



COMMENTS ON THE BUREAU OF LAND MANAGEMENT
DRAFT LANDER RESOURCE MANAGEMENT PLAN AND
ENVIRONMENTAL IMPACT STATEMENT
EXECUTIVE SUMMARY AND COMMENT DOCUMENT

Prepared by

Fremont County Commission, Wyoming

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EXECUTIVE SUMMARY

With the Notice of Intent (NOI) of the Bureau of Land Management (BLM) Lander Resource Management Plan (RMP) revision in 2007, the Fremont County Commission (FCC) began active participation in the RMP and accompanying Environmental Impact Statement (EIS) process. FCC analysis and evaluation of the process to date culminates in a comprehensive comment document critiquing the BLM Draft Lander RMP and EIS (RMP/EIS). The importance of the Final Lander RMP/EIS to the FCC and its constituencies cannot be overstated. Accordingly, the comments provided are based on comprehensive and thoughtful review of the RMP/EIS. Consideration and formulation of comments for additional documents important to the development of the RMP/EIS (e.g. Reasonable Foreseeable Development (RFD) scenarios) are also proffered by the FCC.

It is the desire of the FCC to meet with the BLM shortly after the comment period deadline to discuss key issues discussed in the narrative that follows in this document. The FCC is optimistic that as the revision process moves forward, comprehensive, fruitful, and productive discussion with the BLM will occur regularly through finalization of the Lander RMP.

1.1 KEY FINDINGS AND ISSUES

Review and comprehension of the RMP/EIS unveiled a multitude of deficiencies, inaccuracies, and generalizations grounded in aspirational philosophy, not recognized science, nor basis in fact. In its entirety, the RMP/EIS is 1,759 pages in length. Therefore, FCC commentary is extensive and detailed. Multiple resource and issue areas are the focus of discussion in the comment document composed by the FCC. As duly elected County Commissioners of Fremont County, the FCC, in summary, has identified the following key findings and issues based on appraisal of the RMP/EIS.

1.1.1 Special Designations – Areas of Critical Environmental Concern

- Existing, existing with proposed expansion, and proposed Areas of Critical Environmental Concern (ACEC) are based on qualitative conclusions devised by the BLM. ACEC designation and evaluation requirements outlined in the Federal Land Policy and Management Act (FLPMA) and BLM Manual 1613 have not been satisfied. The FCC is wholly unable to determine if any of the ACECs in the RMP/EIS meet the requirements of “relevance” and “importance.”

1.1.2 Socioeconomics

- Losses of AUMs over the life of the Plan have the potential to adversely impact ranch property values.
- BLM failed to follow the guidelines of *Appendix D: Social Science Considerations in Land Use Planning Decisions*, in the BLM Land Use Planning Handbook. In particular, the BLM did not conduct the requisite economic strategies workshop.
- Unsound economic projections are disclosed in the RMP/EIS. In particular, the Reasonably Foreseeable Development for oil and gas and recreation visitor days.

1.1.3 Cultural

- Cultural site and historic trail buffers are excessive. Alternative D buffers for cultural sites, national, and other historic trails would restrict or constrain resources uses in the Planning Area that have yet to be identified. Up to three mile buffers on cultural sites and the quarter, three, five, 15, and 20 mile buffers (depending upon alternative) on historic trails shall be reduced and the BLM must identify where the scene and setting is intact in the Lander Planning Area to effectively analyze the economic impacts of these actions.

1.1.4 Geographic Information Systems (GIS)

- ROW Avoidance/Exclusion areas in Alternative D cannot be reproduced.
- Travel Management shapes for Alternative D includes overlapping polygons.
- All GIS data used in the RMP/EIS is cited as coming from one source (BLM 2009a). A detailed reference list, including all GIS layers sourced in the RMP/EIS, must be included in the document.

1.1.5 Livestock Grazing

- Data and/or methods are not presented on how the loss of animal unit months (AUM) is calculated by alternative or to justify reducing AUMs by 49,696. Also, grazing allotment acres and AUMs are not consistent between chapters and Appendix K.
- Grazing is not identified as an allowable use in several management areas and no analysis of potential impacts to livestock grazing are disclosed.
- Livestock management (livestock roundup) is considered a disruptive activity, which have timing restrictions for wildlife. With livestock grazing management activities (human presence) considered disruptive, there is limited or no window to complete common management practices.
- It is stated that the Sweetwater Grazing Wilderness Study Area (WSA) will be closed to grazing if the permit/lease is abandoned. Yet, Section 4.6.5.2 Methods and Assumptions, states “Livestock grazing is a ‘grandfathered’ use.” No justification for or how many AUMs will be impacted by this closure is provided.
- Several travel closures are proposed in the RMP/EIS, but there is no discussion on the impacts to livestock management activities.
- Wildlife management is a major threat to livestock grazing in the Planning Area. Special status species, elk, wild horses, and wildlife habitat management are all given priority over livestock grazing with little data to support reductions or elimination of grazing in certain areas.
- Currently in the Planning Area there are permitted AUMs which are suspended. These are not disclosed in the RMP/EIS in any meaningful manner. The finalized RMP must include all currently suspended AUMs, so that when needed in the future, they can be reauthorized for use.

1.1.6 Minerals

- Alternative D overly restricts mineral developments and production. Designated Development Areas (DDA) then must be flexible and amenable to minerals production and exploration.
- A Master Leasing Plan for the Beaver Rim area is unwarranted.
- Areas designated closed or No Surface Occupancy should not preclude geophysical exploration.
- The western portion of the Planning Area disallows, without merit, mineral materials disposals.

1.1.7 Travel Management, Rights-of-Way (ROW), and Corridors

- Non-motorized use is characterized as superior to motorized uses.
- Rights-of-way (ROW) avoidance/mitigation areas are immense (158,767 acres – 2,234,248 acres), economically irresponsible, and not proven to be necessary or effective in protecting resources. Establishment of an additional ROW corridor leading through the Planning Area southward is necessary for future transportation of mineral materials or electricity transmission.
- The BLM and SHPO must fully disclose NHT portions not intact and subsequently designate those areas as ROW corridors.
- Reclassification of travel restrictions from the current management standard that limits motorized use to “existing roads and trails” to the proposed “designated roads and trails” will have a significant adverse impact on energy development, grazing, and recreation uses by stifling access.
- Construction of future communication sites would be prohibited throughout the Planning Area, severely limiting the opportunity to close gaps where communication capabilities are currently absent.
- Erection of new or maintenance of existing snow fences shielding Fremont County roads is currently, and presumably would be in the future, restricted in the Planning Area. Restricting snow fences is a threat to the health and safety of individuals traveling County roads.

1.1.8 Visual

- It is unclear how Visual Resource Inventory Classes and Visual Resource Management (VRM) classes were determined. Specifically, it is not clear how sensitivity levels were designated and why some VRM classes were expanded from Alternative A to Alternative D.

1.1.9 Wildlife

- Greater sage-grouse sections do not elaborate adequately the management prescriptions outlined in the science-based 2011 Wyoming Governor’s Greater Sage-grouse Executive Order.
- Effects to wild ungulates, greater sage-grouse, northern goshawk, and Canada lynx from multiple uses are exaggerated and do not fully evaluate available mitigation options.

- Wildlife scientific references used to frame conclusions are outdated and are not representative of current knowledge.
- Canada lynx are stated as both an undocumented species and occupants in the Planning Area. The BLM does not describe and cite the strategy (e.g. 2007 Northern Rockies Lynx Management Direction) to be implemented in the management of Canada lynx.

In total, the key findings and issues identified lead the FCC to firmly assert that the RMP/EIS is inadequate in its current form. Of great concern to the FCC is the overwhelming lack of both historic and current condition quantitative data in the RMP/EIS. A common theme commented on by the FCC throughout the revision process has been, and continues to be, that the BLM is proposing management actions with associated constraints and restrictions on domestic livestock grazing, oil and gas development, and the travel management infrastructure without demonstrating cause and/or need. If the BLM can substantiate management challenges via data collection and analysis, then the FCC, stakeholders, and the general public will have an opportunity to evaluate the accuracy of findings and results. Should field data and corroborating research validate the need for an alteration of uses to protect the natural environment, the FCC and stakeholders are willing to coordinate with the BLM to identify adaptive management strategies that are in the interest of all parties and Planning Area resources. Unfortunately, the BLM has largely ignored numerous requests by the FCC, following review of previous iterations of the RMP/EIS and Analysis of the Management Situation (AMS), to increase the amount and use quantitative data and scientific literature in BLM-produced documents.

1.2 FREMONT COUNTY COMMISSION

The value of resource uses in the Lander Planning Area cannot be understated. FCC designation as a cooperating agency is intended to ensure that resource uses are not lost due to excessive protective management stemming from the RMP. It is expected that the RMP will guide management in the Lander Planning Area for 20 years and the FCC is intent on protecting traditional and non-traditional uses for the life of the RMP.

For generations, citizens of the Lander Planning Area have relied on natural resources to provide a sense of well-being both remuneratively and recreationally. Analysis of employment potential conducted by the BLM found that alternative selection will directly influence job creation and maintenance on BLM-administered lands. Current management (Alternative A) and the Agency-preferred Alternative D would lead to 3,622 or 3,424 annual jobs in the oil and gas sector, respectively. From those jobs, Alternative A and Alternative D would generate, over the 20-year planning period a total of \$3.6 or \$3.9 billion, respectively. Employment and economic numbers such as those previously disclosed are significant. As significant as they may be, the FCC would opine that the employment and earnings figures are underestimated by the BLM. The mission of the FCC is to maximize resource uses compatible with resource protection so that employment and economic opportunities are plentiful in the Lander Planning Area.

1.2.1 Cooperating Agency Status and the Planning Process

The Council on Environmental Quality (CEQ) provides regulatory guidance for the implementation of the National Environmental Policy Act (NEPA). CEQ 1501.6 is the cooperating agencies section and states:

The purpose of this section is to emphasize agency cooperation early in the NEPA process. Upon request of the lead agency, any other Federal agency which has jurisdiction by law shall be a cooperating agency. In addition any other Federal agency which has special expertise with respect to any environmental issue, which should be addressed in the statement may be a cooperating agency upon request of the lead agency. An agency may request the lead agency to designate it a cooperating agency.

Not only does the preceding help define and outline the role given cooperating agencies and the lead agency, but provides essential rules for how the planning process should be conducted. As a cooperating agency, the FCC has participated ardently in the review and development (when a participatory role was granted by the BLM) of documents related to the RMP/EIS. However, the FCC does not believe they have been fully involved in every step of the process as required by law. The BLM Land Use Planning Handbook H-1601-1 states that “planning is inherently a public process.” Without question the FCC believes that planning is a public process and as such, have done everything necessary to meet the obligations granted a cooperating agency.

1.3 FEDERAL LAWS, POLICIES, REGULATIONS

Federal laws, policies, and regulations are enacted by Congress to ensure that federal agencies involved in land use planning documents produce quality work and release documents that will stand up to legal challenge. These laws and policies enable public involvement and participation in public land use planning documents and set the guidance for procedures to be followed by federal agencies. BLM handbooks and manuals, CEQ, FLPMA, and NEPA set precedence for compliance with federal laws, policies, and regulations. The following section will document how the BLM has neglected to adequately comply with multiple federal laws, policies, and regulations.

1.3.1 BLM Handbooks, CEQ, Data Quality Act, FLPMA, and NEPA

In accordance with FLPMA, the BLM is currently revising the RMP for the Lander Field Office in Wyoming. NEPA, guided by CEQ regulations, mandates that the BLM prepare an EIS to analyze the impacts of the proposed RMP in the Planning Area. The BLM Land Use Planning Handbook H-1601-1 guides BLM personnel in the development of planning documents, while the BLM NEPA Handbook H-1790-1 works to ensure that the Agency is compliant with both NEPA and CEQ regulations. It is the opinion of the FCC that the RMP/EIS, and the development process leading up to the release of the draft version, has inadequately followed guidance and regulations found within BLM Handbooks, CEQ, FLPMA, and NEPA. As outlined in preceding sections, the FCC asserts that the role and authority given to cooperating agencies in guidance documents and federal regulations has not been fulfilled.

1.3.1.1 *Data Quality Act*

In reviewing the RMP/EIS, it is clear that there are several issues with data and information presented as fact by the BLM. It is for this reason that the FCC asserts that the BLM must recognize and correct factual errors as required by the Data Quality Act (DQA) of 2000. The DQA was enacted by Congress to ensure that federal agencies disseminate and use accurate information. The uncodified DQA, as it amends the Paperwork Reduction Act of 1980, is intended to prevent harm from the dissemination of inaccurate information. Public Law 106-544 Section 515 led to the publication of USDI and BLM guidelines for data quality and integrity. DQA guidelines (FR Vol. 67 No. 36) required all federal agencies to issue guidelines for “ensuring and maximizing the quality, objectivity, utility, and integrity of information that it disseminates.” Specific resource areas where incorrect, inaccurate, or missing data occurs in the RMP/EIS include:

- Livestock Grazing
- Socioeconomics
- Special Designations
- Wildlife

It is for those data quality issues in the RMP/EIS that the FCC asserts that the BLM must recognize and correct factual errors as required by the DQA.

1.4 **FREMONT COUNTY LAND USE PLAN**

FCC members believe that the BLM has ignored in the RMP/EIS numerous stated policies and goals included in the Fremont County Land Use Plans. In not addressing inconsistencies between the RMP/EIS and the Fremont County Land Use Plan (FCLUP), the BLM is in violation of CEQ Section 1506.2 – Elimination of Duplication with State and Local Procedures. Fremont County has consistently stated continuing support for multiple uses and dissatisfaction with reducing access to public lands for a variety of purposes. Nevertheless, the BLM-preferred alternative in the RMP/EIS includes ACECs that potentially reduce or eliminate significant acreage available for oil and gas leasing even though the BLM ACEC inventory is flawed and noncompliant. The FCC fully supports the goals of multiple use and sustained yield, balancing increasing and competing demands for resources on public lands while serving the best interests of the residents of the Lander Planning Area. Alternative B and D, in particular, restrict certain multiple uses (e.g. resource extraction, grazing, and travel management designations) across much of the Planning Area, which is contradictory to the stated goals of the BLM, as well as the policies set forth in the FCLUP.

1.5 **GIS DATA**

GIS is one of the most important tools available today to natural resource specialists engaged in land use planning. Analysis for all resources, spatial locations, and acreage calculations rely heavily on GIS. All

of the quantification of the existing environment and the measurements of management's effects are done in GIS. Discrepancies and inconsistencies throughout the Draft RMP are of great concern to the FCC. Inaccuracies with greater sage-grouse and ROW avoidance and exclusion areas are particularly troubling.

1.6 RESOURCE AREAS ANALYSIS

As a matter of fact, the FCC is disappointed with the lack of depth provided by the BLM in analyzing the resource areas discussed in this comment document. It is our contention that the RMP/EIS in its present iteration is incomplete in numerous capacities. As such, the FCC is gravely concerned that management actions in the future will unduly restrict or prohibit multiple uses in the Planning Area for the next 20 years or more. In the proceeding subsections, the FCC summarizes the most egregious findings and conclusions for each commented on resource area. Following discussion of resource areas, the FCC offers mitigations that work to protect multiple uses, local governments, stakeholders, and citizens in the Lander Planning Area.

1.6.1 Mineral Resources

As stated in the RMP/EIS, the agency preferred alternative includes fewer restrictions on mineral development in DDAs, but places more restrictions on development throughout the remainder of the Lander Planning Area. The FCC supports the designation of DDAs, however it is essential that the numerous constraints and restrictions placed on oil and gas development and mining in the remainder of the Planning Area are based on sound science and that information provided in the RMP/EIS demonstrates these restrictions are in fact necessary. Additionally, since development is given priority in DDAs, the FCC is requesting that the BLM work to streamline the NEPA process in these areas so that projects can proceed within a reasonable time frame.

1.6.2 Wildlife and Special Status Species – Wildlife

Wildlife narrative and analysis, in all chapters and appendices of the RMP/EIS, are consistently incomplete, contradictory, and unclear. An Affected Environment chapter should comprehensively disclose wildlife habitat needs and available habitat for all species analyzed in the Planning Area. Additionally, when management challenges are noted for individual species (e.g. greater sage-grouse) or groups of species (big game), such challenges should be disclosed quantitatively with data and research. Rather than doing so, the Affected Environment chapter provides little to no historic, baseline, and/or current data on wildlife species, habitat availability and quality, and substantiation via data and research to document that the management challenges are in fact real and accurate as described.

In moving from the Affected Environment, which inadequately portrays the current condition, it is impossible to analyze the effects of proposed management actions on species and habitats in the Environmental Consequences chapter. An over-arching theme advanced for all wildlife species in the RMP/EIS is that closure of lands to multiple uses is preferred regardless of available mitigations, restrictions, and constraints. Restrictive management of the Planning Area for the purpose of protecting

wildlife is neither based on recognized science and dismisses the implementation of state of the art mitigation measures that are proven effective. Using aspirational goals and objectives, sans comprehensive data and research, to promote wildlife to the economic detriment of local governments and stakeholders is without merit. As currently written and expressed in the comments that follow, the wildlife portion of the RMP/EIS is significantly inadequate as a basis for making management decisions with far-reaching ramifications.

1.6.3 Heritage and Visual Resources

The FCC has considerable concerns with the Cultural and Visual Resources sections of the RMP/EIS, including the related Special Designations sections associated with National Historic Trails (NHT). Concerns related to cultural resources have to do with significant buffers on NHTs potentially precluding surface disturbing activities over tens of thousands of acres in the Lander Planning Area. To date, the BLM has not adequately disclosed the necessity of NHT buffer distances, which range from 0.25-mile in Alternative A to 20 miles in Alternative B. Neither has the BLM provided a comprehensive, fine-scale spatial and tabular description of intact and not intact NHT segments. The FCC believes that appropriate science-based mitigation measures can be employed that would protect these resources without precluding development on such a large acreage of surrounding lands.

1.6.4 Rights-of-Way, Corridors, and Travel Management

The FCC approves of the formally designated Westwide Energy Corridor (79-126) and recognizes that additional corridors for oil, gas, and hydrogen pipelines and electricity transmission and distribution are required to enhance existing infrastructure and to foster new energy export opportunities. In view of that, there is concern that north/south corridor connectivity is extremely limited under Alternative D and that designated ROW corridors are too narrow to promote new opportunities. In order to alleviate the congestion that will certainly occur in the Crooks Gap area, the FCC is requesting that the BLM reexamine Alternative D designated corridor widths at NHT crossings and reconsider designating a ROW corridor in the western portion of the Planning Area.

1.6.5 Livestock Grazing

As stated in the RMP/EIS, livestock grazing is one of the most visible and established uses on BLM-administered lands. It is a cultural and historic use (as recognized in the RMP/EIS) that should be recognized as a priority use in the Planning Area. Livestock grazing has existed in harmony with other resources in the planning area during times of drought, wildlife population increases, and oil and gas development. For instance, data and/or methods are not presented on how the loss of animal unit months (AUM) is calculated by alternative or to justify reducing AUMs by 49,696. It is vital to the economics of local communities providing stable year round employment and commerce for the Planning Area that preceding is both analyzed and described. The analyses of impacts to and from livestock grazing are inadequate and erroneous. Without merit, wildlife habitats and species are given primacy in the RMP/EIS, with livestock grazing deemed harmful to those resources.

