Ensuring candidate [and BLM sensitive species] are appropriately considered in land use plans (BLM 1610 Planning Manual and Handbook, Appendix C). Developing, cooperating with, and implementing range-wide or site-specific management plans, conservation strategies and assessments for candidate [and sensitive] species that include specific habitat and population management objectives designed for conservation, as well as management strategies necessary to meet those objectives. Ensuring that BLM activities affecting the habitat of candidate [and sensitive] species are carried out in a manner that is consistent with the objectives for managing those species. Monitoring populations and habitats of candidate [and sensitive] species to determine whether management objectives are being met.* (Western Watersheds Project, Pinedale, WY - Comment: #684, letter #27)

*Comment: Additionally, BLM must ensure compliance with BLM Manual MS-6840.222. Provisions here require BLM to take a broad and proactive approach to special status species management, and in the context of planning require that, "Land use plans shall be sufficiently detailed to identify and resolve significant land use conflicts with special status species without deferring conflict resolution to implementation-level planning."* (Western Watersheds Project, Pinedale, WY - Comment: #685, letter #27)

*Comment: Sage Grouse Habitat Requirements: Several authors have reviewed and documented the biology and habitat requirements for sage grouse during their various life stages. These life stages include leks or breeding, nesting, brood-rearing and wintering.* (Western Watersheds Project, Pinedale, WY - Comment: #686, letter #27)

*Comment: Diets of sage grouse vary through the year and by age. Sage grouse depend entirely on sagebrush from October through April. In May, they shift to a forb-dominated diet (20 - 60%) with the remainder being mostly sagebrush. They shift back to sagebrush during September. Chicks begin life depending heavily on insects at about 60%, then shift to a forb dominated diet with about 15% sagebrush during the second month.* (Western Watersheds Project, Pinedale, WY - Comment: #689, letter #27)

*Comment: The RMP/EIS must review the habitat requirements for migrant birds, the effects of livestock grazing at the permitted numbers in combination with all other habitat altering management proposed and provide prescriptions that will assure migrant birds and their habitat improve.* (Western Watersheds Project, Pinedale, WY - Comment: #701, letter #27)

*Comment: Pygmy Rabbits: While acknowledging the pygmy rabbit is in decline throughout the West, the BLM must describe current populations or the habitats required by pygmy rabbits. The RMP/EIS must describe past management actions that have resulted in this decline and offered corrective actions to restore pygmy rabbits.* (Western Watersheds Project, Pinedale, WY - Comment: #702, letter #27)

*Comment: The RMP must research pygmy rabbit habitat requirements and map potential pygmy rabbit habitat, describe its current condition and the causes of that condition. Then, the RMP must provide numeric criteria describing desired conditions of this habitat and place it off limits to surface disturbing activities or surface occupancy and limit livestock grazing by setting conservative utilization levels, providing rest to restore grasses and forbs needed to provide the necessary herbaceous forage during spring, summer and fall, and not impose the minimal sagebrush cover guidelines it has cited for sage grouse.* (Western Watersheds Project, Pinedale, WY - Comment: #704, letter #27)

*Comment: Areas in the vicinity of South Pass City contain sage-grouse leks and brood-rearing habitat that require special management for sensitive species.* (Alliance for Historic Wyoming, Casper, WY - Comment: #28, letter #11)

### **1.121 Primary Topic: Wildlife, Second Topic: ACEC**

**Summary:** When designating ACECs for wildlife purposes, the RMP should cover larger enough areas to protect the species and/or habitat for which the ACEC is created.

*Comment: The principles of island biogeography should also guide BLM in creating protected areas. Here, an obvious application is the creation of ACECs. Modern conservation biology has firmly established that larger protected areas are of greater value, and are more effective, than smaller areas for maintaining the ecological integrity of a protected area. Consequently, when BLM designates ACECs, or other areas, to protect wildlife, it should ensure they are large enough to protect the species, habitat, or ecological attributes for which the ACEC is created. (Wyoming Outdoor Council, Lander, WY - Comment: #334, letter #19)*

### **1.122 Primary Topic: Wildlife, Second Topic: Crucial wildlife habitat**

**Summary:** The RMP should address land management actions to improve crucial winter range habitat.

*Comment: The ability to maintain and, where needed, improve crucial winter ranges, is a concern. The RMP should specifically address land management on these areas. Crucial wildlife habitats are scattered throughout the LFO area. Since these crucial habitats are vital to the wildlife resources of Wyoming, all existing protections should continue in the revised RMP. In addition, where these crucial habitats exist, habitat improvement projects should receive a high priority, supported by adjustments to livestock grazing that ensures proper vegetative response, and by continued land use stipulations that protect these resources from development during those crucial times of the year. Incorporation of forage reserves is encouraged, to facilitate deferment of livestock grazing to allow desired vegetative responses. (Wyoming Game and Fish, Cheyenne, WY - Comment: #188, letter #18)*

### **1.123 Primary Topic: Wildlife, Second Topic: Grazing**

**Summary:** Comments propose when BLM could require fish/wildlife compatible structures on range improvement projects.

*Comment: Proposals for fish and wildlife compatible structures such as culverts, bridges, fences and anti-perching devices may be applied to new range improvements but must not require retrofit of existing ones, unless it is with the support of the existing grazing permittee.*

*(Sweetwater County Conservation District, Rock Springs, WY - Comment: #528, letter #28)*

*Comment: Proposals for fish and wildlife compatible structures such as culverts, bridges, fences and anti-perching devices may be applied to new range improvements but must not require retrofit of existing ones, unless it is with the support of the existing grazing permittee. (Wyoming Coalition of Local Governments - Comment: #626, letter #29)*

### **1.124 Primary Topic: Wildlife, Second Topic: Oil and gas**

**Summary:** When analysing impacts from oil/gas development on wildlife, BLM should use sound science and a localized approach to analysis, and consider the potential socio-economic impacts.