1.6.6 Special Designations and Other Management Areas

Special designations in the Lander Planning Area, particularly expanded and proposed ACECs, are founded on inadequate evaluations and baseless conclusions that the BLM shall address between the draft and final versions of the RMP/EIS. The FCC has identified numerous falsehoods that the BLM state as fact in proposing to expand an existing or create a new ACEC. Additionally, the BLM does not provide the necessary data and substantive research throughout this section of the RMP/EIS to support new ACECs or expanding existing areas. Existing ACECs, proposed for continuing designation, are of equal concern to the FCC.

Based on the findings in the RMP/EIS sections covering ACECs, the FCC advances two directives that the BLM shall fulfill prior to finalization of the document. This is not only necessary due to this comment, but mandated by federal law, policy, and regulation.

- The BLM shall, utilizing full cooperation and coordination with the FCC as required by law, determine what type of activities, and to what level those activities will cause irreparable harm (significance criteria) within ACECs.
- Following the identification of irreparable harm activities and significance criteria, the BLM shall, utilizing full cooperation and coordination with the FCC, as required by law, reinventory all ACECs proposed (existing, expanded, and new) in the RMP/EIS. The reinventory process will be compatible and consistent with all relevant regulatory, policy, and legal ACEC guidance.

1.6.7 Socioeconomics

The analyses of the socioeconomic resources of the Planning Area provide an opportunity to analyze the impact of the alternatives on human populations, including local users, visitors, local communities, regional economies, and the national populous who owns the land. The socioeconomic section should provide a description of the groups and communities that impact or are impacted by the decisions in the Planning Area, an analysis of how the communities and groups interact with the resources of the Planning Area (including resource use conflicts), impacts of the alternatives to the communities and groups, methods to monitor the impacts over the life of the Plan, and mitigation measures to minimize impacts.

Following review, the FCC feels as if the BLM has provided a cookie cutter socioeconomic analysis. Several sentences, assumptions, and statements are identical to those as found in the Draft Bighorn Basin RMP/EIS. The entirety of the Environmental Consequences section is almost identical in wording to the Bighorn Basin RMP/EIS Environmental Consequences section; in most paragraphs only the numbers and city names are changed. In particular, assumptions made and conclusions drawn from the data are indistinguishable. By providing a more complete understanding of the communities and groups impacted for 20 years or more by the final RMP, the impact analysis should provide meaningful indicators to be monitored over the life of the Plan and then possible mitigation measures can be crafted to minimize adverse effects when and where needed.

1.7 MITIGATIONS

Each of the resource areas discussed previously is substantially devoid of critical information. As such, the FCC has formulated a set of mitigations to address inadequacies in the RMP/EIS. This is a proactive approach to inhibit the BLM from implementing management actions derived from the RMP/EIS that are groundless in fact and validation. Legitimately, the FCC has serious reservations that in the future the BLM will use the finalized RMP to impose restrictions and prohibitions on multiple uses in the Lander Planning Area that afford both economic well-being and recreational enjoyment to citizens and stakeholders. Numerous protections are granted to wildlife species through constraints on oil and gas development, road designations, ROW avoidance/mitigation areas, and domestic livestock grazing. While protective measures for wildlife or other resources may be warranted, it must be based on factual information derived through established scientific means. For instance, page 893 states:

Management needed to improve riparian-wetland areas toward PFC will consist of using all techniques available, such as construction of range improvements, closing roads that impact the areas, and changing livestock grazing strategies.

The preceding excerpt is generalized and unclear as to what “livestock grazing strategies” may be implemented to maintain or improve riparian-wetland areas. This is but one example that leads the FCC to believe that the BLM, through an imprecise, incomprehensive, and inaccurate finalized RMP, will minimize multiple uses in the Lander Planning Area under the auspices of resource protection. To counteract such from occurring, mitigations are included in comments for each resource. For instance, the following mitigation was devised by the FCC for wildlife and grazing:

Prior to any proposed modification of AMPs or elimination of livestock grazing allotments in the Planning Area as a protective measure for greater sage-grouse and/or other wildlife species, the BLM will design and implement a comprehensive monitoring study based on state-of-the-art methods that evaluates species population density and viability, habitat quality and quantity, and the effects of livestock grazing at the project scale. At the conclusion of the study the BLM will coordinate with livestock grazing permittees and local governments in Fremont County preceding any proposed modification of AMPs or elimination of livestock grazing allotments in the Planning Area. If disagreements arise, they shall be settled through a conflict resolution and mediation process.

It is critical that the mitigations/corrective actions developed by the FCC be carefully reviewed and understood by the BLM, as they will be an integral addition that the Agency must incorporate into any management decision that limits resource uses, both traditional and non-traditional, in the Lander Planning Area upon implementation of the Final RMP.

1.8 MOVING FORWARD IN THE PLANNING PROCESS

It is paramount that the BLM address and correct the significant inadequacies highlighted by the FCC in the Final RMP/EIS. The intent of the FCC is to actively engage with the BLM as the Agency revises the

RMP/EIS to address the numerous concerns expressed in the comment document. As representatives of the citizens of the Lander Planning Area and advocates of responsible multiple uses, it is the firm position of the FCC that the BLM acknowledge that as currently written, the RMP/EIS does not provide the level of detail and analysis necessary to make planning decisions for the next 20 years.

An additional apprehension which the FCC posits is in regard to the increased level of rules, regulations, and restrictions advanced by the BLM in the RMP/EIS. The FCC concerns regarding the BLM's ability to administer and manage the array of directives and policy as part of the RMP/EIS suggests that the BLM continue the cooperating agency relationship with Fremont County and State agencies. A continuing relationship will allow the FCC to carry on providing appropriate technical, and in some cases, financial assistance. Since federal budgets for monitoring and implementing projects are anticipated to be constrained in the future, it may be to the interest of all parties to continue to cooperate on future projects. Weight and priority given to wildlife and vegetative resources at the expense of multiple resource uses will have the affect of crippling the economy and stifling the culture, customs, and traditions so important to the FCC and residents of the Lander Planning Area.

The BLM must look for win/win situations involving county governments, public and private entities, and the public in the Planning Area; not create divisions. For instance, the National Outdoor Leadership School (NOLS) is very important to the economy of Fremont County, creating both jobs and bringing tourists to the County. In the FCC's opinion, the RMP/EIS does not evaluate and describe adequately the importance of NOLS to Fremont County and how proposed management actions may affect their ability to do business in the Planning Area in the future. In making this point, the FCC desires to coordinate and work closely with the BLM between the Draft and Final RMP/EIS, as well as after finalization. In no manner does the FCC want to act or be perceived by the BLM as a barrier to effective and positive coordination and communication in all matters relating to the RMP/EIS.

Making the situation more alarming is that findings and conclusions in the RMP/EIS are not grounded in science and field-verified data, but partisan, over-reaching assumptions and aspirations that encapsulate the vision the BLM has of the Lander Planning Area. The FCC recognizes that the BLM is in fact one of many stakeholders in the Planning Area. Conversely, the BLM appears to dismiss the importance of stakeholders who do not share the same management philosophy as the agency. Such an attitude is short-sighted, flawed, and not in keeping with the BLM's mission to "to sustain the health, diversity, and productivity of the public lands for the use and enjoyment of present and future generations." Section 302 of FLPMA is clear in stating: "the Secretary shall manage the public lands under principles of multiple use and sustained yield, in accordance with the land use plans developed by him under section 202 of this Act."

In the opinion of the FCC, the mitigations developed and incorporated in the comment document are a necessary protection against unwarranted BLM management actions that will adversely affect multiple parties in the Lander Planning Area. With the mitigations in place and noted in the administrative record,

the next step is for the BLM to open all lines of communication with the FCC and stakeholders to work toward a solution for rectifying numerous issues, crossing all resource areas, in the RMP/EIS. Enthusiastically, the FCC will work in partnership with the BLM to reach solutions to the problem areas in the RMP/EIS. As both community members and public officials embodying decades of experience with and knowledge of resource uses and issues in the Lander Planning Area, the FCC will bring a wealth of knowledge to the RMP/EIS correction process. It is in the best interest of all parties involved and affected that the RMP, when finalized, is a planning document worthy of the beauty, diversity, and specialness that is the Lander Planning Area. Any less than a well-crafted RMP that both protects and utilizes resources to their potential in the Planning Area is a failure that will threaten sense of place and future remunerative and recreational pursuits throughout the Lander Planning Area for decades.

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APPENDICES

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1. INTRODUCTION

The subsequent comment document is the culmination of nearly five years of involvement by the Fremont County Commission in the Lander Resource Management Plan (RMP) revision process. In that time, the FCC has been fully engaged in the revision process. Conversely, the Bureau of Land Management (BLM) has at times failed to meet the letter and spirit of federal laws and regulations requiring them to encourage and then coordinate and engage with cooperating agencies in all planning decisions. Beginning with the release of the Lander RMP Notice of Intent (NOI), all members of the FCC have offered their assistance and special expertise to the BLM on myriad issues to be evaluated and analyzed in the RMP. Assistance and special expertise from the FCC has been welcomed, met with intransigence, or ignored by the BLM. An unwillingness of the BLM to fully cooperate with and incorporate FCC ideas is best reflected in the Draft Lander RMP and Environmental Impact Statement (EIS). However, the FCC does not want this to be an impediment for future negotiations. It is the desire of the FCC to meet with the BLM shortly after the comment period deadline to discuss key issues discussed in the narrative that follows in this document. The FCC is optimistic that as the revision process moves forward, comprehensive, fruitful, and productive discussion with the BLM will occur regularly through finalization of the Lander RMP.

In sum, the Draft Lander RMP and EIS (RMP/EIS) fails to meet the expectations and desires of the FCC, principles of multiple use and sustained yield, and required federal laws and regulations including but not limited to BLM handbooks and manuals, 43 Code of Federal Regulations (CFR), Subtitle B, Chapter 2 – Bureau of Land Management, Department of the Interior, Council on Environmental Quality (CEQ) regulations for the National Environmental Policy Act (NEPA), the Data Quality Act (DQA), and Federal Land Policy and Management Act (FLPMA).

1.1 AT STAKE – FREMONT COUNTY’S RANCHING TRADITION

Ranchers, carefully watching the growth and vigor of livestock and grasses, forbs, and shrubs, work the land nearly every day and in all seasons, often on public lands. For over a century, ranchers and their families have built the foundation of towns in Fremont County and across the West. Permittees use animal husbandry to care for livestock, follow ecological and agronomic principals to develop sustainable agricultural practices, freely provide the aesthetics and winter range for wildlife, all of which powerfully contributes to the economic well being and independence of people in Wyoming. The ranching practices and ranchers of today are more sustainable and sensible than often given credit. Professor Robert Knight, in his essay *The Ecology of Ranching* (Knight et al. 2002) notes:

But what about rest—the hope rangelands will improve by removing livestock? This belief is nearly a century old, and many environmentalists and natural resource agency personnel still cling to it as their shortcut to range salvation.

Knight (2002) also describes a comprehensive long term study in Ecological Applications (Stohlgren et al. 1999), which finds that “grazing probably has little effect on native species richness at landscape

scales.” Unfortunately, the BLM is following conventional thinking which pontificates that reduced grazing is the cure-all to most public rangeland problems. Ranchers’ long term grazing allotment management options are slowly being reduced, exposed to heightened and unnecessary restrictions and/or reductions. The Lander Analysis of the Management Situation (AMS) describes anticipated reductions in animal unit months (AUMs) without presenting a data-based justification. Constituents of the FCC, as does the County government, believe that the BLM is intentionally targeting responsible ranchers for reductions, and other resource use limitations, because of conventional thinking in the Agency and the environmental community that grazing is detrimental. As an example, the RMP/EIS concludes (pg. 25):

Range project infrastructure sometimes fragments wildlife habitat and adversely affects recreational values. The exact impact to wildlife is exceptionally difficult to document but it is widely agreed that ever increasing volumes of fences are problematic to wildlife, with individual species affected in different ways.

Of most importance within that quote is the BLM’s mea culpa that it is unable to accurately measure the impacts livestock grazing infrastructure has on wildlife. It is if the BLM is stating that any type of livestock grazing infrastructure fragments wildlife habitat. That is certainly not the case. In fact, much of the livestock grazing infrastructure in the Planning Area is on private ranchland, which provides significantly important wildlife habitat. Nevertheless, the BLM presumes that impacts are problematic. An improved understanding of ecological succession and herbivory is explained in the state and transitions model (Stringham et al. 2003) referenced above by Professor Knight, and are used in ecological site descriptions (a management tool used by many public land agencies, including the BLM). The RMP/EIS does not address, nor identify the critically important link between livestock grazing on public lands and working landscapes. The potential deleterious impacts to ranches and to the economic diversity that working landscapes provide to Fremont County must be disclosed in the RMP/EIS; as does the causation for wholesale livestock grazing restrictions and closures in the proposed alternatives. Research has shown that loss of public lands grazing often results in the sale of ranches (Brunson and Huntsinger 2008; Sulak and Huntsinger 2007), and therefore, a loss in important wildlife habitat.

1.2 PLANNING PROCESS AND COOPERATING AGENCIES

The FCC believes the BLM has not adequately followed the planning process, nor considered and used the information and comments supplied by the Commission, as required by law. As described below, the BLM did not provide enough information, or in a timely matter, to the FCC as a cooperating agency. The FCC maintains the cooperating agency obligations in conjunction with all FLPMA coordination requirements, along with the recognition of our special expertise and special knowledge. The cooperating agency relationship mandates the BLM to use the information contained in the following comments to the “maximum extent possible.”¹

¹ 40 CFR 1501.6 (CEQ) Roles of lead and cooperating agencies. (a) The lead agency shall (1) Request the participation of each cooperating agency in the NEPA process at the earliest possible time. (2) Use the

The FCC is a recognized cooperating agency by the BLM in the Lander RMP revision process. However, the cooperating agency relationship with the BLM was not done through a Memorandum of Understanding (MOU). In no way is the FCC to blame for the lack of an MOU with the BLM. When the BLM proposed an MOU to the FCC, it was found to be inadequate. In turn, the FCC requested revised language in the MOU, which has not been accepted and held up in the Solicitor's Office. This is counter to other MOUs in Wyoming where counties have revised language in the memorandum, which has then been signed by both parties. Thus, at no fault to the FCC, there is not an MOU with the BLM. Consequently, there are no memorialized obligations beyond standard responsibilities identified in the BLM's Cooperating Agency Handbook, the CEQ regulations for implementing NEPA, and its associated cooperating agency requirements. As such, the FCC continues to claim cooperating agency status with all rights and responsibilities accorded other Wyoming cooperating agencies in the BLM planning process.

One of the most egregious problems with the planning process has been the failure of the BLM to provide data as needed and as repeatedly requested. This is not merely a courtesy, but a critical requirement in multiple planning regulation and guidance document including the Planning Handbook², the CEQ, and FLPMA^{3,4}. It is impossible to fully assess data, alternatives, and impacts without a proper spatial understanding of the distribution of those resources in question. The following comment document details how not having maps at FCC meetings, even after having made multiple requests for those maps negatively affected the process. This lack of maps at key times also poses potential problems in terms of data quality requirements. The fact that some data was not made available until, or after (e.g. LFO Areas of Critical Environmental Concern (ACEC) Report), the RMP/EIS was released clearly hampered the FCC's ability to make meaningful comments and objections during the alternative development process, as well as denial of effective participation as a cooperating agency.

As recently as three months ago, in preparation for the release of the RMP/EIS, the FCC formally requested (Appendix A) RMP/EIS geographic information systems (GIS) data in order to conduct a timely, comprehensive, and diligent review of the baseline information. In violation of the intent and spirit of the cooperating agency relationship, the BLM denied the request, suggesting the FCC wait until the RMP/EIS was released. Furthermore, in November 2011, the FCC requested BLM ACEC inventory

environmental analysis and proposals of cooperating agencies with "jurisdiction by law" or "special expertise," to the maximum extent possible consistent with its responsibility as lead agency. (3) Meet with a cooperating agency at the latter's request.

² Field Managers should encourage the collaboration of cooperating agencies in identifying issues, developing planning criteria, collecting inventory data, analyzing data for the analysis of the management situation, formulating alternatives and estimating the effects of alternatives.

³ 43 CFR 1610.4-7 Selection of preferred alternative. The Field Manager, *in collaboration with any cooperating agencies*, will evaluate the alternatives, estimate their effects according to the planning criteria, and identify a preferred alternative that best meets Director and State Director guidance.

⁴ 43 CFR 1610.4-4 The Field Manager, *in collaboration with any cooperating agencies*, will analyze the inventory data and other information available to determine the ability of the resource area to respond to identified issues and opportunities.

data sheets and were again rebuffed. Unbelievably, the FCC was told that these data sheets no longer existed (see Special Designations – Areas of Critical Environmental Concern).

In addition to the significant problems noted above, the FCC believes that the following items are additional examples of flaws in the RMP/EIS planning process, and the document itself:

- The BLM Land Use Planning Handbook (USDI 2005) states that the BLM *must* (emphasis added) “include at least one economic strategies workshop.” Fremont County stakeholders involved in the multiyear planning effort have little recollection of such a workshop. BLM staff state counter that there was a workshop where a PowerPoint presentation was given. Regardless of whether there was a BLM PowerPoint presentation or not, the three objectives required by the BLM Land Use Planning Handbook were not satisfied.
- The BLM did not follow the collaboration guidelines as identified in Section 309 of FLPMA and in Section 1 of the BLM Land Use Planning Handbook.
- Without proper characterization of impacts, effective mitigations cannot be developed. Mitigation measures are insufficient or lacking in the RMP/EIS. For instances, there are no mitigation measures for socioeconomic impacts. CEQ is clear in that mitigations are required (CEQ Sec. 1502.14, 1502.16, 1505.3, and 1508.20).
- As the RMP revision process began, the BLM told the FCC that there was not an AMS for the Planning Area. However, during the planning process and after alternative development, the BLM constructed an AMS, albeit deficient and lacking necessary baseline data. Moving forward, the FCC is firm in that the BLM will update the AMS annually throughout the life of the Plan.

1.2.1 RMP/EIS Planning Criteria

The BLM applies the principle of using “best available” data in making its decisions. In applying this principle, “best available” refers to the availability of the information at the time an assessment was made, weighed against the needed resources and the potential delay associated with gathering additional information, compared to the value of the new information in terms of its potential to improve the substance of the assessment. Where appropriate, the BLM is mandated to seek input from appropriate stakeholders and the scientific community.

Many of the planning criteria described in Section 1.5 of the RMP/EIS have not been fulfilled, resulting in a faulty planning process. The bullet points below include several of the major criteria from the RMP/EIS and the secondary bullets identify examples where the criteria were not satisfied. Since these planning criteria are standards and judgments for the planning process, the FCC concludes that the criteria have not been met. This list provides some examples, but does not cover all concerns.