*Comment: BR suggests BLM's use of sound science principles and data from current project-level NEPA documents in determining areas of concern and species-specific mitigation in the RMP revision. Additionally, a localized approach is crucial to retain needed flexibility for BLM, operators, and other interested parties. BR further suggests that the RMP revision provide for reasonable development of natural resources in a responsible manner that limits or mitigates any potential negative impacts to wildlife in the LFO RMP area. However, BR also encourages the BLM to carefully analyze and consider wildlife impacts, such as timing and distance restrictions that may be placed on oil and gas activities, for potential negative socio-economic impacts such as an annual "boom and bust cycle" on local communities. (Burlington Resources - Comment: #76, letter #14)*

### **1.125 Primary Topic: Wildlife, Second Topic: RMP - general**

**Summary:** The RMP is the appropriate venue for protecting biological diversity via ecosystem-based management and to adequately address the direct, indirect, and cumulative impacts of management actions.

*Comment: It is also critical to note that protecting biological diversity can only be dealt with appropriately at the planning level; it certainly cannot be dealt with appropriately or effectively at a project-specific level. The reason for that is readily apparent: fragmentation, connectivity and other factors affecting biological diversity are inherently landscape level considerations, not site specific. The project level is simply too small a scale to effectively consider what are inherently ecosystem level concerns and processes. The import of this is that the RMP should establish specific, binding limits on road densities and other disturbances that cannot be exceeded in the planning area. This is the only way to ensure biological diversity is preserved, and that ecosystem attributes are not "nickel and dimed" to death by individually small but cumulatively significant site-specific projects. The BLM should consider bio-regional plans developed by the Nature Conservancy in assessing broad-scale needs relative to biodiversity protection. The Nature Conservancy, of course, has an office in Lander, so BLM has ready access to its expertise. (Wyoming Outdoor Council, Lander, WY - Comment: #337, letter #19)*

*Comment: Part and parcel of planning for maintaining biological diversity via ecosystem-based management is a need to ensure that indirect and cumulative impacts of management actions are fully considered. As noted above, the NEPA regulations provide guidance in this regard. Cumulative impacts are the incremental impacts of actions, past, present and future, regardless of whom undertakes them. See 40 C.F.R. §1508.7. Indirect effects of an action are further removed from the action itself, but still are reasonably foreseeable. See 40 C.F.R. §1508.8. See also 40 C.F.R. §1508.25(c). It is worth noting that the ESA provides somewhat similar definitions for these concepts that are applicable to listed species. See 50 C.F.R. § 402.02 (defining actions, action areas, and effects of the action in very broad terms). The RMP EIS must take special care that these "second-order" impacts are fully considered and analyzed if BLM is to meet its legal mandate for ecosystem management and preserving biological diversity. Again, these considerations should not and cannot be left to the project level because the perspective at that point is too constrained to permit meaningful ecosystem level analysis. (Wyoming Outdoor Council, Lander, WY - Comment: #338, letter #19)*

### **1.126 Primary Topic: Wildlife, Second Topic:**

## Science/Studies

**Summary:** The comments relate to studies that discuss the impacts from various activities upon wildlife populations and habitat, and suggest that the BLM should use data/studies available from the state Game and Fish department.

*Comment: NOLS encourages the Lander BLM to work closely with the Game and Fish in its efforts to Describe desired habitat conditions and/or population for major habitat types that support a wide variety of game, non-game, and migratory bird species; acknowledging the states roles in managing fish and wildlife, working in close coordination with state wildlife agencies, and drawing on state comprehensive wildlife conservation strategies. (BLM Handbook H-1601-1, Appendix C, I.E. p.6) The Wyoming Natural Diversity Database, housed at the University of Wyoming in Laramie, is also an invaluable resource when examining existing wildlife and habitat. (National Outdoor Leadership School, Lander, WY - Comment: #134, letter #16)*

*Comment: Our Comprehensive Wildlife Conservation Strategy identifies Species of Greatest Conservation Need. While some of these species overlap BLM's sensitive species list, we recommend using this document to guide habitat management to benefit these species, in addition to those that are fished or hunted. (Wyoming Game and Fish, Cheyenne, WY - Comment: #189, letter #18)*