- The plan will be completed in compliance with the FLPMA (43 U.S.C. 1701 et seq.) and NEPA.
 - The BLM did not use the information supplied by the FCC to the maximum extent possible as required by CFR 43 1501.6 a(2) which states:

Use the environmental analysis and proposals of cooperating agencies with jurisdiction by law or special expertise, to the maximum extent possible consistent with its responsibility as lead agency.

The Agency mismanaged the planning process, in terms of data especially. Data was not provided for timely review by the cooperating agencies.

- Impacts from the management alternatives considered in the revised RMP will be analyzed in an EIS developed in accordance with regulations at 43 CFR 1610 and 40 CFR 1500.
- The BLM and cooperating agencies will jointly develop alternatives for resolution of resource management issues and management concerns.
- All proposed management actions will be based upon current scientific information, research and technology, as well as existing inventory and monitoring information. The FCC repeatedly requested appropriate economic analyses that have not been completed. Data for analysis is lacking from many sections in the RMP/EIS. Management alternatives were difficult to understand, as maps were not provided or were not based on current scientific information.
- The planning process will follow the stages of an EIS-level planning process. For specific information, see the BLM Land Use Planning Handbook, H-1601-1. The required socioeconomic workshop described in Appendix D of the BLM Land Use Planning Handbook was not held. A one hour PowerPoint presentation at the beginning of the planning process has been noted by the BLM as addressing this obligation, but it is completely inadequate and a failure with regards to addressing the requirements of the planning process which include: 1) Imparting skills on analyzing local and regional economic and social conditions and trends, 2) assisting community members to identify desired economic and social conditions, and 3) collaborating with BLM staff to identify opportunities to advance local economic and social goals through planning and policy decisions within the authority of BLM, its cooperating agencies, or other partners.
- Decisions in the plan will strive to be compatible with the existing plans and policies of adjacent local, state, federal, and tribal agencies as long as the decisions are consistent with the purposes, policies, and programs of federal law, and regulations applicable to public lands.

The RMP/EIS is not compatible with the Fremont County Land Use Plan (FCLUP), nor does it appear to have been considered seriously (see Section 3 for more detailed discussion). For example, the FCLUP calls for endangered species management using the best available science; however the RMP/EIS is inconsistent with the County Plan requirement as it misidentifies Canada lynx data. Further, the RMP/EIS does not address all the road and recreation needs covered in the FCLUP. In fact, the BLM fails to adequately disclose Fremont County roads on maps in the RMP/EIS. Figure 1 accurately displays Fremont County roads.

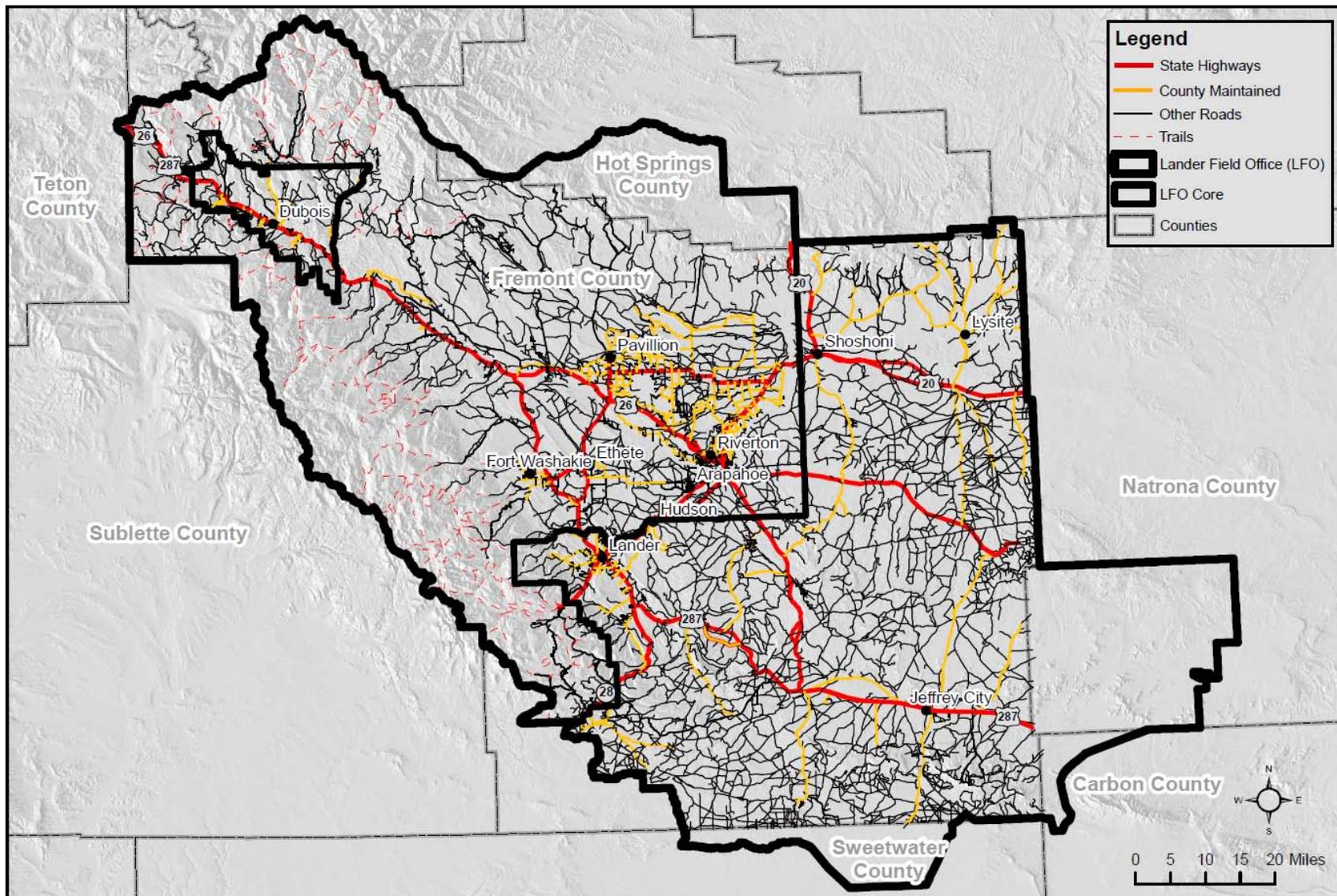


Figure 1 Fremont County roads accurately displayed in the Planning Area

In order for the process to successfully move forward, given the serious concerns and noted procedural flaws, it is suggested that, in consultation with the FCC, the BLM amend and correct the RMP/EIS, including providing mitigations as required (CEQ 1502.14, 1502.16, 1505.3, and 1508.20). The FCC believes that one option for moving forward is to develop criteria and thresholds with well thought out adaptive management strategies and comprehensive mandatory monitoring programs. The key points for such a program would include the following mitigations proposed by the FCC:

- A comprehensive, mandatory monitoring program to document changes to baseline conditions.
- An adaptive management process to change mitigations when and where necessary.

A broad view of mitigation measures applied to multiple land ownerships, so as to maintain the economic diversity of Fremont County, especially if reductions in grazing occur as proposed in the RMP/EIS.

1.3 RESOURCE AREAS OF DEFICIENCY

Review and comprehension of the RMP/EIS unveiled a multitude of deficiencies, inaccuracies, and generalizations grounded in aspirational philosophy, not recognized science, and basis in fact. In its entirety, the RMP/EIS is 1,759 pages in length. Therefore, FCC commentary is extensive and detailed. Multiple resource and issue areas are the focus of discussion in the comment document composed by the FCC. As duly elected County Commissioners of Fremont County, the FCC, in summary, has identified the following 10 resource areas/issues that are of concern in the RMP/EIS:

- ACECs
- Cultural
- Fremont County Land Use Plan
- GIS
- Livestock Grazing
- Minerals
- National Historic Trails
- Socioeconomics
- Travel Management and Rights-of-Way
- Visual
- Wildlife

Each of the preceding resource areas/issues is identified as substantially devoid of critical information, with the exception of the FCLUP. The FCC has included the FCLUP in the list above because the RMP/EIS proposes management actions inconsistent with that document. As such, the FCC has

formulated a set of mitigations to address inadequacies in the RMP/EIS. This is a proactive approach to inhibit the BLM from implementing management actions derived from the RMP/EIS that are groundless in fact and validation. Legitimately, the FCC has serious reservations that in the future the BLM will use the finalized RMP to impose restrictions and prohibitions on multiple uses in the Lander Planning Area that afford both economic well-being and recreational enjoyment to citizens and stakeholders.

It is paramount that the BLM address and correct the significant inadequacies highlighted by the FCC prior to or in the Final RMP/EIS. As Fremont County constitutes 86.7 percent of the BLM LFO, the need for swift and sweeping corrections in the RMP/EIS is of significant importance to the FCC (Figure 2). The intent of the FCC is to actively engage with the BLM as the Agency revises the RMP/EIS to address the numerous concerns expressed in this comment document. As representatives of the citizens of the Lander Planning Area and advocates of responsible multiple uses, it is the firm position of the FCC that the BLM acknowledge that as currently written, the RMP/EIS does not provide the level of detail and analysis necessary to make planning decisions for the next 20 years.

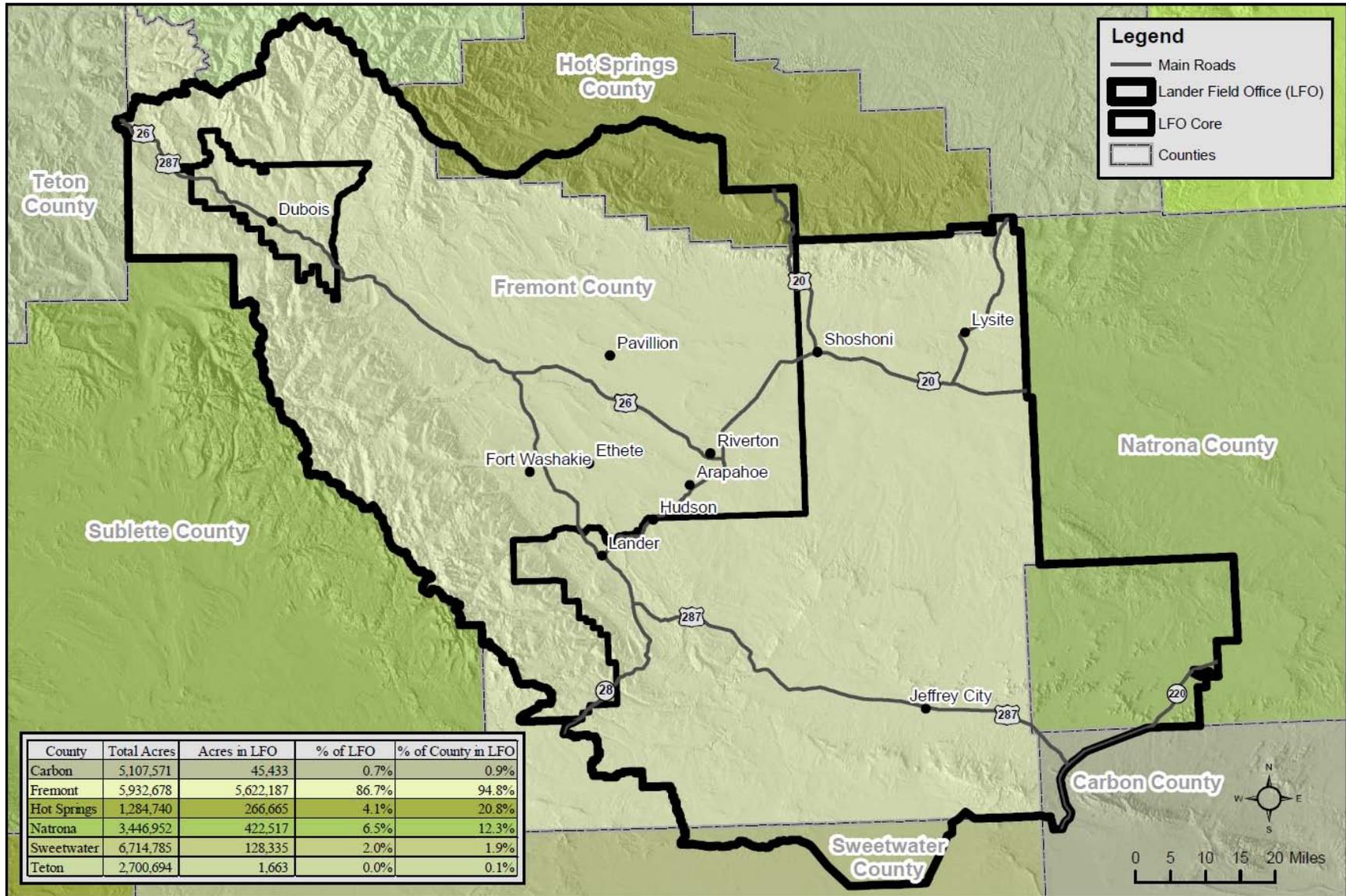


Figure 2 Land area of Wyoming counties in the LFO

2. FEDERAL LAWS, POLICIES, REGULATIONS

Federal laws, policies, and regulations are enacted by Congress to ensure that federal agencies involved in land use planning documents produce quality work and release documents that will stand up to legal challenge. These laws and policies enable public involvement and participation in public land use planning documents and set the guidance for procedures to be followed by federal agencies. BLM handbooks and manuals, CEQ, FLPMA, and NEPA set precedence for compliance with federal laws, policies, and regulations. The following section will document how the BLM has neglected to adequately comply with multiple federal laws, policies, and regulations.

2.1 BLM HANDBOOKS, CEQ, DATA QUALITY ACT, FLPMA, AND NEPA

In accordance with FLPMA, the BLM is currently revising the RMP for the Lander Field Office in Wyoming. NEPA, guided by CEQ regulations, mandates that the BLM prepare an EIS to analyze the impacts of the proposed RMP in the Planning Area. The BLM Land Use Planning Handbook H-1601-1 guides BLM personnel in the development of planning documents, while the BLM NEPA Handbook H-1790-1 works to ensure that the Agency is compliant with both NEPA and CEQ regulations. It is the opinion of the FCC that the RMP/EIS, and the development process leading up to the release of the draft version, has inadequately followed guidance and regulations found within BLM Handbooks, CEQ, FLPMA, and NEPA. As outlined in preceding sections, the FCC asserts that the role and authority given to cooperating agencies in guidance documents and federal regulations has not been fulfilled.

2.2 DATA QUALITY ACT

In reviewing the RMP/EIS, it is clear that there are several issues with data and information presented as fact by the BLM. The hierarchy of federal requirements, as existing in statutes, rules and regulations, case law, and agency handbooks and manuals was reviewed and, in fact, corroborates that the BLM inaccurately used and presented data and information. It is for this reason that the FCC asserts that the BLM must recognize and correct factual errors as required by the Data Quality Act (DQA) of 2000.

The DQA was enacted by Congress to ensure that federal agencies disseminate and use accurate information. The uncodified DQA, as it amends the Paperwork Reduction Act of 1980, is intended to prevent harm from the dissemination of inaccurate information. Public Law 106-544 Section 515 led to the publication of USDI and BLM guidelines for data quality and integrity. Following passage, the Office of Management and Budget was charged with authoring DQA guidelines. DQA guidelines (FR Vol. 67 No. 36) required all federal agencies to provide the following:

- By October 1, 2002, issue its own information quality guidelines ensuring and maximizing the quality, objectivity, utility, and integrity of information that it disseminates.
- Establish administrative mechanisms to allow affected persons to seek and obtain correction of information maintained or disseminated by the agency that does not comply with OMB or agency guidelines.

- Report periodically to OMB the number and nature of complaints received by the agency regarding the accuracy of its information and how such complaints were resolved.
- Ensure that influential information, such as that used in the preparation of resource management plans, be characterized by reproducibility and transparency.

2.2.1 DQA Issues in the RMP/EIS

Several examples of incorrect, inaccurate, or missing data in the RMP/EIS which fail to meet the requirements of the DQA are found within Livestock Grazing, Socioeconomics, Special Designations, and Wildlife. To be certain, the examples provided are but a sampling of DQA inadequacies in the RMP/EIS.

2.2.1.1 *Livestock Grazing*

- The total acres of allotments not meeting standards (584,195) is higher than the total acres of rangelands that has been assessed (401,975).
- It is stated that 73 allotments have been assessed and 250 have not. This totals 323 allotments, but the document states there are only 310 allotments.
- On page 433 of the RMP/EIS it states that rangeland health assessments have been ongoing in the Planning Area since 1998; approximately 73 grazing allotments and 401,975 acres have been assessed. This is approximately 17 percent of the acres available for grazing (401,975 of 2,324,934). However, on page 435, it states “The lack of completed rangeland health assessments for all allotments in the planning area (approximately 45 percent of the planning area has been assessed) limits the ability to improve rangeland conditions.”

2.2.1.2 *Socioeconomics*

- Appendix L – Economic Impact Analysis Methodology lacks necessary IMPLAN coefficients, assumptions, and inputs to reproduce calculations or analyze and replicate results.
- Objectivity is muted by using outdated tax data (2002), livestock grazing revenue figures (2002), and estimation of severance tax when actual severance tax data is available.

2.2.1.3 *Special Designations – ACECs*

- Improper or incomplete inventory of proposed ACECs due to the lack of data usage, reproducibility, and transparency.

2.2.1.4 *Wildlife*

- Canada lynx statements of fact unsupported by scientific citations and data.
- Competition for winter range between domestic livestock and wild ungulates is listed as a substantive management challenge, thus a stated fact. Yet no vegetation competition data or monitoring studies for domestic livestock and wild ungulates is presented for the Planning Area.

2.2.2 Summation

It is for the highlighted examples of data quality issues in the RMP/EIS provided above that the FCC asserts that the BLM must recognize and correct factual errors as required by the DQA. The DQA was enacted by Congress to ensure that federal agencies disseminate and use accurate information. The BLM, in preparing the RMP/EIS, failed to abide by the provisions of the DQA.

Recognizing the amount of information disseminated annually by federal agencies is voluminous, the OMB established that certain types of information are of greater importance and carry more weight (Office of Management and Budget 2002):

We recognize that some government information may need to meet higher or more specific information quality standards than those that would apply to other types of government information. The more important the information, the higher the quality standards to which it should be held, for example, in those situations involving “influential scientific, financial, or statistical information” (a phrase defined in these guidelines).

In carrying more weight, the OMB recognizes that influential information must be held to a higher standard due to its significant importance. Influential information is defined by the OMB as (pg. 8455):

“influential”, when used in the phrase “influential scientific, financial, or statistical information”, is amended to mean that “the agency can reasonably determine that dissemination of the information will have or does have a clear and substantial impact on important public policies or important private sector decisions.”

The BLM further elaborates on the importance and added scrutiny that comes with dissemination of influential information (Bureau of Land Management 2002):

For the purposes of the BLM's Information Quality Guidelines, BLM will generally consider the following classes of information to be influential, and, to the extent that they contain scientific, financial, or statistical information, that information will adhere to a higher standard of quality. Such types of information are: information disseminated in support of top Agency actions (i.e., substantive notices, policy documents, studies, guidance) that demand the ongoing involvement of the Director's office; information used in cross-bureau issues that have the potential to result in major cross-bureau policies, and highly controversial information that is used to advance the BLM's priorities. The BLM may make determinations of what constitutes "influential information" beyond those classes of information where the disseminated information will have or do have a clear and substantial impact (i.e. change or effect) on important public policies or important private sector decisions.