*Comment: The following concerns regarding wildlife touch on a number of issues. One common need, however, is the following. When considering impacts to wildlife, BLM must do more than consider just the area actually impacted by a given activity. The effects of oil and gas development, for example, are far broader and more pervasive than just the public land acreage converted to bare dirt for roads and oil pads. In this regard, the report "Fragmenting Our Lands, The Ecological Footprint From Oil And Gas Development" should be considered. BLM must ensure its analyses of impacts to wildlife consider indirect, connected, related, long-term, and cumulative impacts in as quantitative, and scientifically supported, a manner as possible. BLM must also ensure that it fully complies with BLM Manual MS-6840 (Special Status Species Management). (Wyoming Outdoor Council, Lander, WY - Comment: #309, letter #19)*

*Comment: The State fish and game agency collects and analyzes a wide range of information related to game species. The BLM should fully utilize this information as it develops the RMP. In particular, this information should be utilized to help determine stipulations, conditions of approval, and other protections for game species (and other species) that apply to fluid mineral and other mineral development activities. Relative to big game, we urge the BLM to protect more than "critical" big game winter ranges. This approach is biologically and ecologically unsupportable and results in unnecessarily and unduly restricted protections. We therefore request that protective measures (stipulations, etc.) be considered not just for "critical" winter ranges, but also for all winter range areas, particularly relative to oil and gas extraction activities. To the extent BLM excludes "general" winter range areas from the application of protective measures, it should provide a biologically defensible rationale for such a decision (Wyoming Outdoor Council, Lander, WY - Comment: #317, letter #19)*

*Comment: In addition to data available from the State game and fish agency, we also want to draw BLM's attention to the National Wetland Inventory, GAP analyses, State Natural Heritage Program databases, and various bird surveys (e.g., Christmas bird counts, breeding bird surveys, etc.). There are many other similar sources of data. BLM should seek out and fully utilize these data in the RMP revision so that it can adequately manage and protect the priceless wildlife resources in the RMP area. (Wyoming Outdoor Council, Lander, WY - Comment: #321, letter #19)*

Comment: *We specifically request that the BLM consider the following publications as it develops the RMP: Mule Deer: Hall Sawyer et al. 2005. 2005 Annual Report, Sublette Mule Deer Study (Phase II): Long-term Monitoring Plan to Assess Potential Impacts of Energy Development on Mule Deer in the Pinedale Anticline Project Area. Western Ecosystems Technology (WEST), Inc., 52 pp. Mule Deer: Hall Sawyer et al. 2006. 2006 Annual Report, Sublette Mule Deer Study (Phase II): Long-term Monitoring Plan to Assess Potential Impacts of Energy Development on Mule Deer in the Pinedale Anticline Project Area. Western Ecosystems Technology (WEST), Inc., 115 pp. Sage Grouse: Holloran, M.J. 2005. Greater Sage Grouse (Centrocercus urophasianus) Population Response to Natural Gas Field Development in Western Wyoming. Ph.D Dissertation. University of Wyoming. Laramie, Wyoming. Sage Grouse: Connelly, J. W., M. A. Schroeder, A. R. Sands, and C. E. Braun. 2000. Guidelines to manage sage grouse populations and their habitats. Wildlife Society Bulletin 28: 967-985. All Wildlife: Wyoming Game and Fish Department. Minimum Recommendations for Development of Oil and Gas Resources within Crucial and Important Wildlife Habitats on BLM Lands. Available at <http://gf.state.wy.us/habitat/index.asp>. As to the last publication, we request that BLM fully consider this comprehensive analysis of means to manage and protect wildlife in the face of oil and gas development, and specifically request that BLM adopt these mitigation measures as RMP decisions. BLM has a duty under FLPMA and its own regulations dealing with BLM-State relations regarding wildlife management to adopt state policies unless they are inconsistent with Federal policy, which these recommendations are not. (Wyoming Outdoor Council, Lander, WY - Comment: #322, letter #19)*

Comment: *Habitat management guidelines must be based on data that conform to the Data Quality Act. The plan should disclose the empirical basis for such guidelines. (Sweetwater County Conservation District, Rock Springs, WY - Comment: #534, letter #28)*

Comment: *Habitat management guidelines must be based on data that conform to the Data Quality Act. The plan should disclose the empirical basis for such guidelines. (Wyoming Coalition of Local Governments - Comment: #632, letter #29)*

Comment: *Braun et al (Braun, Clait E., Tim Britt and Richard O. Wallestad. 1977. Guidelines for maintenance of sage grouse habitats. Wildlife Society Bulletin 5(33):99-105) in their review found that leks or breeding sites were generally open areas surrounded by sagebrush and that nesting areas appeared to occur within a few kilometers of the lek sites. The maximum distance between leks and nesting sites reported was 12.9 km, with 59% being within 3.2 km. Successful nest sites had significantly greater sagebrush canopy cover (27%) as opposed to unsuccessful sites at 20%. An important component of these nesting sites is also the cover provided by herbaceous vegetation, particularly grasses. Connelly et al (Connelly, John W., Michael A. Schroeder, Alan R. Sands, and Clait Braun. 2000. Guide lines to manage sage grouse populations and their habitats. Wildlife Society Bulletin 28(4):9667-985) reported a range of grass height at nest sites between 14 - 34 inches and a mean of 20 inches with canopy cover of grasses ranging from 4 to 51% with a mean of 16%. During brood-rearing, grouse with chicks preferred more open sagebrush uplands at about 10% - 14% canopy, while loafing of adults occurred in stands with 30% canopy. Beginning in June and during mid-late summer, broods moved to more mesic sites such as meadows. Hockett (2002) stressed the importance of riparian and wet meadow sites during summer and fall. Wintering sites were reported to have greater than 20% sagebrush canopy cover. (Western Watersheds Project, Pinedale, WY - Comment: #687, letter #27)*

Comment: *Connelly et al (2000) summarized some general characteristics of sage grouse habitat in the following table The sagebrush canopy characteristic for breeding habitats is reported as a broad range, but it is important to remember that successful nests occur in areas with canopy cover at the high end of the range or higher as cited above, so to set criteria in the RMP for ranges of sagebrush, grass or forb canopy less than optimum to justify vegetation treatments in order to increase access to livestock forage while degrading sage grouse habitat is*

*in opposition to the objective of maintaining or improving habitat for special status species.* (Western Watersheds Project, Pinedale, WY - Comment: #688, letter #27)

Comment: *Braun et al (1977), Welch et al (Welch, Bruce L., Fred J. Wagstaff and Richard L. Williams. 1990. Sage grouse status and recovery plan for Strawberry Valley, Utah. USDA Forest Service Intermountain Research Station Research Paper INT-430), Connelly et al (2000) report that spraying, burning and mechanical treatments of sagebrush resulted in declines of sage grouse. Other activities such as construction of roads, power lines, fences, reservoirs, ranches, farms and housing developments have resulted in sage grouse habitat fragmentation and loss. Structures such as fences and power lines provide perch sites for raptors that prey on sage grouse and also result in injury or death when grouse collide with these. RMP proposals for massive vegetation treatments, power lines, land disposals and other habitat fragmenting activities across most of the Pocatello Resource Area must be recognized in their outcomes which are counter to the objective of maintaining and improving habitat for sage grouse. Also ignored is the research showing that sage grouse have high seasonal fidelity to seasonal ranges and females return to the same area to nest each year (Hockett, Glenn A. 2002. Livestock impacts on the herbaceous components of sage grouse habitat: a review. Intermountain Journal of Science 8(2):105-114).* (Western Watersheds Project, Pinedale, WY - Comment: #690, letter #27)

Comment: *Beck and Mitchell (2000) and Hockett (2002) reviewed the effects of livestock grazing on sage grouse. Livestock, by consuming herbaceous vegetation and reducing grass cover needed to conceal grouse nests from predation, reduce grouse production. Ground squirrels favored by high levels of grazing, combined with drought conditions account for significant nest predation. The depletion of forbs and loss of associated insects can directly impact chick survival (Beck, Jeffrey L. and Dean L. Mitchell. 2000. Influences of livestock grazing on sage grouse habitat. Wildlife Society Bulletin 28(4):993-1002; Miller, Richard F. and Lee L. Eddleman. 2000. Spatial and Temporal Changes of Sage Grouse Habitat in the Sagebrush Biome. Oregon State University Agricultural Experiment Station Technical Bulletin 151. 35p). Mattise (Mattise, Samuel N. 1995. Sage grouse in Idaho: Forum '94. Idaho BLM Technical Bulletin 95-15. 10p) noted that "we have poor strategies for protecting important brood rearing habitat during severe drought conditions. Riparian areas, springs and seeps are not being managed to provide vegetative recovery and enhancement." Rich (Rich, Terrell. 1985. Sage grouse population fluctuations: evidence for a 10-year cycle. Idaho BLM Technical Bulletin 85-1. 20p) reviewed historical studies of sage grouse populations from 32 years of monitoring in southern Idaho and northwestern Utah. He concluded that sage grouse experience cyclic population patterns with 10 year highs. Mitchell and Maxfield (2001) analyzed results of lek counts in Utah from 1967 through 2000. They found a decreasing trend in numbers of males per lek site, and their data clearly shows a 10 year cycle of peaks and valleys (Maxfield, Brian D. and Dean L. Mitchell. 2001. Sage grouse in Utah. Utah Division of Wildlife Resources. 10p ). The last valley was found in 1996 with an uptrend through 2000. It is important to reflect on these possible trends when analyzing results for short periods. Rich (Medin, Dean E., Bruce L. Welch and Warren P. Clary. 2000. Bird habitat relationships along a Great Basin elevational gradient. USDA Forest Service Rocky Mountain Research Station Research Paper RMRS-RP-23. 22p)31 states, "evaluations of grouse population responses to habitat changes are critically dependent on understanding the long-term population dynamics of the species, especially where such evaluations may be done over a period of a few years." He concludes that "Ten years data may be required to even begin an adequate definition of just the breeding habitat of a population."* (Western Watersheds Project, Pinedale, WY - Comment: #691, letter #27)

Comment: *The following bullet points are extracted from the publications by Braun, Connelly and Welch cited above: "Sagebrush eradication should not be practiced. Treatments can be used to thin dense sagebrush stands to a range of sagebrush cover from 15% to 25%. Burns should be avoided in xeric Wyoming big sagebrush habitats). Only small burns to create mosaics in mountain big sagebrush should be contemplated and these are considered experimental."*