Based on the preceding regulatory guidance, the FCC confidently finds that the RMP/EIS is a dissemination of BLM-sponsored influential information. As influential information is held to a higher standard, the BLM is obligated to correct numerous factual errors, substantiate statements of fact with data and references, and ensure the utility of information, thereby affording reproducibility of calculations so as to analyze and/or replicate results. Until these measures are taken, the RMP/EIS in its current form is in violation of the DQA.

3. FREMONT COUNTY LAND USE PLAN CONSISTENCY REVIEW

The BLM has not carefully reviewed or considered the current Fremont County Land Use Plan (FCLUP) (Fremont County Natural Resources Planning Committee 2004). The FCLUP has important stated guidelines, goals, objectives, and policies, which have been expressly written to address important land use decisions implemented by federal agencies that will impact the custom, culture, economic, and social stability of the County's citizenry.

3.1.1 Regulatory Guidance

In preparing to construct comments for this section, the FCC reviewed carefully federal guidance in relation to county land use plans. FLPMA requires the BLM to (Sec. 202 (c)(9)):

to the extent consistent with the laws governing the administration of the public lands, coordinate the land use inventory, planning, and management activities of or for such lands with the land use planning and management programs of other Federal departments and agencies and of the States and local governments within which the lands are located, including, but not limited to, the statewide outdoor recreation plans developed under the Act of September 3, 1964 (78 Stat. 897), as amended [16 U.S.C. 4601-4 et seq. note], and of or for Indian tribes by, among other things, considering the policies of approved State and tribal land resource management programs. In implementing this directive, the Secretary shall, to the extent he finds practical, keep apprised of State, local, and tribal land use plans; assure that consideration is given to those State, local, and tribal plans that are germane in the development of land use plans for public lands; assist in resolving, to the extent practical, inconsistencies between Federal and non-Federal Government plans, and shall provide for meaningful public involvement of State and local government officials, both elected and appointed, in the development of land use programs, land use regulations, and land use decisions for public lands, including early public notice of proposed decisions which may have a significant impact on non-Federal lands.

Section 202 (c)(9) of FLPMA guarantees Fremont County standing to a degree greater than the general public and/or special interest groups in the decision making process of federal land management documents. The provisions of Section 202 (c)(9) set forth the nature of coordination required by the BLM with respect to planning efforts by local government officials. Subsection (f) of Section 202 outlines an additional requirement that the Secretary of Interior "shall allow an opportunity for public involvement," which again includes local governments. The "public involvement" provision of subsection (f) does not limit the coordination language of Section 202 (c)(9) or allow the BLM to essentially lump local government officials in with state governments, special interest groups, or members of the public in general. The coordination requirements of Section 202 (c)(9) set apart special involvement for those government officials who are engaged in the land use planning process, as is Fremont County. The statutory language distinguishes the County because engaging in the land use planning process fulfills the FCC's obligation to plan for future land uses, which will serve the welfare of all the people of the County and promote continued operation of the government in the best interests of the people. The BLM Land Use Planning Handbook reiterates the coordination requirements set out in FLPMA.

According to CEQ regulations for NEPA, federal agencies are required to consider the impact of their actions on the human environment (Section 1500.2 Policy):

- (d) Encourage and facilitate public involvement in decisions which affect the quality of the human environment.
- (e) Use the NEPA process to identify and assess the reasonable alternatives to proposed actions that will avoid or minimize adverse effects of these actions upon the quality of the human environment.
- (f) Use all practicable means, consistent with the requirements of the Act and other essential considerations of national policy, to restore and enhance the quality of the human environment and avoid or minimize any possible adverse effects of their actions upon the quality of the human environment.

Recognizing the importance of the preceding, authors of the FCLUP constructed the following narrative (Section 3.02 (b) Coordination Requirements, pg. 12):

Thus, by definition, the National Environmental Policy Act requires federal agencies to consider the impact of their actions on the custom of the people as shown by their beliefs, social forms, and “material traits.” It is reasonable to read this provision of the National Environmental Policy Act as requiring federal agencies to consider the impact of their actions on rural, range-oriented, agricultural counties such as Fremont County where, for generations, families have depended upon the “material traits” of ranching, farming, mining, timber production, wood products, and other agricultural lines of work for their economic livelihoods.

The FCC, on behalf of all citizens and stakeholders in the Planning Area, asserts that the RMP/EIS has inadequately analyzed the impacts to the human environment. Restrictions and constraints on multiple uses in the Planning Area are not properly assessed and described for biological, physical, and social resources. Additionally, not only has the BLM ignored the requirement of CEQ Section 1500.2, but the Agency is in violation of CEQ Section 1506.2 Elimination and Duplication of State and Local Procedures, part b:

Agencies shall cooperate with State and local agencies to the fullest extent possible to reduce duplication between NEPA and State and local requirements, unless the agencies are specifically barred from doing so by some other law. Except for cases covered by paragraph (a) of this section, such cooperation shall to the fullest extent possible include:

- (1) Joint planning processes.
- (2) Joint environmental research and studies.
- (3) Joint public hearings (except where otherwise provided by statute).
- (4) Joint environmental assessments.

The BLM should discuss any inconsistencies of proposed actions with approved state or local plan and laws (whether or not federally sanctioned). Where an inconsistency exists, the statement should describe the extent to which the Agency would reconcile its proposed action with the plan or law. Since the BLM has not taken the time to either review the FCLUP or coordinate with the local government on significant subsections within the FCLUP, there are areas where proposed actions are not only inconsistent but potentially harmful to the economies of individual communities and the County as a whole.

Reference to the FCLUP is made in section 1.6 of the RMP/EIS. The FCLUP is listed as one of 21 other federal, state, and local plans, and the paragraph introducing those reiterates the planning policy requirement that the BLM must review approved and adopted resource plans and where practicable, be consistent with those plans (pg. 11).

BLM planning policies require that the BLM review approved or adopted resource plans of other federal, state, local, and tribal governments and, where practicable, be consistent with those plans. The following plans are related to the management of land and resources and apply to this RMP revision.

A consistency review of the FCLUP by the BLM has never taken place with the FCC or the Natural Resources Planning Committee. Simply listing the FCLUP with other federal, state, and local plans does not meet the legal requirements or meet any recognized definition of cooperation and coordination.

3.1.2 Contents of the Fremont County Land Use Plan

The FCLUP details the historic background of the County including guidelines, goals, objectives, and policies as it relates to its people, land, endangered species, fire management, grazing, law enforcement, minerals and mining, outdoor recreation, predatory animals, timber, transportation and rights of way, water, wilderness, and wildlife. The FCLUP was written specifically to coordinate with the federal and Wyoming government, which manage approximately 54 percent of the County. In the past, and inclusive of this planning process, the federal agencies have not fully coordinated with local governments and implemented ideology and land use decisions in their documents which are consistent with local viewpoints. The FCLUP was implemented on September 7, 2004 and states (pg. 2):

It is a goal of the planning process that federal and State management actions in Fremont County will be more cooperative and less confrontational than in the past. Fremont County is well aware of the statutes requiring federal agencies to give consideration to local land use plans, resolve inconsistencies in federal plans, and provide for meaningful involvement of local officials in the management processes. It is the intent of this planning process that those mandates are complied with, and that the Fremont County's Plan is fully recognized.

The FCLUP carefully describes the physical environment of the County and the important relationship this environment plays in the history of the people of Fremont County and their opportunities to work and recreate on federal lands. All of the resources provided from federal lands are intimately interconnected with the daily lives (socially and economically) of citizens in Fremont County.

3.1.3 Guidance Policies for Fremont County Resources and Uses

Early humans occupied the area of Fremont County for thousands of years and the County is rich with historic records of early man's use of the abundant natural resources. This historic use is important to the custom and culture of the surrounding communities and today the people continue to rely on these resources for their very existence.

Laws like the Taylor Grazing Act of 1934 were enacted to provide an orderly use of public land for grazing and to stabilize the livestock industry dependent upon the public range. In the past century the

United States government invested millions of dollars on reclamation projects encouraging the settlement and development of these landscapes. Years later the people continue to rely on consistent policies and regulations from the agencies charged with the implementation of multiple use and sustainable yield principles enacted by Congress. By not coordinating with the FCC, the BLM disregarded a unique opportunity to review the implications of their actions on the economies of the surrounding communities. This failed lack of coordination by the BLM continues to escalate the distrust local community leaders have regarding federal land manager's motives and intentions.

Fremont County consists of 5.8 million acres, with only 15 percent of the lands held in private ownership. The importance for BLM officials to duly recognize the cumulative effects of the RMP revision and associated policies applied across the landscape is critical. Fremont County officials have stated in their FCLUP that all sources of economic support must be maintained, as the loss of industry at any level causes a loss of community cohesion and the disintegration of the community itself.

Inarguably, agricultural endeavors are significantly important to the citizens of Fremont County. In regard to the importance of agriculture to Fremont County and how it relates to the other 22 Wyoming counties, the FCLUP states (pg. 25).

Fremont County ranks first in all hay production, fourth in sugar beets, sixth in dry beans, eighth in oats, and eighth in corn (2004). Fremont County is ranked third in total value of livestock and crops. Based on assessed valuation, the amount of land in agricultural use has remained relatively constant in Fremont County over time. Fremont County has the largest number of irrigated acres of any county in Wyoming. Agricultural use is the dominant land use in the county.

Livestock grazing is perhaps the most important sector of agriculture in Fremont County. The viability of the livestock industry on public lands is vital in maintaining Fremont County's economic standing. In 1997 the BLM authorized 285,221 AUM in Fremont County. Permitted use figures and actual use figures vary significantly. To this point, the FCC provides detailed comments and economic data related to livestock grazing in both the Livestock Grazing and Socioeconomic comments included in this document.

The explicit reasoning behind the development of the FCLUP was to encourage the coordination efforts of federal agencies with local governments. Many of the Fremont County industries have seen the impacts of negative policies made at the federal level without adequate coordination. It is the desire of local government to protect and enhance these historical industries and insure that natural resource-based economies can survive. The opportunity for this direct dialog was not utilized in the past and the BLM has again ignored planning responsibilities and prospects to establish meaningful dialog and relationships with the local governments in planning efforts. Yet, the Agency has sought to please the desires of certain segments of the public as determined by the BLM or has pursued personal agendas.

Some of the resources directly related to the land are water, wildlife, timber, forage species, and minerals. The economic viability of Fremont County relies on the continued and enhanced use of land resources under federal or state management. The FCLUP offers the following guidance on important resource issues:

- The FCLUP states it is imperative that land activities occurring in Fremont County are analyzed to provide the highest and best use of the water resource. Reservoir storage is encouraged and the distribution of the water to arid areas is encouraged.
- It is the policy of Fremont County to increase the harvest of timber products utilizing good sense resource management on the timbered federal- or state-managed lands.
- It is the policy of Fremont County to reestablish grazing leases to adjudicated levels and improve the coordination between the leaseholder and the management of federal- or state-managed lands.
- The Mineral Leasing Act of 1920 allows the development of minerals on federal lands and the FCLUP encourages a common sense approach to maintaining the industry, while protecting the environment.
- It is the policy of the FCLUP that management levels for maintaining ranges for endangered species will be kept to a level that does not impact the custom, culture, economic viability, and social stability of the County.
- The FCLUP encourages recreation opportunities on federal lands and states plans must meet the needs of motorized and non-motorized recreation.
- The FCLUP states all projects related to the enhancement of the transportation industry will be supported, while protecting federal- or state-managed lands in a common sense manner.
- This FCLUP was developed under the guidance of the law and is to be a means to deliver the voice of the County to each agency and that, by law, is instructed to listen.

3.1.4 Mineral Development in Fremont County

Since early settlers arrived, Fremont County has been rich in the development of minerals and mining. Oil drilling began in the late 1800's with the first well drilled in the Dallas oil field near Lander. Oil and gas comprise most of the mineral activity in Fremont County. Not only do local governments receive a large percentage of revenue from the property assessment on oil and gas, but the citizens derive their livelihoods from the mineral industry. The goal of the FCLUP is to encourage the development of any valuable mineral within Fremont County. Historically, the mineral industry has provided good paying jobs and a spark to local economies. Congress has enacted legislation supporting mineral development, which the FCC agrees, thus citing the preeminent act (Mineral Leasing Act of 1920 as amended by Mineral Leasing Act revision 2001, Title 30, Chapter 3A, Subchapter IV, Sec. 226, (a)) in the FCLUP (pg. 73):

All lands subject to disposition under this chapter which are known or believed to contain oil or gas deposits may be leased by the Secretary.

The FCC specifically directs that the BLM will incorporate in the RMP/EIS the following guidance in the FCLUP regarding the development of minerals in the planning area (Section 10.07 Guidance, pg. 74):

Consider profitability for all stakeholders, producers, developers, business, and citizens.

Work with the mineral industry to further discover and develop our mineral resources.

Cooperate on an ongoing basis with all stakeholders to ensure that the Fremont County and State and Federal land agencies work in concert.

Pursue organized abandonment of any regulations or rules that are archaic or outdated.

3.1.5 Wildlife

For centuries, humans have been trapping and controlling predators in Fremont County. Predator control has been an essential tool of the agriculture, hunting, outfitting, and recreation industries. Keeping the population of predatory species to reasonable levels creates economic opportunities for most sectors of the economy in Fremont County.

A real and/or perceived fear of attack from increased populations of grizzly bears, wolves, and/or mountain lions causes citizens who used the backcountry in years past to presently avoid these areas, and this loss of freedom to move about safely in the County is socially unacceptable. Many people are forgoing the outdoor experience altogether because of predatory threats. The Outdoor Recreation Act of 1963 states (16 USC, Chapter 1, Subchapter 69, Part A, §4601):

Congress finds and declares it to be desirable that all American people of present and future generations be assured adequate outdoor recreation resources, and that it is desirable for all levels of government and private interests to take prompt and coordinated action to the extent practicable without diminishing or affecting their respective powers and functions to conserve, develop, and utilize such resources for the benefit and enjoyment of the American people.

The Greater Yellowstone Region in northwest Wyoming currently provides hundreds of square miles of wilderness filled with big game predators. Citizens desiring a wilderness experience with large predators can recreate in these wildernesses. The ever-reaching desired connectivity of ecosystems across the Rocky Mountains is seen as a taking of family outdoor opportunities on our lands from the federal government. The FCLUP expressly desires federal lands in Fremont County not be included in the expanding land grab of the Greater Yellowstone Region and agencies supportive of this action.

3.1.6 Socioeconomics

Mandates enacted by Congress have been expressly written to protect federal lands, as well as carefully considering the socioeconomic impacts of federal decisions to local governments and their people. In addition to actions mandated by Congress, U.S. presidents use executive orders to manage federal lands. Some of the following are noted in the FCLUP and must be fully considered and coordinated with local governments in federal land use planning efforts.

- Regulatory Flexibility Act (5 USC 601 et seq.) – Ensures that agency rules do not have a significant economic effect on a substantial number of small entities, such as small businesses.
- Small Business Regulatory Enforcement Fairness Act (5 USC 804 (2)) – ensures that federal agency regulations do not cause major increases in costs or prices for consumers, individual industries, or geographical regions. As an example, the cost for the proposed fencing program on the Green Mountain Common Allotment has doubled in cost since it was first suggested.

The FCC firmly stands behind the diverse economic pursuits provided by land resources in the County. As the RMP revision process moves forward, the FCC asserts that the BLM must recognize federal mandates that ensure economic pursuits are available and encouraged for all U.S. citizens. Within this document, see the Socioeconomic section for a detailed set of comments pertaining to the RMP/EIS.

3.1.7 Comprehensive Consistency Review Examples

To enhance the previous comments regarding the BLM's clear ignorance of the FCLUP, the FCC has expanded comments on two issues: Canada lynx and transportation/ROWs.

3.1.8 Canada Lynx

Fremont County contains, according to the U.S. Fish & Wildlife Service, Canada lynx habitat. At best, the habitat for Canada lynx in Fremont County is marginal. However marginal the habitat, the mere assertion by the BLM that Canada lynx is a special status species and deserving of analysis in the RMP/EIS has ramifications for multiple resources given that it is an ESA-listed species.

Section 6.03, parts 1 and 2 (Endangered Species Objectives) in the FCLUP are exceedingly relevant to the treatment of Canada lynx in the RMP/EIS (pg. 39):

- 1) Require State and federal agencies to coordinate their actions with Fremont County as State and federal laws mandate, and use sound science in any decisions made regarding County lands and resources.
- 2) Require State and federal resource management agencies to follow all State and federal statutes with regards to the application of endangered species management.

It is not clear in the RMP/EIS whether or not Canada lynx are present, or if present, what direction would be applied to Canada lynx management. The RMP/EIS discloses that the Planning Area adjoins Lynx Analysis Units (LAUs) on adjacent National Forest land, but fails to disclose the lynx management direction under which National Forest lands are managed (USDA 2007) or whether or not the BLM would also apply that direction to adjacent lands occupied by Canada lynx in the RMP. The RMP/EIS ignores findings for Canada lynx from the 2005 statewide Canada lynx Biological Assessment (USDI 2005) and makes effects determinations that are contrary to that document. Lastly, the effects upon Canada lynx are not treated consistently by alternative, nor are the effects based upon timber stand data or sound science. The RMP/EIS (Chapter 3, pg. 373) concludes:

Canada lynx occur in dense coniferous forests at high elevations. Canada lynx have not been documented on BLM-administered land in the planning area; however, there are five lynx analysis units adjacent to larger tracts of USFS-managed land in the northwestern part of the planning area (Map 66).

The aforementioned discussion suggests that Canada lynx are essentially a non-issue due to the peripheral status of the species. In Chapter 4, however, the RMP/EIS concludes (pg. 873):

...Canada lynx...occupy the area.

Based upon those conflicting statements, the FCC cannot tell if Canada lynx are an issue or not and whether or not future management activities will be constrained by concerns over Canada lynx recovery. In Chapter 4 under “Effects Common to All Alternatives,” the RMP/EIS concludes (pg. 864):

Forest management activities impact ...Canada lynx ... the most because these species require a timber overstory for seasonal habitats. Timber management activities could adversely impact Canada lynx by removing forest cover needed for foraging and denning habitat and needed by snowshoe hare, the main prey of lynx.

This conclusion is a gross oversimplification of Canada lynx science and research data. Ruggerio et al (1994), Ruediger et al. (2000), and the Northern Rockies Lynx Management Direction (USDA 2007) all conclude that Canada lynx are dependent upon natural disturbances (wildfire) and that human activities can be compatible with Canada lynx if they mimic those natural disturbances, or detrimental if they do not. USDA (2007) identifies the need to maintain or create a mix of stand initiation-hare habitat (seedling-sapling stands), multi-storied-hare habitat (dense multi-storied stands), with pockets of denning habitat (heavy, coarse, woody debris) within individual LAUs. The direction clearly concludes that while accelerated timber harvest could create excessive “unsuitable” habitat (grass-forb stands, not yet suitable for hares), properly designed prescribed burning or timber harvest activities could maintain or improve Canada lynx habitat. The direction, which applies to adjacent lands on the Shoshone National Forest, is based on identifying the mix of Canada lynx habitat components by LAU and managing to maintain or enhance a desired mix of habitat components.

Also, the Wyoming Canada Lynx Biological Assessment Final ((USDI 2005), not cited in either Chapter 3 or 4) concludes that forest management, access management, off-road vehicles, and grazing management activities in the Lander RMP are “not likely to adversely affect (the Canada lynx), due to insignificant ...(or)... discountable effects (pg. 3-85).” The Biological Assessment describes a finding of “not likely to adversely affect” as “all effects to the species and/or its critical habitat are beneficial, insignificant, or discountable (pg. 1-2).” While the FCC realizes the 2005 Biological Assessment applied to the existing RMP and not the RMP/EIS, no data or research citations are found in the RMP/EIS suggesting a conflict exists with future timber harvest activities that did not exist in 2005. Thus, we can find no basis for the effects determination that “timber management activities could adversely impact Canada lynx by removing forest cover needed for foraging and denning habitat and needed by snowshoe hare, the main prey of lynx.” Under effects of Alternative C, the RMP/EIS (pg. 892) concludes:

Timber sales and cutting practices would adversely impact special status wildlife in the short term by causing displacement due to noise, road travel, and human presence, and in the long term from habitat loss, fragmentation, or alteration.

Because Canada lynx were not excluded from the term “special status wildlife” in the aforementioned statement, the FCC assumes that the finding applies to Canada lynx as well. Based on the previous comments, this appears to be a conclusion that has not been demonstrated based on research (Ruediger et al. 2000; USDA 2007), and is again, inconsistent with the findings of the Biological Assessment (USDI 2005). Furthermore, in terms of consistency, the effects of timber harvest on Canada lynx were already addressed under Effects Common to All Alternatives (RMP/EIS pg. 864). Therefore, there is no need to restate timber harvest-related effects by alternative. If Canada lynx were not meant to be included in the term “special status wildlife,” please clarify that this effects determination does not apply to Canada lynx and to which species it is applicable.

In Chapter 4 (pg. 887) the RMP/EIS states:

Alternative B opens approximately 2,312,095 acres (97 percent of the planning area) for livestock grazing, 12,839 fewer acres than Alternative A. Alternative B closes more acres in LAUs, which would beneficially impact Canada lynx habitat...

There are no scientific papers that conclusively correlate grazing with Canada lynx. Generally, livestock grazing does not overlap with high quality Canada lynx habitat. Livestock grazing has not been shown in any way to modify Canada lynx habitat components including stand-initiation hare habitat, multi-storied-hare habitat, or denning habitat. The FCC finds no studies suggesting livestock grazing creates any social or disturbance-related conflicts with Canada lynx. Ruediger et al. (2000) hypothesized that grazing may affect the density of jackrabbits that Canada lynx might otherwise forage upon while in migration between areas of suitable habitat. The hypothesis, however, was rejected in the Northern Rockies Lynx Management Direction (2007) because of a lack of supporting science.

To resolve these inconsistencies, the FCC states that the BLM will address the following in the RMP/EIS:

- Clarify whether or not the RMP/EIS intends to follow the direction in the Northern Rockies Lynx Management Direction as it applies to adjacent National Forest lands, or, if not, describe what management direction for Canada lynx will be followed. For instance, if there are certain recommendations in Ruediger et al. (2000) or other papers that will be used, please identify the papers chosen to guide management.
- Clarify the historic and current range of Canada lynx based on Squires et al. (2006), including the findings showing that reproducing Canada lynx subpopulations are generally limited to northwest Montana and that habitat in the RMP/EIS area is substantially less productive for Canada lynx than those areas in Montana.

- Clarify whether lands in the RMP/EIS area are considered occupied or not occupied, and if occupied, identify whether those lands are designated “core,” “secondary,” or “peripheral” habitat based on the USFWS Canada Lynx Recovery Outline (USDA 2007).
- If the RMP/EIS intends to follow direction outlined in the Northern Rockies Lynx Management Direction summarize those standards that pertain to timber, access, and other management activities in occupied Canada lynx habitat.
- Lastly, in terms of logging or prescribed burning in Canada lynx habitat, the RMP/EIS needs to be consistent with the scientific findings of the Northern Rockies Lynx Management Direction.

In that document, the effects of logging and prescribed burning on the majority of Canada lynx habitat in the northern Rockies, south of the 49th parallel, including areas occupied by reproducing Canada lynx in northwestern Montana (Squires et al. 2006) is evaluated. While the FCC acknowledges that the BLM withdrew from that process in 2005 and elected to individually amend BLM RMPs on a state-by-state basis with USFWS consultation, the BLM must recognize the science-based findings of the Northern Rockies Lynx Management Direction. Most importantly, the USFWS Biological Opinion (2007a) acknowledged that “the selected alternative is likely to have overall beneficial effects to Canada lynx...,” a finding that is categorically different than the RMP/EIS conclusion (pg. 864):

Forest management activities impact ...Canada lynx ... the most because these species require a timber overstory for seasonal habitats. Timber management activities could adversely impact Canada lynx by removing forest cover needed for foraging and denning habitat and needed by snowshoe hare, the main prey of lynx.

The USFWS Biological Opinion does acknowledge that “some adverse effects could still occur, primarily due to the allowance for fuel treatment and precommercial thinning... (USDI 2007a).” The latter exception was for precommercial thinning in rust-resistant white pine, which is, of course, is not present in the Lander Planning Area. The other negative finding from the Biological Opinion that may be applicable to the Lander RMP is for fuel treatments, which presumably could be needed on the Lander Slope to protect structures in the wildland/urban interface. Before any negative effects upon Canada lynx are identified from fuel treatments, however, the FCC suggests that the RMP/EIS describe in detail what those fuels treatment activities might entail and how and to what degree those activities might impact Canada lynx habitat components at the LAU-scale.

3.1.9 Transportation and ROWs

The transportation infrastructure and ROWs provide economic benefits and recreation opportunities for citizens and stakeholders of Fremont County. Article XIV, Section 2 – Transportation; Right of Way (ROW) Goals, in the FCLUP states the following (pg. 102):

Maintain the historic right to travel over, and across State and federally managed lands wherever necessary in pursuit of mining, ranching, farming, logging, recreational activities, motorized

vehicle use, and all other historic uses. To employ sound science in decisions made regarding lands and resources in Fremont County.

The FCLUP continues, in consideration of ROWs, with the following (Article XIV, Section 3, pg. 102):

- 1) Keep all rights-of-way going to and inside of federally or State managed lands open for the enjoyment of the public.
- 2) Identify mechanisms to help maintain the uses of ROWs.
- 3) Enhance the opportunity for further economic development.
- 4) Protect private property rights in Fremont County.
- 5) Access to and/or across federal and State managed lands within the county shall not entail encumbrances or restrictions on private property (inholders).

Finally, Article XIV, Section 10 of the FCLUP states the following (pg. 112):

Road closures, obliterations, re-construction, retirement, or by any other term used by federal agencies, will not occur where there may be possible RS2477 ROW, without meaningful coordination with the Fremont County Commission.

Yet, proving a complete lack of review and consistency with the FCLUP, the BLM is proposing the following ROW and travel management restrictions in the Planning Area (Table 1). As disclosed in Table 1, the BLM is proposing, depending upon alternative, significant restrictions on ROWs and the transportation infrastructure in the Planning Area.

Table 1 ROW Avoidance/Exclusion Areas and Travel Management Restrictions

ROWs					
Issue	Acreage Type	Alternative A	Alternative B	Alternative C	Alternative D
ROW/Utility Corridor Areas (Acres)	BLM Surface	4,892	15,364	660,908	53,599
ROW Avoidance Areas (Acres)	BLM Surface	66,099	315,219	11,714	1,047,966
ROW Exclusion Areas (Acres)	BLM Surface	205,916	1,919,029	147,053	829,332
Motorized Travel					
Restriction	Acreage Type	Alternative A	Alternative B	Alternative C	Alternative D
Acres Closed to Motorized Travel	BLM Surface	5,923	71,761	5,472	25,425
Acres Seasonally Closed to Motorized Travel	BLM Surface	111,002	116,805	n/a	110,669
Acres Limited to Designated Roads and Trails for Motorized Travel	BLM Surface	163,075	193,704	50,776	154,912

Motorized Travel					
Restriction	Acreage Type	Alternative A	Alternative B	Alternative C	Alternative D
Acres Limited to Existing Roads and Trails for Motorized Travel	BLM Surface	2,226,504	2,128,741	2,337,958	2,214,041
Acres Closed to Over-snow Vehicle Use	BLM Surface	14,729	181,173	n/a	69,493

This runs counter to the guidelines, goals, objectives, policies, and mandates provided in Article XIV of the FCLUP. The FCC instructs the BLM to review Article XIV, Section 10 of the FCLUP, prior to instituting restrictions on Planning Area ROWs and the transportation infrastructure (pg. 112):

Road closures, obliterations, re-construction, retirement, or by any other term used by federal agencies, will not occur where there may be possible RS2477 rights-of-way, without meaningful coordination with the Fremont County Commission.

To this point in the revision process, the BLM has not adequately coordinated with the FCC in consideration of ROW and transportation infrastructure restrictions. From this point forward, the FCC expects full coordination by the BLM in addressing inconsistencies between the RMP/EIS and FCLUP. The FCC has been told repeatedly by the BLM that a comprehensive transportation plan is in development or will be developed in the near future for the Planning Area. It is imperative that the comprehensive transportation plan be developed with full cooperation and consultation with the FCC and Fremont County Transportation Department.

3.1.10 Mitigation

Based on the preceding narrative reviewing relevant regulatory guidelines and comparing the RMP/EIS and FCLUP for inconsistencies, the FCC has demonstrated that the BLM has both insufficiently incorporated Fremont County policies and reconciled differences between the two documents. As such, the FCC has constructed the following mitigative language, which shall be recognized by the BLM given the intransigence to date of the Agency in coordinating with Fremont County.

- Prior to finalization of the Lander RMP/EIS and issuance of a Record of Decision, the BLM shall rectify all inconsistencies between the RMP/EIS and the Fremont County Land Use Plan. If it is determined that elements of the Fremont County Land Use Plan cannot be incorporated in the RMP/EIS, the BLM must provide science-based rationale with accompanying data to validate such a decision(s). Further, the BLM will coordinate with stakeholders and the FCC in the development and implementation of management actions incompatible with the FCLUP.

Moving forward, the FCC is available and expects to coordinate with the BLM on inconsistency matters between the RMP/EIS and FCLUP at the pleasure and convenience of the Agency. With that said, the

FCC does expect the BLM to extend an offer to discuss issues raised in this portion of the comment document prior to finalization of the RMP/EIS.

3.1.11 Official Notice of Inconsistency

Fremont County deems these comments to be the official notification in writing regarding the need for a consistency review and so notes the legal requirements associated with such a review.

43CFR1610.3-2 Consistency requirements

(c) State Directors and District and Area Managers shall, to the extent practicable, keep apprised of State and local governmental ... policies, plans, and programs, but they shall not be accountable for ensuring consistency if they have not been notified, in writing, by State and local governments ... of an apparent inconsistency.

Since the BLM has been remiss in upholding their legal obligations to Fremont County, the Agency will at a minimum:

- Set up meetings to review the FCLUP with the Natural Resource Planning Committee and the FCC.
- Amend areas of the RMP/EIS that are in direct conflict with the FCLUP.
- Amending the RMP/EIS to include the guidelines, goals, objectives, and policy of the FCLUP.
- In conducting the consistency review of the FCLUP, the BLM must analyze the cumulative socioeconomic impacts of the RMP/EIS on the County government and the citizens of Fremont County.
- Employ only credible science to decisions regarding lands and resources in Fremont County. Implement the best available science and technology to keep use and development on federal- and state-managed lands at a level equal to or greater than current management.
- Discuss and find opportunities for increased timber harvest and firewood cutting opportunities on BLM lands over the life of the Plan.
- Review in detail the economic modeling provided by the FCC and the impacts to local economies.

3.1.12 Conclusion

FCC members believe that the BLM has ignored in the RMP/EIS numerous stated policies and goals included in the FCLUP. In not addressing inconsistencies between the RMP/EIS and FCLUP, the BLM is in violation of CEQ Section 1506.2 – Elimination of Duplication with State and Local Procedures and Section 1500.2 – Policy and Section 202 (c) (9) of FLPMA. The FCC has consistently stated support for continued multiple uses in the Planning Area and disfavor of reducing access to public lands for a variety of purposes. Nevertheless, the BLM-preferred alternative in the RMP/EIS includes ACECs that

potentially reduce or eliminate significant acreage available for oil and gas leasing even though the BLM ACEC inventory is inadequate at best (see comments regarding ACECs in this comment document).

The FCC fully supports the goals of multiple use and sustained yield, balancing increasing and competing demands for resources on public lands, while serving the best interests of the residents of Fremont County. The FCC supports implementation of multiple uses through a combination of elements selected from Alternative A, C, and D, which would work to strike an appropriate balance between extractive resource use and recreational use/conservation. Alternative B and D, in particular, restrict certain multiple uses (e.g. resource extraction and grazing) across much of the Planning Area, which is contradictory to the stated goals of the BLM, as well as the policies set forth in the FCLUP.

With respect to oil and gas development in the RMP/EIS, the FCC believes that the BLM significantly reduces opportunities under the guise of resource protection. This position is backed up by letters and comments from those in the industry. The number of acres administratively unavailable to oil and gas leasing increases from approximately 25,136 under current conditions (Alternative A) to 110,014 acres under the BLM-preferred alternative (Alternative D). This is not consistent with the goals and policies of the FCLUP.

The FCC is concerned about potential impacts on grazing that are not explicit in the RMP/EIS. The RMP states that the current AUMs will be reduced by 18 percent over the life of the Plan. However, according to the Plan, direct impacts to livestock grazing will result from management actions that change AUM allocations or restrict livestock grazing. Yet, the disclosure of impacts to and from livestock grazing is at best nebulous. There are no direct impacts disclosed under any of the alternatives for management actions that change AUM allocations. There are also several areas in the management action table in Chapter 2 that state management must be consistent with “other resource objectives,” but does not disclose which resources or objectives. Additionally, the affect that the change from “restricted to roads and trails” to “restricted to designated roads and trails” will have on grazing may be significant. If access routes to allotments are altered or eliminated, the financial burden could force the abandonment of grazing activities by one too many permittees. The FCC is concerned that these other resource management actions could have significant impacts to livestock grazing, but are not disclosed in the RMP/EIS. The FCLUP is clear in that reductions in grazing are unacceptable, particularly if they are not backed up by scientific data including monitoring of vegetation resources, trend analyses, etc.

4. RESOURCE AREAS ANALYSES

As a matter of fact, the FCC is disappointed with the lack of depth provided by the BLM in analyzing the resource areas discussed in this comment document. It is our contention that the RMP/EIS in its present iteration is incomplete in numerous capacities. Chapter 3 – Affected Environment describes the current condition in such nonexistent or general terms it fails to adequately describe the existing state of the natural environment in the Lander Planning Area. Is it above average with minor problems or in below average condition with significant issues? The stated problem with Chapter 3 is that it lacks critical scientific substantiation through data and research. This is true for both current and historic conditions. The many unanswered questions, as well as overwhelming skepticism regarding statements advanced in Chapter 3, continue into Chapter 4 – Environmental Consequences.

Following a brief introduction, Chapter 4 discloses methods and assumptions for each respective resource. To be factual and accurate, the RMP/EIS should title the sections “Assumptions” and delete “Methods.” The term “method” suggests that it is a standard operating procedure carried out numerous times previously in the biological, physical, and social sciences for deriving an end result. As such, the method has been published, tested by researchers and scientists, and substantiated as a “best” method. In the case of the RMP/EIS, the end point should be an effects conclusion for each respective resource. Yet, the supposed methods in the RMP/EIS are not clear, referenced, or appreciably used to make effects determinations. A concurrent dilemma with having insufficient methods is that Chapter 4 does not divulge measurement indicators. Both methods and measurement indicators are indispensable in an EIS. Measurement indicators define the variable(s) most likely to impact, negatively or positively, a resource upon plan implementation. Sans methods and measurement indicators, an EIS is ineffectual.

4.1 CEQ INADEQUACIES

The previously identified issues regarding lack of data and analysis to support management actions in the RMP/EIS, which are based on lack of baseline or historical conditions, violate CEQ Section 1502.15 Affected Environment which states:

The environmental impact statement shall succinctly describe the environment of the area(s) to be affected or created by the alternatives under consideration. The descriptions shall be no longer than is necessary to understand the effects of the alternatives. Data and analyses in a statement shall be commensurate with the importance of the impact, with less important material summarized, consolidated, or simply referenced. Agencies shall avoid useless bulk in statements and shall concentrate effort and attention on important issues. Verbose descriptions of the affected environment are themselves no measure of the adequacy of an environmental impact statement.

Subsequently, CEQ 1502.16 provides guidance on Environmental Consequences:

This section forms the scientific and analytic basis for the comparisons under Sec. 1502.14. It shall consolidate the discussions of those elements required by sections 102(2)(C)(i), (ii), (iv), and (v) of NEPA which are within the scope of the statement and as much of section 102(2)(C)(iii) as is necessary to support the comparisons. The discussion will include the environmental impacts of the alternatives including the proposed action, any adverse environmental effects which cannot be

avoided should the proposal be implemented, the relationship between short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and any irreversible or irretrievable commitments of resources which would be involved in the proposal should it be implemented. This section should not duplicate discussions in Sec. 1502.14. It shall include discussions of:

- (a) Direct effects and their significance (Sec. 1508.8).
- (b) Indirect effects and their significance (Sec. 1508.8).
- (c) Possible conflicts between the proposed action and the objectives of Federal, regional, State, and local (and in the case of a reservation, Indian tribe) land use plans, policies and controls for the area concerned. (See Sec. 1506.2(d).)
- (d) The environmental effects of alternatives including the proposed action. The comparisons under Sec. 1502.14 will be based on this discussion.
- (e) Energy requirements and conservation potential of various alternatives and mitigation measures.
- (f) Natural or depletable resource requirements and conservation potential of various alternatives and mitigation measures.
- (g) Urban quality, historic and cultural resources, and the design of the built environment, including the reuse and conservation potential of various alternatives and mitigation measures.
- (h) Means to mitigate adverse environmental impacts (if not fully covered under Sec. 1502.14(f)).

The RMP/EIS does not adequately describe the environment of the area. Baseline and historical condition descriptions are not found within the RMP/EIS. Data, analysis, and references supporting major management action decisions are negligent and not commensurate with the importance of the impacts resulting from such management actions.