*Rehabilitation following wildfire or other disturbances should focus on re-establishing sagebrush and native herbaceous plants. Annual grass establishment following fire is detrimental. Grazing should not be allowed on seeded areas until plant recruitment has occurred. " Range seedings should focus on establishing forbs, native grasses and sagebrush. Monoculture seedings of crested wheatgrass and other non-natives are discouraged. " Applying insecticides to summer habitat is not recommended. " Livestock use around water sources and wet meadows in brood rearing areas should be regulated through fencing or other management to restrict overuse. " Grazing practices should be adjusted to maintain residual grass growth essential for nest concealment and then delay grazing the same areas until after nesting. " Plot sage grouse use areas including leks, nesting areas, wintering sites, meadows and summer range or brooding areas on maps. " No sagebrush will be treated or removed until a comprehensive plan has been formulated for management of the area. " Sagebrush control projects will include provisions for long-term quantitative measurement of vegetation before and after to determine effects on habitat and whether objectives were met. " No sagebrush control projects will be done on areas where live cover is less than 20%, on steep slopes or upper slopes with skeletal soils where big sagebrush is less than 30 cm. " No sagebrush control should occur along streams, meadows or intermittent drainages. A 100 meter strip of live sagebrush should be left on each edge of meadows and drainages. " When sagebrush control is found to be unavoidable, treatment measures should be applied in irregular patterns using topography and other ecological considerations. Widths of treated and untreated areas can vary except treated areas will not be wider than 30 meters and untreated areas will be at least as wide. " Manage breeding habitats to support 15 - 25% canopy cover of big sagebrush, perennial herbaceous cover #18 cm in height with 15% canopy cover of grasses and # 10% canopy cover of forbs. " Most recently, Braun, Connelly and Shroeder (Braun, Clait E., John W. Connelly, and Michael A. Shroeder. 2005. Seasonal Habitat Requirements for Sage Grouse, Summer, Fall and Winter. USDA RMRS-P-38) have published more specific information defining seasonal habitat needs of sage grouse and Clait Braun has published detailed management recommendations including livestock grazing utilization levels and management (Braun, Clait E. 2006. A Blueprint for Sage Grouse Conservation and Recovery. Grouse, Inc. May, 2006). (Western Watersheds Project, Pinedale, WY - Comment: #692, letter #27)*

*Comment: Partners in Flight (Page, Christine and Sharon A. Ritter. 1999. Birds in a Sagebrush Sea: Managing Sagebrush Habitats for Bird Communities. Partners in Flight, Western Working Group. 47p) provide management recommendations for sage grouse and migratory birds obligate to sagebrush-steppe. These include: " Identify and protect those habitats that still have a thriving community of native understory and sagebrush plants. ¾ Maintain large, continuous blocks of unfragmented habitat " Maintain seeps, springs, wet meadows and riparian vegetation in a healthy state " Avoid practices that convert sagebrush to non-native grassland or farm land. " Maintain stands of sagebrush for a balance between shrub and perennial grass cover. " In large disturbed areas, sagebrush and perennial grasses may need to be reseeded to shorten recovery time. " To maintain bluebunch wheatgrass vigor, avoid grazing during the growing season until plants begin to cure. Bluebunch wheatgrass is especially sensitive to heavy grazing during the growing season. Recovery of these plants following heavy grazing during a single spring can require 8 years under the best management and environmental conditions. " Grazing plans will depend on the current condition and plant composition of the area. Defer grazing until after crucial growth periods. Note that in the presence of cheatgrass, deferred grazing can favor the cheatgrass. " For sage grouse maintain average grass height of at least 18 cm in May and early June. Sharp-tailed grouse require 20 cm. " Consider livestock exclusion from heavily damaged areas, particularly wet sites. " Livestock concentrations around water developments can increase cowbird parasitism. " Use fences with smooth top and bottom wires for exclosures around wet sites. (Western Watersheds Project, Pinedale, WY - Comment: #693, letter #27)*

*Comment: Miller and Eddleman (Miller, Richard F. and Lee L. Eddleman. 2000. Spatial and Temporal Changes of Sage Grouse Habitat in the Sagebrush Biome. Oregon State University*

*Agricultural Experiment Station Technical Bulletin 151. 35p) also provide an excellent review of sage grouse ecology, habitat and management. They emphasize that sage grouse habitat management plans must take into account landscape heterogeneity, site potential, site condition and habitat needs of sage grouse during different parts of their life cycle (breeding, nesting, brood rearing, wintering). They also stress the importance of accurate resource inventories and assessments before making management decisions as to when and how each community across the landscape should be managed. Grazing management plans must identify potential conflicts between sage grouse and livestock. (Western Watersheds Project, Pinedale, WY - Comment: #694, letter #27)*