Information missing from the RMP/EIS is extensive and varying in degrees of absence (from wholesale nondisclosure of historic, baseline, and existing conditions and quantitative effects analysis to repeatedly not referencing with citation(s) what is portrayed as statements of fact). CEQ regulations speak directly to the inclusion or exclusion of "incomplete or unavailable information" in Section 1502.22:

When an agency is evaluating reasonably foreseeable significant adverse effects on the human environment in an environmental impact statement and there is incomplete or unavailable information, the agency shall always make clear that such information is lacking.

- (a) If the incomplete information relevant to reasonably foreseeable significant adverse impacts is essential to a reasoned choice among alternatives and the overall costs of obtaining it are not exorbitant, the agency shall include the information in the environmental impact statement.

Part B of CEQ 1502.22 covers the necessary steps to be taken if overall cost would be exorbitant to obtain incomplete or unavailable information. Because cost to obtain a significant majority of the missing information in the RMP/EIS would not be exorbitant, Part A of CEQ 1502.22 is relevant. By violating CEQ1502.22, the BLM produced a NEPA document out of compliance and ineffectual in guiding management action in the Planning Area.

As such, the FCC is gravely concerned that management actions in the future will unduly restrict or prohibit multiple uses in the Planning Area for the next 20 years. In the proceeding subsections, the FCC

summarizes the most egregious findings and conclusions for each resource area in the order in which they are presented in the RMP/EIS. Following discussion of resource areas, the FCC offers mitigation/corrective actions that work to protect multiple uses, local governments, stakeholders, and citizens in the Lander Planning Area.

Final

5. GEOGRAPHIC INFORMATION SYSTEMS

5.1 INTRODUCTION

GIS is one of the most important tools in land use planning. Analysis of all resources, spatial locations, and acreage calculations relies heavily on GIS. All of the quantification of the existing environment and the measurements of management's effects are done in GIS. Discrepancies and inconsistencies throughout the Draft RMP have concerned the FCC that the Final RMP may not be defensible in the courts. We offer these GIS comments in hopes of working together to produce the best quality, and most defensible, RMP.

5.2 COMMENTS

On June 9, 2011 Fremont County Commissioner Douglas Thompson requested GIS data from the BLM's Acting Field Manager, Rubel Vigil. Mr. Vigil responded on June 20, 2011. Our data request was denied until release of the draft RMP. This decision is inconsistent with BLM planning guidance and the BLM proposed Memorandum of Understanding with Fremont County. ERG received the GIS data from the LFO on October 6, 2011. This data transfer contained 1.63 gigabytes of information in the form of 2,670 files in 188 separate folders. This however was not a comprehensive GIS data package; the BLM provided a 'README' file along with the GIS data that provided a long list of datasets not provided and locations to request these datasets. We argue that the BLM should have fulfilled the entire GIS request due to Fremont County's cooperating agency status; it is obvious that the BLM housed all of these data from the maps presented in the Draft RMP.

The Draft RMP has inadequate incorporation of local cooperator GIS data. Maps 81 - 85, in the Draft RMP, list county roads in the legend but have none presented in the maps. Fremont County maintains a county road layer in a digital format, but these data were not included. We ask that the BLM make an effort to include local cooperator data between draft and final.

All GIS data used in the draft RMP is cited as one. We request a detailed reference list to include all GIS layers used. There are many small discrepancies in acreages between the draft RMP and the BLM provided GIS data. For example, the table presenting the acreage for existing WSAs and ACECs (RMP Tables 3.59 and 3.61) do not match the BLM provided GIS data; there are inconsistencies within the RMP on basics, like the amount of BLM managed surface estate (RMP Tables 1.1, 3.33, and 3.47). The numbers presented for number of allotments, acres, and permitted AUMs varies from Chapter 3 to Chapter 4 to Appendix K to the BLM provided GIS data. The FCC requests that these discrepancies be corrected for the final RMP. All numbers presented in the RMP need to be easily re-creatable from GIS data.

The BLM informed Fremont County that the Greater Sage Grouse Core Areas, presented on the Alternative D Greater Sage Grouse Map (Map 65), were using an in-house modified version of version 3. This was because the Governor's version 3 was not out when the draft RMP and the BLM "anticipated"

what those changes would be from version 2 to 3. The Sage Grouse Core Areas for Alternative D do not match the latest core areas in the Wyoming Governor's version 3. Even with only an overall increase of 15,819 acres, the changes from Alternative D's Core Areas to the Governor's version 3 are significant with 167,521 acres added and 151,702 acres removed. These differences are highlighted in Figure 3. Additionally, the Greater Sage Grouse active leks from 2011 do not match the data analyzed in the draft RMP. We anticipate the need to reanalyze effects based on this new greater sage grouse data before the RMP reaches its final form.

FCC has identified significant problems with the ROW Avoidance and Exclusion Areas for Alternative D. Map 104, in the draft RMP, presents ROWs through areas of Avoidance that abruptly end into areas of Exclusion. Specifically these areas are located in the northeast portion of T30N R94W and the northwest corner of T30N R91W and are illustrated in Figure 4. Additionally the BLM provided GIS data for ROW Avoidance and Exclusion Areas for Alternative D do not match the data presented on Map 104. The BLM GIS file entitled 'ROW_ALTERNATIVE_D_2010_0730' has many overlapping polygons that need to be dissolved in order to eliminate the overlap; this file presents a majority of the planning area being classified as Exclusion. The ROW Avoidance and Exclusion Areas presented on Map 104 do not match the shapes from the GIS file 'ROW_ALTERNATIVE_D_2010_0730'. The FCC requests that the BLM correct these issues with the ROW Exclusion areas and work with Fremont County to incorporate county road information into the reformulation of ROW Avoidance and Exclusion Areas. The FCC request that the BLM add an energy corridor in the vicinity of Highway 28 from Lander south to the South Pass area, possibly using county road ROWs to the south and east of Atlantic City.

5.3 Mitigations

The FCC has identified the following three mitigations pertaining to the GIS resource.

1. The BLM will work closely with local cooperators to obtain and incorporate all pertinent spatial datasets.
2. The BLM will incorporate Version 3 of the Governor's Greater Sage Grouse Core Areas and the latest lek information from Wyoming Game and Fish and reanalyze effects.
3. The BLM will ensure that upon the Final RMP/EIS, tables and figures presented in the RMP are verified by GIS data sets.

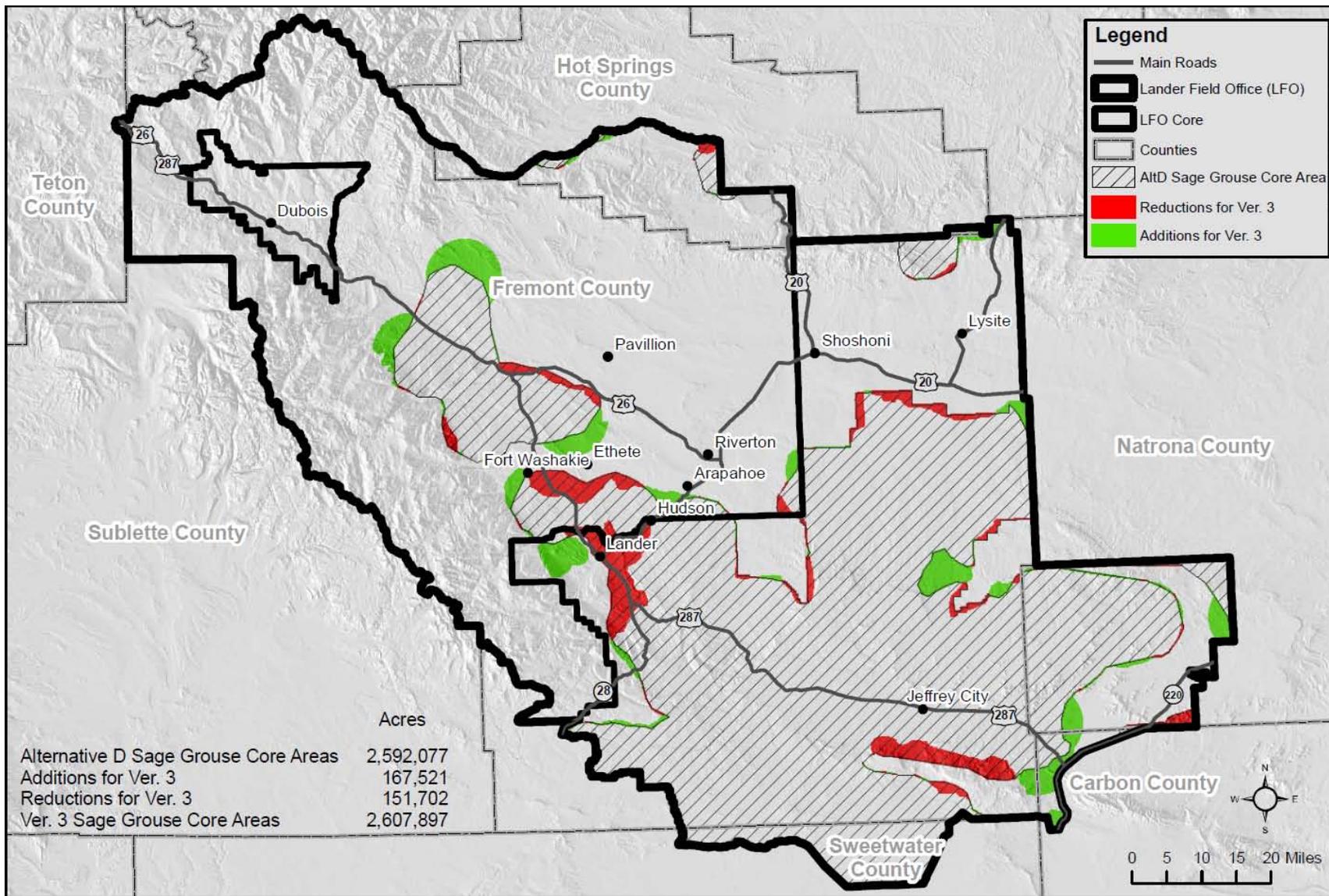


Figure 3 Disparity in greater sage-grouse core areas–Alternative D & Wyoming Governor's Version 3

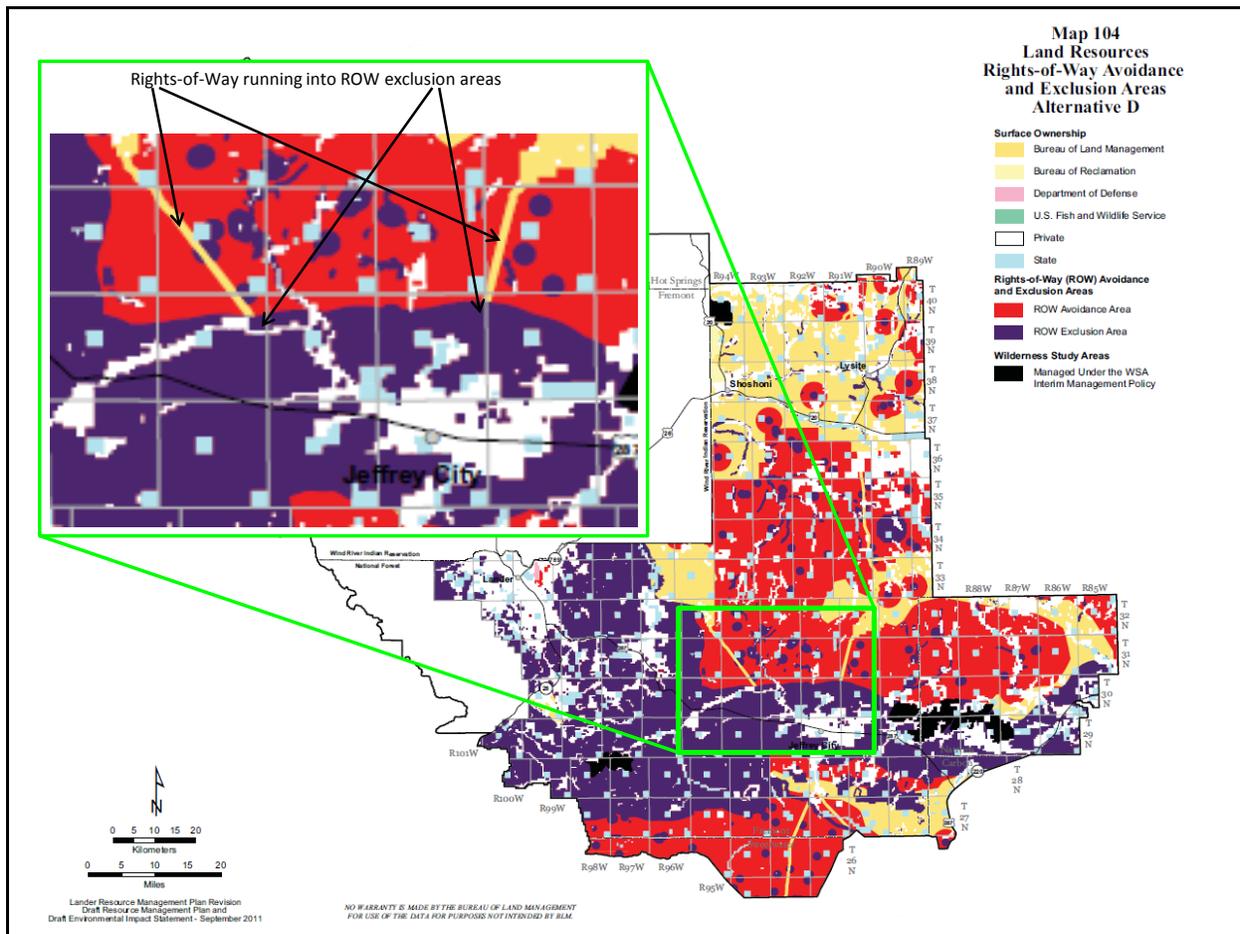


Figure 4 ROW avoidance and exclusion areas

5.4 CONCLUSION

Maintaining and presenting accurate GIS data is key in analyzing management's effects across large landscapes; which is at the heart of the NEPA process. Presenting a Draft RMP with inconsistencies in the figures within the document, as well as within the GIS data, raises concerns that the Final RMP may not be defensible. There should be 100 percent consistency between the GIS data and the tables and figures in the RMP; if the numbers in the RMP didn't come from GIS, what is their source? It is disconcerting to see that the BLM did not seek out and incorporate spatial data from local cooperating agencies, and that the BLM's Draft RMP was filled with so many data discrepancies and inconsistencies. This RMP will have major impacts to the local communities and stakeholders in Fremont County. The FCC asserts that these inaccuracies need to be acknowledged and addressed by the release of the Final EIS.

6. MINERAL RESOURCES

As stated in the RMP/EIS, the agency preferred alternative includes fewer restrictions on mineral development in DDAs, but places more restrictions on development throughout the remainder of the Lander Planning Area. The FCC supports the designation of DDAs; however, it is essential that the numerous constraints and restrictions placed on oil and gas development and mining in the remainder of the Planning Area are science-based and that the information provided in the RMP/EIS demonstrates that these restrictions are in fact necessary. Additionally, since development is given priority in DDAs and in order to ensure that projects can proceed within a reasonable time frame, the RMP/EIS should provide the groundwork that will allow the BLM to streamline site-specific environmental analysis in these locations.

6.1 RESOURCE MANAGEMENT ALTERNATIVES

6.1.1 Detailed Description of Alternatives by Resource

After review of Tables 2.5–2.51 in the RMP/EIS, the FCC submits the following comments.

Table 2 Minerals Comments for Tables 2.5–2.51 of the RMP/EIS

Record Number	FCC Comments
GOAL Common: 10	Alternative B management closes 81 percent of the planning area to oil and gas leasing, which will negatively impact the economic stability of local communities. The BLM cannot select Alternative B and successfully achieve this goal.
1043	The RMP/EIS states (pg. 653): “Alternative D manages the oil and gas program to maximize oil and gas production in areas with moderate and high potential for oil and gas while avoiding adverse impacts to other programs.” Therefore, the FCC is requesting that Alternative A management for this record be implemented for areas with high and moderate potential.
2012	Alternative B management is in opposition to GOAL Common: 10 and must not be selected. Moreover, the agency is required under FLPMA 43 U.S.C 1701 (a) (7) to manage public lands in accordance with the principle of multiple use and sustained yield. The BLM must recognize that energy development is an important element of multiple use and that closing 81 percent of the Planning Area does not recognize the Nation’s need for domestic sources of minerals (FLPMA 43 U.S.C 1701 (a) (12)).
2014	The agency should not limit geophysical exploration in areas that are closed to oil and gas leasing or identified as NSO. As stated in BLM Manual – Onshore Oil and Gas Geophysical Exploration Surface Management Requirements 3150, Section .32 A., “by their nature, geophysical operations traverse an area in a few days. By design, the operations are intermittently spaced and their effects are localized, resulting in minimal surface disturbance.” This is further supported by BLM Manual 3150.11 which states, “geophysical data collected from areas closed for oil and gas development may provide additional insights into the interpretation of data collected in other

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	<p>areas that are open to development. Consequently, geophysical research is often conducted in areas closed to oil and gas leasing by decisions made in land use plans (RMP's and MFP's). Such closure in those plans should not be the only factor used in determining the appropriateness of geophysical work." BLM Manual 3150.12 includes "geophysical operations may be appropriate in areas subject to NSO stipulations."</p> <p>The BLM should recognize that allowing geophysical exploration in areas closed to leasing or identified as NSO could reduce surface disturbance activities in adjacent open areas. In addition, prohibiting exploration activities in areas included as NSO could preclude horizontal drilling and new leasing in these areas and is considered overly restrictive. Further, exploration activities are typically notice-level activities that do require BLM approval (Notices are not considered a federal action and therefore require no NEPA analysis).</p>
2016	<p>Alternative D management direction closes the western portion of the Lander Planning Area to mineral materials disposal and there are no apparent access sites available along Highway 28. The FCC is concerned that without an available gravel source in this vicinity, maintenance on county roads will be limited and roads will go into a state of disrepair. In order to address this issue of concern, it is requested that the BLM allow for a gravel or limestone source that would serve the South Pass area.</p>
2021	<p>The FCC supports the proposed DDAs under Alternative D and encourages the BLM to expand DDAs to include the highly-leased areas surrounding Lysite and Jeffrey City that are not designated as sage-grouse Core Area or as having low soil reclamation potential. At the very least, the BLM should create reasonable buffers (i.e., 2-mile) around existing fields in these locations to allow for expanded development and implementation of lesser restrictions.</p>
2022; 2023; 2024; 2025; 2027; 2028; 2029; 2030; 2031; 2032	<p>The FCC does not support applying MLP management direction under Alternative D to the Beaver Rim area. According to the BLM Oil and Gas Leasing Reform Master Leasing Plans Statewide MLP Evaluation, the Beaver Rim area does not meet the criteria for MLP analysis (USDI 2010). Appendix 2 of the evaluation also states that no MLP is required, that the area has no potential for oil and gas development, and that the percent of proposed MLP with high or moderate potential for discovery of oil and gas is 0.0%.</p> <p>Yet the BLM applies the MLP and provides no justification as to why the resource values listed in Goal MR: 3 Objective: 3.1 require additional site-specific resource protections than those imposed in other areas of the Lander Planning Area with low development potential. The BLM must provide this rationale and support it with data before applying a generalized MLP approach.</p>
7145	<p>The FCC does not support the Government Draw/Upper Sweetwater Sage-Grouse Reference Area proposed under Alternative D and</p>

Record Number	FCC Comments
	agrees with the WGFD that Core Area Management adequately protects greater sage-grouse values. It is therefore requested that oil and gas leasing actions be managed in accordance with the Core Area strategy and that the broad application of unwarranted NSO stipulations and geophysical exploration closures be eliminated. For the same reason, the BLM should update solid mineral and mineral materials disposals restrictions accordingly. If the BLM chooses to pursue the proposed Alternative D management as is for the Government Draw/Upper Sweetwater Sage-Grouse Reference Area, sufficient data must be provided to show why additional protection measures are considered necessary.