*Comment: Migrant Birds: Woodyard et al (2003) conducted bird censuses along an elevational gradient in east-central Nevada. These censuses were conducted in study plots monitored in 1981 and 1982 by Dean E. Medin and found fewer species and total numbers of birds (62% less) (Woodyard, John, Melissa Renfro, Bruce L. Welch and Kristina Heister. 2003. A 20-year recount of bird populations along a Great Basin elevational gradient. USDA Forest Service Rocky Mountain Research Station Research Paper RMRS-RP-43). Parrish et al (Parrish, Jimmie R., Frank Howe and Russell Norvell. 2002. Utah Partners in Flight Avian Conservation Strategy Version 2.0. Utah Division of Wildlife Publication No. 02-27. 305p) also describe the declines in these birds due to a variety of factors relating to habitat. They provide descriptions of the birds in Utah most in need of conservation and describe their habitat requirements, threats and management considerations. They discuss habitats most in need of conservation. Habitats such as shrub-steppe occurring in the Pocatello Resource Area are described as in need of protection. Medin et al (2000) provide a discussion of bird-habitat relationships for the Great Basin that provide insight into the habitats that occur in the Pocatello Resource Area and their relationships to these birds. Many of these birds are dependent on riparian areas (Medin, Dean E., Bruce L. Welch and Warren P. Clary. 2000. Bird habitat relationships along a Great Basin elevational gradient. USDA Forest Service Rocky Mountain Research Station Research Paper RMRS-RP-23. 22p). (Western Watersheds Project, Pinedale, WY - Comment: #695, letter #27)*

*Comment: Paige and Ritter (1999) cite population declines of 63% and 70% in shrub dependent and grassland bird species during the last 30 years across the U.S. In the Intermountain West, more than 50% of shrub- and grassland species show downward trends with sagebrush steppe as the highest priority for conservation based on trends for habitat and bird populations (Rich, Terrell D. 2002. Using breeding land birds in the assessment of western riparian systems. Wildlife Society Bulletin 30(4):1128-1139). They provide detailed descriptions of the history, characteristics and management of these systems with management recommendations. They note that cattle grazing in sagebrush steppe first select grasses and forbs and avoid browsing on sagebrush. In addition, even light grazing can put pressure on the herbaceous plants favored by livestock and intensive spring grazing prevents bunchgrasses from reproducing, eventually eliminating the palatable native bunchgrasses. They also discuss the response time for recovery of these systems and parasitism by cowbirds, a significant factor in decline of songbirds in some areas. (Western Watersheds Project, Pinedale, WY - Comment: #696, letter #27)*

*Comment: Taylor (1986) evaluated the effects of cattle grazing on birds nesting in riparian habitats (Taylor, Daniel M. 1986. Effects of cattle grazing on passerine birds nesting in riparian habitat. Journal of Range Management 39(3):254-258). He found that increased grazing resulted in decreases shrub volume and density and decreased bird abundance. "The longer the time since a transect was last grazed correlated significantly with increases in bird abundance, shrub volume and shrub height". (Western Watersheds Project, Pinedale, WY - Comment: #697, letter #27)*

*Comment: Bird species decreased with increased grazing, bird counts were 5 to 7 times higher on an area ungrazed since 1940 than on 2 areas grazed annually until 1980 and 11 to 13 times higher on a transect that was severely disturbed. (Western Watersheds Project, Pinedale, WY - Comment: #698, letter #27)*

Comment: *Krueper et al (2003) studied the changes in vegetation and breeding birds in the San Pedro River, Arizona following removal of cattle in 1987 (Krueper, David, Jonathan Bart and Terrell D. Rich. 2003. Response of vegetation and breeding birds to the removal of cattle on the San Pedro River, Arizona (U.S.A.). Conservation Biology 17(2):607-615). Birds were monitored for five years. Mean numbers detected along riparian transects increased by 23% per year or from 103/km in 1986 to 221/km in 1992. Earnst et al (2004) compared songbird abundance in 2000-2001 to that in 1991-1993, following cattle removal from the Sheldon National Wildlife Refuge in 1990 (Earnst, Susan L., Jennifer A. Ballard, and David S. Dobkin. 2004. Riparian songbird abundance a decade after cattle removal on Hart Mountain and Sheldon National Wildlife Refuges. USDA Forest Service PSW-GTR-191). Of 51 species for which abundances were sufficient to calculate changes, 71% exhibited a positive trend. Detections of ground/low cup and high cup nesting species, ground/understory foraging species, aerial and overstory foraging species increased significantly. (Western Watersheds Project, Pinedale, WY - Comment: #699, letter #27)*

Comment: *Rich (2002) evaluated the ability of riparian PFC assessments as employed by BLM and noted that they lacked the ability to incorporate assessment of land breeding bird communities (Rich, Terrell D. 2002. Using breeding land birds in the assessment of western riparian systems. Wildlife Society Bulletin 30(4):1128-1139). He constructed a list of riparian-obligate birds that should occur on the site during the breeding season and used that to score the site based on the percent of those occurring there. (Western Watersheds Project, Pinedale, WY - Comment: #700, letter #27)*

Comment: *Welch (Welch, Bruce L. 2004. A Three Hundred Mile Search Afoot for Pygmy Rabbits. USDA Forest Service Rocky Mountain Research Station Research Paper in draft) reports his research in which he walked 300 miles in pygmy rabbit habitat, covering areas where pygmy rabbits were previously reported. In 37 stands of big sagebrush in northern Utah, he found 11 pygmy rabbits, with 8 occurring in a single stand of sagebrush. Out of 11 sites previously reported as supporting pygmy rabbits, he found no signs of occupancy with only four sites now having suitable habitat. Suitable habitat consisted of big sagebrush with 20% canopy cover and 22 inches in height. He reported on significant deterioration and loss of habitat for pygmy rabbits through conversion of sagebrush stands to agriculture and treatments designed to improve forage conditions for livestock by reducing sagebrush cover. In his literature review, he provides some additional parameters describing wintering habitat for pygmy rabbits. The research showed the areas of highest winter use were in basin big sagebrush with canopy cover of 51%, compared to areas with moderate use having 42.7% canopy and low use in 38.6% canopy. Diets consist of 99% sagebrush in winter and 51% during summer with the remainder being herbaceous vegetation. DOI (DOI. 2001. Endangered and Threatened Wildlife and Plants; Emergency Rule to List the Columbia Basin Distinct Population Segment of the Pygmy Rabbit (*Brachylagus idahoensis*) as Endangered. Federal Register 66(231):59734-59749) summarizes additional diet characteristics for pygmy rabbits. In particular, they were reported to rely on 39% grasses such as native *Agropyron* species and 10% forbs. Other characteristics described in both references include descriptions of soil conditions amenable to burrowing, such as deep soils. (Western Watersheds Project, Pinedale, WY - Comment: #703, letter #27)*

## **1.127 Primary Topic: Wildlife, Second Topic: Stipulations**

**Summary:** Wildlife related stipulations need to be analysed and addressed in the EIS and RMP.

Comment: *Protection of key wildlife habitats during important seasons of use is an issue. Implementation of seasonal stipulations should be specifically addressed in the RMP. The process for allowing exceptions to seasonal stipulations should also be addressed. (Wyoming*

Game and Fish, Cheyenne, WY - Comment: #185, letter #18)

*Comment: Raptors also often receive protective stipulations and other protective measures, particularly in the context of oil and gas development activities. The EIS should examine existing stipulations and protections to determine their effectiveness and to determine whether they should be modified so as to protect these magnificent birds. Too often raptor stipulations only apply to occupied nests. Again, however, this is an inappropriately restricted approach from a biological and ecological perspective. The EIS should examine whether habitat that could potentially be occupied by raptors, such as previously utilized nests, should receive protection so as to ensure the continued viability of raptors in the RMP area. It should consider all biological needs of raptors and develop suitable protections for all significant life-stages of the various raptors, all of which should be included in the RMP. Additionally, the EIS should address compliance with the Bald Eagle Protection Act and Migratory Bird Treaty Act and the RMP should specify the means by which BLM will ensure compliance with these laws as well as pursue (or facilitate) enforcement of them. (Wyoming Outdoor Council, Lander, WY - Comment: #318, letter #19)*

*Comment: The sage grouse too often receives special protective measures, particularly in the context of oil and gas development activities. Typical stipulations limit oil and gas development activities when sage grouse are utilizing known leks. BLM should reexamine whether these types of stipulations are sufficient, standing alone, to protect the viability of sage grouse populations. It is axiomatic that wildlife require all environmental features (food, cover, shelter) necessary to support all life-stages. Focusing exclusively on one element of a species' ecological needs not only might fail to protect the species, it might also blind BLM to other critical factors affecting the species. For example, it is well known that sage grouse chicks need access to wet meadow areas so they can find high-protein insects to support early growth. Dense stands of sagebrush are critical winter habitat. Furthermore, the appropriate means to protect sage grouse is to not only focus management efforts (and protective measures) on particular habitat needs (e.g., protecting leks), but also to ensure sagebrush habitats, an increasingly imperiled ecosystem, are protected. The same, of course, is true for many other species, including such sagebrush obligate species as Brewer's sparrow, sage sparrow's, and sage thrashers; and of course the same is true for species dependent on other habitats and ecosystems. (Wyoming Outdoor Council, Lander, WY - Comment: #319, letter #19)*

*Comment: Consideration of the above issues is necessary to prevent unnecessary or undue degradation of wildlife on the public lands. Additionally, the protections discussed above involve "timing limitations" during actual exploration or drilling for oil and gas. The EIS should consider whether other types of stipulations are needed (including no surface occupancy), and also whether stipulations and protections are required for ongoing operations so as to effectively protect wildlife. If additional, needed protections are identified, they should be adopted in the RMP. The need to not grant exemptions and exceptions to stipulations on oil and gas leases was discussed above in the section on oil and gas activities at the APD stage (Wyoming Outdoor Council, Lander, WY - Comment: #320, letter #19)*

*Comment: E). Where timing limitations are in place to protect crucial habitat, nesting range and roosting range we advocate that those stipulations be strongly enforced and not waived in order to accommodate industry. We are concerned that where these stipulations have been waived there is often an adverse impact on the wildlife that the stipulations were put in place to protect. (Wyoming Outdoor Council, Lander, WY - Comment: #360, letter #19)*

*Comment: Spatial buffers and seasonal closures should not be applied to potential habitats and only to occupied crucial or critical habitats when scientifically proven to be effective and after analysis of socio-economic impacts to local communities have been analyzed. (Wyoming Coalition of Local Governments - Comment: #627, letter #29)*

## **1.128 Primary Topic: Wind energy**

**Summary:** BLM needs to keep wind energy developments out of sensitive areas.

*Comment: The use of wind to generate electric power should be carefully addressed in the RMP. Sensitive scenic, historic, wildlife habitat, and other public land resources should be protected from development of wind energy projects. The RMP should withdraw specific areas from development of wind energy facilities. (Individual, Lander, WY - Comment: #68, letter #12)*

## **1.129 Primary Topic: Withdrawals**

**Summary:** The RMP should review existing mineral withdrawals for renewal, modification, revocation, and/or termination, and consider applying locatable mineral entry withdrawals in other special management areas identified during the analysis.