6.2 AFFECTED ENVIRONMENT – MINERAL RESOURCES

6.2.1 Leasable Minerals – Geothermal

The RMP/EIS states (pg. 290): “there are no active or pending leases for geothermal facilities in the Planning Area and no likely development of utility scale geothermal resources.” This statement seems incomplete when considered in conjunction with information provided in the Lander Field Office RFD for Geothermal. For instance, background information provided in regard to geothermal leasing in the RFD includes:

Within the last decade, only one operator has shown interest in leasing lands for geothermal development in the Planning Area; however, the Lander Field Office rejected the application because the existing Resource Management Plan did not address geothermal development; thus, no development has occurred (USDI 2009a).

Although geothermal development potential ranges from negligible to none, the exclusion of geothermal leasing due to the lack of analysis in the 1987 Lander RMP most likely affected development patterns. Thus, the BLM should accurately characterize in the affected environment description that leasing has previously been precluded in the Lander Planning Area.

6.3 LEASABLE MINERALS – OIL AND GAS

6.3.1 Oil and Gas Master Leasing Plans

The FCC recognizes the importance of establishing and improving the process for ensuring orderly, effective, timely, and environmentally responsible leasing of oil and gas resources on public lands. The continuous backlog of oil and gas leases that the BLM labors to address is proof that leasing reform is necessary. However, the FCC is concerned that the new MLP policy guidance issued in Instruction Memorandum (IM) 2010-117 is prone to misinterpretation and as a result is causing improper and inconsistent implementation among field offices. For that reason, the FCC does not support applying an MLP to the Beaver Rim area under Alternative D.

IM 2010-117, Oil and Gas Leasing Reform, Section II Master Leasing Plans, mandates that the preparation of an MLP is required the following criteria are met:

1) A substantial portion of the area to be analyzed in the MLP is not currently leased; 2) There is a majority Federal mineral interest; 3) The oil and gas industry has expressed a specific interest in leasing, and there is a moderate or high potential for oil and gas confirmed by the discovery of oil and gas in the general area, and; 4) Additional analysis or information is needed to address likely resource or cumulative impacts if oil and gas are to occur where there are multiple-use or natural/cultural resource conflicts, impacts to air quality, impacts on the resource or values of any unit of the National Park System, National Wildlife Refuge, or National Forest Wilderness area, or impacts on other specially designated areas.

The BLM Wyoming Statewide MLP Evaluation (USDI 2010) concluded that the proposed Beaver Rim MLP does not meet criteria 1 through 3 and does not qualify for analysis. Yet, the evaluation also included the following modifying statements, which are being used as the basis for applying an MLP to the Beaver Rim area:

- 1) The BLM Wyoming State Director is exercising the discretion allowed in IM 2010-117 to evaluate alternative geographic boundaries for this MLP nomination along with other relevant data during the preparation of an ongoing land use plan revision. BLM will evaluate oil and gas leasing decisions for these areas that address resources of concern and better fit the MLP criteria. To preserve decision space, oil and gas leasing will be deferred in key areas identified in figure 13 until the release of the draft EIS and proposed plan.
- 2) During the RMP amendment/revision process BLM Wyoming is applying a leasing screen to all oil and gas parcels nominated for sale to make sure every parcel offered is consistent with proposed protections for sage-grouse. Any parcels not meeting the screen are deferred until the plan amendments/revisions are complete.

While applying a leasing screen during the RMP/EIS revision process to ensure consistency with proposed protections for greater sage-grouse is reasonable, the first modifying statement does not provide clear or consistent management direction. Most importantly, it is not clearly described in the RMP/EIS how the BLM intends to evaluate oil and gas leasing decisions for these areas that address resources of concern and better fit the MLP criteria. Given that there will be no changing circumstances, updated policies, or new information not already examined in the RMP/EIS revision, how would the MLP analysis differ from that performed during the revision and why would it be required?

In cases where existing management prescriptions related to oil and gas leasing are addressed in out-of-date RMPs and circumstances have changed significantly, the application of an MLP is likely warranted. Conversely, a recently revised RMP or one currently under revision should identify and address all potential resource conflicts and environmental impacts from development and nullify the need for an MLP analysis. This reasoning is validated in the Wyoming Statewide MLP Evaluation (USDI 2010) and the report states the following for areas with recently completed NEPA planning documents:

Four geographic areas (Category 1 areas) are in areas with recent NEPA planning documents that evaluated all relevant resource data, resource condition objectives, and management practices to accomplish these objectives. Since the NEPA analysis in these areas went beyond the MLP oil and gas leasing focus, the development of MLPs for these areas would not serve a useful purpose. We consider the MLP concept to already be in place in these areas...Each of these documents took a broad area perspective to evaluate whether the area should be closed to leasing, open to leasing,

or open to leasing with major or moderate constraints. These plans also established resource condition objectives and the general/typical best management practices that will be employed to accomplish these objectives in areas open to leasing. There are no changing circumstances, updated policies, or new information that are not already being addressed in an ongoing plan amendment or LUP revision. Although the record of decision (ROD) for those plans did not use the term “Master Leasing Plan” the analysis and associated management decisions contained in the ROD within the boundary of the proposed MLP identify and address all potential resource conflicts and environmental impacts from development. The existing NEPA planning document is considered protective of resource values normally evaluated during development of an MLP.

Based on the information presented above, the FCC is of the opinion that the analysis in the RMP/EIS for the Beaver Rim area addresses all potential conflicts and environmental impacts from development and goes beyond the MLP oil and gas leasing focus. The RMP/EIS additionally states (pg.296):

Although this guidance was issued late in the development of the alternatives, the MLP tool is very similar in its approach to controlling the amount and kind of surface uses that were evaluated in developing alternatives based upon current condition and conflicts between resource values and leasing.

For example, under Alternative D the Beaver Rim area is managed with CSU and NSO restrictions and is also designated as greater sage-grouse Core Area. After reviewing the resource protections assigned to the area under the preferred alternative, the FCC believes that the MLP analysis will only serve to duplicate the information provided in the RMP/EIS and will unnecessarily delay leasing. Accordingly, the FCC requests that the BLM apply the new leasing reform guidance consistently across state offices and that the Beaver Rim area be included as a Category 1 area that does not require further MLP analysis.

6.4 ENVIRONMENTAL CONSEQUENCES – MINERAL RESOURCES

6.4.1 Locatable Minerals – Alternative B – Program Management

In regard to Alternative B locatable mineral resources program management, the RMP/EIS states (pg. 626):

Alternative B would result in the most potential adverse impacts to locatable minerals compared to other alternatives because it withdraws the most areas from locatable mineral entry. There are 68 times more acres in the planning area withdrawn from mineral activity under Alternative B compared to Alternative A, but 278,906 of those acres are in areas of high potential.

Given that the greater part of the Lander Planning Area classified as having bentonite potential is proposed for withdrawal, the FCC opposes Alternative B program management because it is deemed overly restrictive. Additionally, since few bentonite mining operations are expected to occur over the course of the planning period, preventing the staking of new claims is considered an unnecessary action that could preclude any new activity that would take place. The BLM should carefully reevaluate the outlined Alternative B management direction in conjunction with the following energy and mineral policy principles (USDI 2008a) that guide the agency in managing mineral resources on public land:

- The BLM land use planning and multiple-use management decisions will recognize that energy and mineral development can occur concurrently or sequentially with other resource uses,

providing that appropriate stipulations or conditions of approval are incorporated into authorizations to prevent unnecessary or undue degradation, reduce environmental impacts, and prevent a jeopardy opinion.

- Withdrawals and other closures of the public land must be justified in accordance with the Department of Interior Land Withdrawal Manual 630 DM 1 and the BLM regulations at 43 2310. Petitions to the Secretary of the Interior for revocation of lands withdrawn in favor of energy and mineral development will be evaluated through the land use planning process.
- The BLM endorses Sustainable Development that encourages Social, Environmental, and Economic considerations before decisions are made on energy and mining operations. The BLM actively encourages private industry development of public land energy and mineral resources, and promotes practices and technology that least impact natural and human resources.

Furthermore, under FLPMA (43 U.S.C. § 1714(a) (2006)) it is required that the Secretary of the Interior, as compared to the Director of the BLM or a State Director, authorize all withdrawals of federal lands. The Secretary may only delegate this authority to a designee in the Secretary's office appointed by the President and with the consent of the Senate. The Secretary is required to publish notice of the proposed withdrawal in the Federal Register and provide public hearings regarding the withdrawal (43 U.S.C. § 1714(b)(1) and (h) (2006)). The Secretary is also mandated to notify both houses of Congress of the proposed withdrawal (43 C.F.R. § 1610.6 (2006)). The notice must include the following information: 1) regarding the proposed use of the land; 2) an inventory and evaluation of the current natural resource uses and value of the land and adjacent public and private land which may be affected; 3) an identification of present users and how they will be affected; 4) an analysis of the manner in which the existing and potential uses are incompatible with or in conflict with the proposed uses; 5) an analysis of the manner in which such lands will be used in relation to the specific requirements for the proposed uses; 6) a statement as to whether suitable alternative sites are available; 7) a statement of the consultation which has been or will be had with other federal, regional, state, and local government bodies; 8) a statement regarding the potential effects of the withdrawal on the state, local, and regional economy; 9) a statement of the length of time needed for the withdrawal; 10) the time and place of the hearings regarding the withdrawal; 11) the place where the records of the withdrawal can be examined; and 12) a report prepared by a qualified mining engineer, engineering geologist, or geologist, which shall include information on mineral deposits, mineral production, existing mining claims, and an evaluation of future mineral potential (43 U.S.C. § 1714(c)(2) (2006)).

6.4.2 Locatable Minerals – Alternative D – Program Management

Regarding Alternative D locatable resources and VRM objectives (pg. 631):

VRM could adversely impact locatable mineral development that does not meet VRM requirements on a site-specific basis. Alternative D manages 7,322 acres with uranium potential as VRM Class I and Class II, which would make development more difficult because of additional stipulations to manage visual intrusions. This would be similar to the impact under Alternative B and slightly more adverse than the impact under Alternative A. Alternatives A, B, and D result in substantially more adverse impacts than Alternative C, which manages 3,630 acres with uranium potential as VRM Class IV.

As depicted in RMP/EIS Map 16, three uranium districts occur in the Lander Planning Area and the majority of proposed uranium projects are located within these districts. In consideration of responsible land use planning, the foundation of multiple use, and national energy policy direction, the FCC offers that these uranium districts be nominated as designated mining districts that are excluded from VRM Class I and Class II stipulations. This approach would be similar to retaining Alternative A management direction for areas with moderate and high potential for oil and gas development.

6.4.3 Leasable Minerals – Oil and Gas – Impacts Common to All Alternatives

In reference to leasable oil and gas minerals (pg. 641):

The number of acres open to leasing with an NSO stipulation vary by alternative. The more acres with an NSO stipulation, the more adverse impacts to the oil and gas program. Table 4.18, 'Total Acres of Federal Mineral Estate Open, Open with Constraints, and Closed to Oil and Gas Leasing by Alternative' lists the acres with major leasing constraints, including an NSO stipulation, under each alternative.

However, the number of acres open to leasing with an NSO stipulation is not clearly provided in Table 4.18 or elsewhere in the planning document. The BLM is required by CEQ Sec, 1502.16 to include a discussion of the relationship between short-term uses of man's environment, the maintenance and enhancement of long-term productivity, and energy requirements and conservation potential of various alternatives and mitigation measures. While it is understood by the FCC that an NSO stipulation may be applied on a case-by-case basis in certain areas, the identified number of acres designated for each alternative must be provided. Without this information it is impossible to comprehensively evaluate the adverse impacts to oil and gas exploration or the economic implications to the oil and gas program analyzed in the Socioeconomics Resources section. Designating large tracts of land as NSO for other resources and uses could preclude development due to the economic and technical limitations associated with horizontal drilling and therefore this impact should be fully and accurately addressed.

The RMP/EIS also states (pg. 643): "Any areas closed to oil and gas leasing could be reviewed for potential leasing if drainage is determined to be occurring (i.e., if a well on state or patented lands drains the oil and gas resources from federal mineral estate resulting in a loss to the federal government)." This statement should be modified to include areas that are subject to an NSO stipulation.

6.4.3.1 Alternative B – Program Management

The FCC strongly opposes the selection of Alternative B as it imposes unreasonable restrictions on future energy development. Similarly, Alternative B places unworkable operational restrictions and timing stipulations on the remaining portion of the Lander Planning Area, which will undeniably avert future oil and gas leasing. For example, the majority of the Planning Area under Alternative B is designated as ROW avoidance/exclusion. The FCC acknowledges the balance required for the BLM to manage public lands in accordance with FLPMA and the multiple-use mission, nevertheless domestic energy production

is an integral part of that foundation. Further, it is the responsibility of the agency to diminish rather than increase impediments associated with land use planning and leasing procedures.

6.4.3.2 *Alternative D – Resources*

Pertaining to the application of an MLP in the Beaver Rim area, the RMP/EIS states (pg. 654; second paragraph):

MLPs have adverse impacts to the oil and gas program to the extent that development is limited or constrained. However, the MLPs would not preclude development or impose a major constraint such as NSO. Instead, the MLPs would reduce conflicts between development and identified resource values. The adverse impacts to oil and gas are comparable to, but somewhat more restrictive than, moderate constraints applied in other areas under Alternative D.

Conversely, as the reader advances two paragraphs in the document, the RMP/EIS claims (pg. 654; fourth paragraph):

Constraints on oil and gas leasing are also established for the Beaver Rim area by the MLP. The 29,505 acres with NSO stipulations have the most adverse impacts, although the low potential in the area limits the degree of impacts. Those portions of the area with oil and gas development potential recognized by industry are already leased; the NSO stipulation would apply only if the leases ended. The areas for which NSO stipulations apply include the areas that are NSO under all alternatives for the protection of the ESA-listed threatened plant species desert yellowhead.

The RMP/EIS additionally states (pg. 658):

Alternative D requires an MLP for the Beaver Rim area, a portion of which would be designated as the expanded Beaver Rim ACEC under Alternative B. The MLP would allow leasing with surface occupancy but would provide additional protections for visual resources and Native American sacred sites. These resource protections would have moderately adverse impacts to oil and gas but much less adverse than the closure of the Beaver Rim area to oil and gas leasing under Alternative B.

The aforementioned statements are contradictory and therefore it is unclear what restrictions are proposed with respect to MLP management. NSO stipulations are not depicted on the oil and gas constraint maps for all alternatives. The BLM should clarify what constraints are proposed and the resource issues of concern being considered. Furthermore, given that those portions of the area with oil and gas development potential recognized by industry are already leased, it is also not apparent why an MLP is warranted. The FCC requests that the BLM provide this rationale.

6.4.4 Leasable Minerals – Other Solid Leasable Minerals – Summary of Impacts

The FCC agrees that the intersection of areas closed or open to phosphate leasing with known areas of phosphate occurrence potential is paramount to understanding impacts to phosphate resources. Based on this assertion, there is concern that the adverse impacts reported for phosphate resources are inconsistent and as a result are inaccurately described. In section 4.2.6.1. Summary of Impacts, the RMP/EIS states (pg. 559):

Alternative B closes 39,592 acres of land with phosphate potential (approximately 94 percent of the potential), while Alternative C closes only 1,721 acres. Therefore, Alternative B would result in the largest adverse impact to developing the known phosphate resource, followed by Alternative A. Under the restrictions imposed under Alternative B, there is little likelihood that any exploration or development of phosphate resources would occur anywhere because most of the reserves would be precluded from development. Impacts to phosphate development under Alternative D are approximately that of Alternative A, and only slightly greater than in Alternative C.

The alternative summary descriptions lead to confusion when considered in conjunction with the adverse impacts provided under each alternative individually. For example, under Alternative C and D program management the RMP/EIS states (pg. 665 and 666):

Alternative C would result in the fewest adverse impacts to phosphate development in the planning area of all the alternatives. Under Alternative C, only 1,721 acres of surface estate and 2,300 acres of subsurface mineral estate are specifically closed to phosphate development in areas of phosphate potential. This results in almost the entire area of phosphate potential in the planning area being open to phosphate development activities.

Alternative D would result in the second most adverse impacts to phosphate development in the planning area of all the alternatives. Though the closed acreage is much greater under Alternative B, the affected phosphate resources are almost the same because of where specifically the closures occur under alternatives D and B. Under Alternative D, 36,724 acres of surface estate and 49,773 acres of subsurface mineral estate are specifically closed to phosphate development in areas of phosphate potential. All of the available phosphate resource in the Dubois area is closed under Alternative D. In addition, the entire Lander Slope is closed under Alternative D. This leaves the Conant Creek anticline still open to phosphate exploration and leasing under Alternative D.

It remains unclear whether the potential adverse impacts under Alternative D are predicted to be more or less than Alternative A, similar to Alternative B, or only slightly greater than Alternative C. It is of great importance to the FCC that the consequences of proposed actions in this section and all others in the RMP/EIS are correctly analyzed and described. Accordingly, it is requested that the adverse impacts to phosphate development for each alternative be further clarified.

6.4.5 Salable Minerals – Methods and Assumptions

The RMP/EIS states in the methods and assumptions section for salable minerals (pg. 671):

It is assumed that wherever NSO stipulations apply for oil and gas leases, the area is managed as closed to mineral materials disposals. This management was established in the 1987 RMP and carried forward. In all alternatives, it is assumed that if resource values exist that justify NSO for oil and gas operations, then mineral material disposal would be directed to another location.

It is understood that existing management will continue for NSO stipulations and that these areas will be closed to mineral materials disposals, only over a larger area under the preferred alternative. However, it is alarming that the areas where NSO stipulations will apply is not clearly described or depicted in Section 4.2.4 Leasable Minerals – Oil and Gas. As these stipulations are used to determine management actions for various other resource areas, it is essential that this information be entirely disclosed.

6.4.5.1 *Alternative D – Program Management*

The description provided under Alternative D program management for salable minerals is vague and contradictory and therefore lacking in credibility. Page 679 of the RMP/EIS states:

Alternative D emphasizes a mixture of resource uses and protections of physical, biological, heritage, and visual resources. Although far less restrictive of mineral material disposals than Alternative B, all 245,037 acres of ACECs are closed to disposals along with greater sage-grouse Core Area and the Dubois area. In total, 1,249,626 acres are closed to disposals which is the second largest closure of the alternatives; 1,559,475 acres are available for disposal subject to a site-specific analysis.