*Comment: The BLM should consider withdrawal of special places from mineral entry. Often mineral claims have a low potential for economically recoverable mineral deposits, there can be severe impacts due to the scale of modern mining activities, and the public interest of protecting more valuable resources (including wildlife habitat, water, recreation, wilderness, etc) can outweigh the mineral values. Special places that should be considered for withdrawal include, but are not limited to, lands with wilderness qualities including citizens' proposed wilderness areas, important wildlife habitat, water sources, and unique geologic formations. (Wyoming Outdoor Council, Lander, WY - Comment: #287, letter #19)*

*Comment: C). Where resources have been withdrawn from sale or mineral entry, such as the Sweetwater Rocks WSA's, East Fork Wildlife Habitat Management Areas, and Whiskey Mountain Bighorn Sheep Winter Range, we would advocate for those mineral withdrawals to be renewed. (Wyoming Outdoor Council, Lander, WY - Comment: #358, letter #19)*

*Comment: 26. Inberg Roy Wildlife Habitat Management Area and Spence Moriarty Wildlife Habitat Area: Specific location of the area: These areas encompass the boundaries of the existing WHMA's north of highway 287, west of the Wind River Indian Reservation and Northeast of Dubois. Specific values and concerns of the area: There are parcels of BLM lands intermingled within the boundaries of the WHMA's that provide valuable wildlife habitat but could be subject to development in the absence of clear protections. Specific management proposals for this area: We advocate for these areas to continue to be managed in accordance with the surrounding WHMA's. We also advocate for these areas being removed from sale or mineral entry and advocate for their removal from oil and gas leasing. (Wyoming Outdoor Council, Lander, WY - Comment: #395, letter #19)*

*Comment: All existing withdrawals of public lands from sale and entry should be continued on areas like the Whiskey Mountain Bighorn Sheep Winter Range, East Fork Elk Winter Range, South Pass, Green Mountain, and significant segments and sites associated with national historic trails. In addition, new withdrawals should be considered in the RMP revision where needed to protect resources identified in the new analysis that need special protection. Examples could include National Historic Landscapes and National Natural Landmarks. (Individual - Comment: #432, letter #26)*

*Comment: Existing land withdrawals currently encumbering public lands must be reviewed to determine the need for continuation, modification, revocation, or termination of the withdrawal. 43 U.S.C. 1714(l). Unneeded withdrawals should be revoked. (Sweetwater County Conservation District, Rock Springs, WY - Comment: #464, letter #28)*

*Comment: Existing land withdrawals currently encumbering public lands must be reviewed to determine the need for continuation, modification, revocation, or termination of the withdrawal.*

*43 U.S.C. 1714(l). Unneeded withdrawals should be revoked.* (Wyoming Coalition of Local Governments - Comment: #565, letter #29)

## **1.130 Primary Topic: Working groups**

**Summary:** The RMP should allow for working groups and include requirements for participation in a working group.

*Comment: We are aware that work groups have been used in the past with respect to adaptive management. However, the work group concept is of great concern based upon our past experience. We have seen this process involve individuals with very little technical expertise making recommendations for monitoring. Project proponents, however, are typically required to accept these recommendations and absorb the costs to conduct the monitoring.* (Public Lands Advocacy, Denver, CO - Comment: #99, letter #15)

*Comment: The individuals who are on a work group must have scientific and working knowledge of the issues being addressed as well as an understanding of the type of industry subject to the monitoring under consideration.* (Public Lands Advocacy, Denver, CO - Comment: #100, letter #15)

*Comment: Project proponents must be represented on a work group.* (Public Lands Advocacy, Denver, CO - Comment: #101, letter #15)

*Comment: Costs associated with any monitoring must be considered by the work group, along with the input of the project proponent, prior to implementing any recommendations.* (Public Lands Advocacy, Denver, CO - Comment: #102, letter #15)

*Comment: The plan should provide for the establishment of work groups made up of cooperators participating in development of the RMP that would assist the BLM in preparing NEPA documents associated with activity plans, modification to current plans and RMP implementation.* (Sweetwater County Conservation District, Rock Springs, WY - Comment: #452, letter #28)

*Comment: The plan should provide for the establishment of work groups made up of cooperators participating in development of the RMP that would assist the BLM in preparing NEPA documents associated with activity plans, modification to current plans and RMP implementation.* (Wyoming Coalition of Local Governments - Comment: #553, letter #29)