The abovementioned quote leads the reader to believe that all locations designated as greater sage-grouse Core Area are closed to mineral materials disposals. However, when Map 37 (Mineral Resources Salable – Mineral Materials Disposal Alternative D) and Map 65 (Biological Resources Special Status Greater Sage-Grouse Alternative D) are compared side by side, a large portion of Core Area remains open. It is also not clear why sage-grouse Core Area in its entirety is proposed for closure in the first place. This is certainly not consistent with the approach that adjacent field offices have taken. There is no reason to conclude that mineral materials disposal sites would exceed the Core Area surface disturbance cap, as size limits and boundaries for these access areas can easily be designated prior to permitting collection. The section becomes more convoluted as the RMP/EIS additionally claims that surface disturbance limits do not apply to mineral materials disposals. Page 680 includes:

Alternative D management for protection of greater sage-grouse would result in fewer adverse impacts to mineral materials disposals than Alternative B, but many more than alternatives A and C. Alternatives B and D close the area within 0.6 mile of leks to surface disturbance, including surface mining of leasable minerals; alternatives A and C close 16,283 acres. Alternative D would be substantially less adverse than Alternative B in the amount of surface disturbance allowed both inside and outside greater sage-grouse Core Area because Alternative B applies limits to all disturbance, including mineral materials disposals. However, disturbance limits under Alternative D do not apply to mineral materials disposals, rangeland improvement projects, or other ROWs and are limited geographically to the Core Area. Outside the Core Area, Alternative D restricts surface disturbance to within $\frac{1}{4}$ mile of leks. This reduces the areas protected from surface disturbance outside the Core Area in comparison to Alternative B. Alternative D also places fewer restrictions on the height of objects in the Core Area.

Due to the conflicting information presented in this section, there is concern that the effects analysis is not supported by data and that proposed closures have been applied erroneously. The BLM should reevaluate potential resource conflicts more thoroughly and acknowledge that environmental impacts associated with materials disposal sites can be successfully mitigated. During this reevaluation include areas that will supply all locations in the Planning Area, instead of limiting mineral materials disposals to areas that are closely located and only serve the same purpose (i.e., oil and gas activities).

6.5 CUMULATIVE IMPACTS TO GREATER SAGE-GROUSE FROM MANAGEMENT ACTIONS

Concerning surface disturbance stipulations for greater sage-grouse Core Area and non-Core area and locatable mineral mining and non oil and gas mineral leasables the RMP/EIS states (pg. 1211):

Surface disturbance related to locatable mineral mining, primarily for uranium and bentonite, and non oil and gas mineral leasables will not be subject to the same stipulations; however, disturbance from all activities will be used in calculations when assessing whether disturbance caps have been reached.

On the other hand, the RMP/EIS includes the following statement (pg. 1214): “Under the Executive Order and IM, phosphate leasing, a BLM discretionary activity, is subject to the surface disturbance limitations in the Core Area discussed above for oil and gas.” Due to the conflicting nature of these statements, and the extent of the area closed to phosphate leasing under the agency preferred alternative, proposed management direction is unclear; therefore, clarification is requested for surface disturbance limitations in regard to phosphate leasing within sage-grouse Core Area.

6.6 MITIGATIONS

1. The BLM should recognize that allowing geophysical exploration in areas closed to leasing or identified as NSO could provide additional insights into the interpretation of data collected in other areas that are open to development. The FCC believes that in areas designated as NSO, geophysical exploration activities should be evaluated on a case-by-case basis and is requesting that the BLM include this modification under Alternative D. Please also include that geophysical data gathering methods that involve only casual use of the surface (as defined by 43CFR §3150) would be permitted throughout the Lander Planning Area.
2. The FCC is of the opinion that the analysis in the RMP/EIS for the Beaver Rim area addresses all potential conflicts and environmental impacts from development and goes beyond the MLP oil and gas leasing focus. Consequently, the FCC believes that the MLP analysis will only serve to duplicate the information provided in the RMP/EIS and will unnecessarily delay leasing. Therefore the FCC is requesting that the BLM classify the Beaver Rim area be as a Category 1 area (as defined in the BLM Wyoming, Oil and Gas Leasing Reform Master Leasing Plans, Statewide MLP Evaluation) that does not require further MLP analysis, such as what has been performed for other locations in Wyoming with recently completed NEPA planning documents (USDI 2010).
3. The FCC supports the proposed DDAs under Alternative D and encourages the BLM to expand DDAs to include the highly-leased areas surrounding Lysite and Jeffrey City that are not designated as sage-grouse Core Area or as having soils with low reclamation potential. At the very least, the BLM should create reasonable buffers (e.g., 2-mile) around existing fields in these locations to allow for expanded development and implementation of lesser restrictions.
4. Three uranium districts occur in the Lander Planning Area and the majority of proposed uranium projects are located within these districts. In consideration of responsible land use planning, the

foundation of multiple use, and national energy policy direction, the FCC offers that these uranium districts be nominated as designated mining districts that are excluded from VRM Class I and Class II stipulations. This approach would be similar to retaining Alternative A constraints for areas with moderate and high potential for oil and gas development.

5. The number of acres open to leasing with an NSO stipulation is not provided in Table 4.18, “Total Acres of Federal Mineral Estate Open, Open with Constraints, and Closed to Oil and Gas Leasing by Alternative” as stated on pg. 641, or elsewhere in the planning document. While it is understood by the FCC that an NSO stipulation may be applied on a case-by-case basis in certain areas, the identified number of acres designated for each alternative must be provided.
6. There is concern that the adverse impacts reported for phosphate resources are inconsistent and as a result, incorrectly described. It remains unclear whether the adverse impacts under Alternative D are predicted to be more or less than Alternative A, similar to Alternative B, or only slightly greater than Alternative C. Accordingly, it is requested that the adverse impacts associated with each alternative be further evaluated.
7. The BLM should methodically reevaluate potential resource conflicts with mineral materials disposals. During this reevaluation include areas that will supply all locations in the Lander Planning Area accordingly, instead of limiting mineral materials disposals to areas that are closely located and only serve the same purpose (i.e., oil and gas activities). It is thought that size limits and boundaries for access areas can easily be designated prior to permitting collection and that this will serve to mitigate any associated environmental impacts.
8. Alternative D closes the western portion of the Lander Planning Area to mineral materials disposal and there are no apparent access sites available along US Highway 28. The FCC is concerned that without an available gravel source in this area, Fremont County roads will be negatively impacted. In order to address this issue of concern, the FCC is asking the BLM to allow for a gravel/or limestone source that would serve the South Pass area.

6.7 CONCLUSION

The FCC supports the designation of DDAs under Alternative D and is requesting that the BLM streamline the project-specific environmental analysis in these locations. In addition, it is important that energy development in the remainder of the Lander Planning Area is not overly restricted simply because DDAs are the areas planned for development. Thus, it is imperative that the impacts analysis for mineral resources in the remainder of the Planning Area are accurately and fully disclosed in the RMP/EIS and that restrictions are supported by data.

7. **BIOLOGICAL RESOURCES – WILDLIFE AND SPECIAL STATUS SPECIES**

The information for Biological Resources – Wildlife and Special Status Species-Wildlife in the RMP/EIS is lengthy, covering approximately 200 pages. However, the Wildlife sections of the RMP/EIS are consistently incomplete, contradictory, and unclear. An Affected Environment chapter should comprehensively disclose wildlife habitat needs and available habitat for all species analyzed in the EIS Planning Area. Additionally, when management challenges are noted for individual species (e.g. greater sage-grouse) or groups of species (big game), such challenges should be disclosed quantitatively with data and research. Rather than doing so, the Affected Environment chapter provides little to no historic, baseline, and/or current data on wildlife species, habitat availability and quality, and substantiation via data and research to document that the management challenges are in fact real and accurate as described.

In moving from the Affected Environment, which inadequately portrays the current condition, it is impossible to analyze the effects of proposed management actions on species and habitats in the Environmental Consequences chapter. An overarching theme advanced for all wildlife species in the RMP/EIS is that closure of lands to multiple uses is preferred regardless of available mitigations, restrictions, and constraints. Restrictive management of the Planning Area for the purpose of protecting wildlife is not based on recognized science and dismisses the implementation of state-of-the-art mitigation measures that are proven effective.

There is great concern from the FCC, stakeholders, and other affected parties that the BLM is creating an environment via the RMP/EIS that is antithetical to the responsible, beneficial use of resources in the Planning Area for the coming two decades or more. Using aspirational goals and objectives, sans comprehensive data and research, to promote wildlife to the economic detriment of local governments and stakeholders is without merit. As currently written and expressed in the comments that follow, the wildlife portion of the RMP/EIS is significantly inadequate as a basis for making management decisions with far-reaching ramifications.

In the following comments the FCC has identified seven issues of major concern in the RMP/EIS in regard to wildlife and special status species.

7.1 **RELEVANT REGULATORY GUIDELINES**

As it pertains to wildlife in the Lander Planning Area, the following are relevant regulatory guidelines the BLM must comply with when making planning decisions:

- BLM Land Use Planning Manual
- DQA
- Endangered Species Act (ESA)
- FLPMA

- NEPA and CEQ Regulations

7.2 WILDLIFE ISSUES

Within the RMP/EIS, the FCC has identified seven issues of primacy. Substantive comments for each of the issue areas are presented in the following sections.

7.3 EFFECTS TO WILD UNGULATES

Project activities and concomitant effects presently occurring and/or presumed to occur during the life of the Plan are not based on sufficient data or scientific references and/or contrary to data provided in Chapter 3 of the RMP/EIS. The RMP/EIS states (Chapter 4, pg.814):

Management under Alternative B would adjust livestock and wild horse forage allocations, where necessary, to make available the forage needed to meet big game herd objectives. Alternative B would reduce authorized livestock AUMs as necessary... to provide forage for wildlife. Alternative B would manage forage utilization at a lower use level than Alternative A to ensure adequate vegetation remains for wildlife and plant health. Alternative B manages vegetation on big game crucial winter range and parturition areas to benefit the big game species requiring the range. These actions would result in greater long-term beneficial impacts to wildlife than Alternative A.

Later, the RMP/EIS states the following (Chapter 4, pg. 852):

Alternative D allows range improvements in big game crucial winter range when they are part of a grazing management strategy and project impacts could be mitigated.

The conclusion in Chapter 4 is that livestock grazing is competing with wild ungulates to the extent that ungulate populations are below potential, and that actions that reduce livestock, particularly on winter range (Alternative B) or improve livestock distribution (Alternative D) will improve wild ungulate populations. No data, however, is provided in Chapter 3 which documents that wild ungulate competition with livestock is a limiting factor in the Planning Area. In fact, data from 2007 provided in Chapter 3 suggests wild ungulates populations are at or above Wyoming Game and Fish Department (WGFD) population objectives. For instance, the RMP/EIS (Chapter 3, Table 3.38) concludes that all elk herd units with the exception of the Green River herd unit are above objective (the Green River herd unit is only 2% below objective which is likely statistically insignificant). Results for pronghorn, mule deer, white-tailed deer, moose, and bighorn sheep also indicate that wild ungulate populations are performing at or above WGFD objectives. Additional science-based data is needed for Chapter 4 to conclude that livestock are competing with wild ungulates to the extent that a reduction in grazing (Alternative B) or improved distribution (Alternative D) would “benefit big game animals (pg. 814).” The FCC suggests that in order to meet the NEPA-required “hard look,” the BLM must identify science-based effects in the RMP/EIS that include:

- Forage utilization data within given herd units where overutilization might indicate situations where insufficient stubble heights would not leave sufficient forage for wintering ungulates.

- Vegetation trend data within given herd units that document long-term downward trend in forage production that could lead to insufficient forage for wintering ungulates.
- Documented situations where WGFD had to increase supplemental forage to offset declining forage production on BLM lands for given herd units.
- Increases in over-winter deer/elk mortality or reductions in fawn/calf survival not explainable by winter weather extremes that could be attributable to forage competition.

No evidence of forage competition, including any of the aforementioned examples, is provided in the RMP/EIS. The RMP/EIS does have numerous inferences to allotment management plans (AMPs) that do not meet utilization standards or AMPs where forage may not be in an improving trend. No herd unit-specific data, however, is provided that explains the magnitude of the problem or causes and locations that conclusively demonstrates that livestock use is limiting wild ungulate populations. For instance, Chapter 3 (p.334) states:

Existing management practices for upland grass and shrub communities are addressed primarily through monitoring livestock grazing, evaluating terms and conditions of individual grazing permits, and the development and implementation of Allotment Management Plans (AMPs). As discussed in the *Livestock Grazing Management* section, the impacts of drought, climate change, and mineral development on grass and shrub communities have been historically overlooked. Moreover, short-term indicators, such as stubble height of vegetation in riparian-wetland areas and utilization on uplands, are only useful for determining whether livestock grazing may continue in a given season, unless they are correlated to long-term trend data establishing a cause and effect relationship. Long-term indicators, such as upland condition and trend studies are in place for some high priority “Improve” category grazing allotments, but are lacking in other allotments. Standards assessments of vegetative condition need to be completed to evaluate health and trends.

The preceding paragraph is both worrisome and telling in that the BLM admits the Agency lacks sufficient data and analysis to address such RMP/EIS-wide factors as long term vegetative trend or condition. For the RMP/EIS to conclude that reducing grazing (Alternative B) or adding range improvements (Alternative D) would benefit wild ungulates by making more forage available, the RMP/EIS must demonstrate on a herd unit-by-herd unit basis that vegetation condition is poor, trend is downward, or wildlife ungulates are starving due to insufficient forage attributable to livestock grazing. The BLM would have to clearly show that grazing practices are affecting wild ungulates to the extent that populations are trending downward or are well below WGFD objectives. The FCC suggests that until the RMP/EIS can demonstrate this relationship with substantive data, the BLM will remove the conclusion that changes in grazing will result in more wild ungulates.

7.3.1 Loss of Crucial Winter Range

While the FCC supports the intent of BR:8.1, the semantics should be improved. It is the contention of the FCC that there will be no net acres-loss of big game crucial winter range. For instance, oil and gas activity may result in a temporary loss of productivity that could reduce big game over-winter survival during the life of the Plan. However, the land will remain crucial winter range. Admittedly, activities

like locatable minerals do result in a semi-permanent loss of crucial winter range. Based on the acres of potentially locatable minerals in the RMP/EIS, it is not conceivably that the percentage of lands lost could come close to 10 percent. The following revised wording BR8.1 shall be integrated in the RMP/EIS:

In the absence of voluntary mitigation or in areas with site-specific allowances, manage for no greater than a 10 percent loss of big game carrying capacity over the life of the Plan.

7.4 EFFECTS TO GREATER SAGE-GROUSE

The effects of RMP/EIS alternatives upon greater sage-grouse are based on unidentified, non-substantiated limiting factors (insufficient sagebrush, inadequate nest cover, and mortality from fences). As an example, the RMP/EIS (Chapter 3, pg. 340) states:

In the Great Basin, altered fire regimes from cheatgrass infestation have removed approximately half of the sagebrush in the last few decades. The importance of sagebrush is especially important in relation to greater sage-grouse, which is declining in population and distribution across much of its range. Sagebrush in the planning area remains largely intact and the Lander Field Office is positioned to ensure the proper functioning of the biome (Map 45).

The RMP/EIS (Chapter 3, pg. 337) later concludes:

Management challenges for grassland and shrubland communities also result from grazing. Historic overuse of the rangeland and concentration on riparian-wetland areas by season long livestock grazing have led to plant communities that are not meeting the potential for the site, and possibly resulting failure to meet the Wyoming Standards for Healthy Rangelands. In some areas, range site vegetation has crossed a threshold and moved to a different transitional state. It might not be possible to restore these areas through rest and/or management and they might require mechanical intervention.

Although the previous paragraph suggests that range conditions are not sufficient site-specifically to meet the needs of greater sage-grouse, and that grazing is at fault, no clear discussion is provided in the RMP/EIS that addresses:

- How do sagebrush/grasslands respond to disturbance?
- What mix of sagebrush, tall grasses, and open foraging areas provide the optimal mix of seasonal habitats for greater sage-grouse.
- What is the current mix of those habitats across the RMP/EIS area?
- What disturbances are needed to optimize habitat?

The publication *Synthesis of Livestock Grazing Management Literature Addressing Grazing Management for Greater Sage-Grouse Habitat the Wyoming Basin – Southern Rocky Mountain Ecoregions* (United States Geological Survey 2011) provides a useful summary of those habitat relationships. To build a better foundation for addressing greater sage-grouse effects in Chapter 4, the FCC suggests the BLM provide information and data in Chapter 3 to address the following:

- Provide references that greater sage-grouse co-evolved with heavy grazing (bison) pressure.
- Provide references that greater sage-grouse populations have periodically thrived during the past century when livestock grazing pressure was higher than current levels and done under less sophisticated grazing systems (the FCC suggests this not to discount that grazing-related problems on greater sage-grouse habitat could exist, but to show that there are multiple variables affecting greater sage-grouse).
- Describe how historic wildfires created a mix of sagebrush and open grasslands.
- Provide data on the current levels of sagebrush coverage and compare that to historic conditions in the Planning Area. For instance, Landfire data (Figure 5) is one option for disclosing current sagebrush coverage. Note that coverage is fairly extensive in the (area).
- Provide summary data on the degree to which allotments in the Planning Area provide adequate mature sagebrush for wintering greater sage-grouse, tall grasses for nesting cover, and forb foraging areas for post-fledged chicks.

Without the aforementioned summary discussion and data, many of the effects disclosed in Chapter 4 cannot be substantiated to any degree. For instance, the RMP/EIS (Chapter 4, p.888) states:

Alternative B prohibits livestock water development projects in greater sage-grouse nesting areas to prevent heavy grazing utilization levels that could adversely impact the availability of adequate nesting cover. This action would provide long-term protection of nesting habitat. To reduce crossing or flight hazards and curtail additional habitat fragmentation, Alternative B does not allow new fences unless they would be necessary to address human or wildlife safety concerns, and removes existing fences where appropriate.

Curtailling water development projects might be beneficial for greater sage-grouse if nest cover was limiting, however, as previously discussed, no data is provided to make such a conclusion. If, however, heavily-grazed forb foraging areas were in short supply, water developments could increase those areas. Again, without data showing the relative distribution of greater sage-grouse habitat components, the conclusions in Chapter 4 for greater sage-grouse are indefensible. The beneficial effect of removing fences were heretofore not addressed in the RMP/EIS, nor were any scientific references provided, so the beneficial effect is not justifiable without some further information. Additionally, since fences allow for improved livestock distribution and facilitate rest or deferred grazing, which in most cases provide for improved nest cover, the relationship of reduced fencing to potentially haphazard livestock distribution must to be addressed in the RMP/EIS, if removing fences is disclosed as a beneficial effect. Lastly, for the RMP/EIS to conclude that stock ponds or fences are injurious to greater sage-grouse, the RMP/EIS should provide data on the acreage and miles of stock ponds and fences, respectively in the RMP area, so that the relative magnitude of the problem can be addressed.

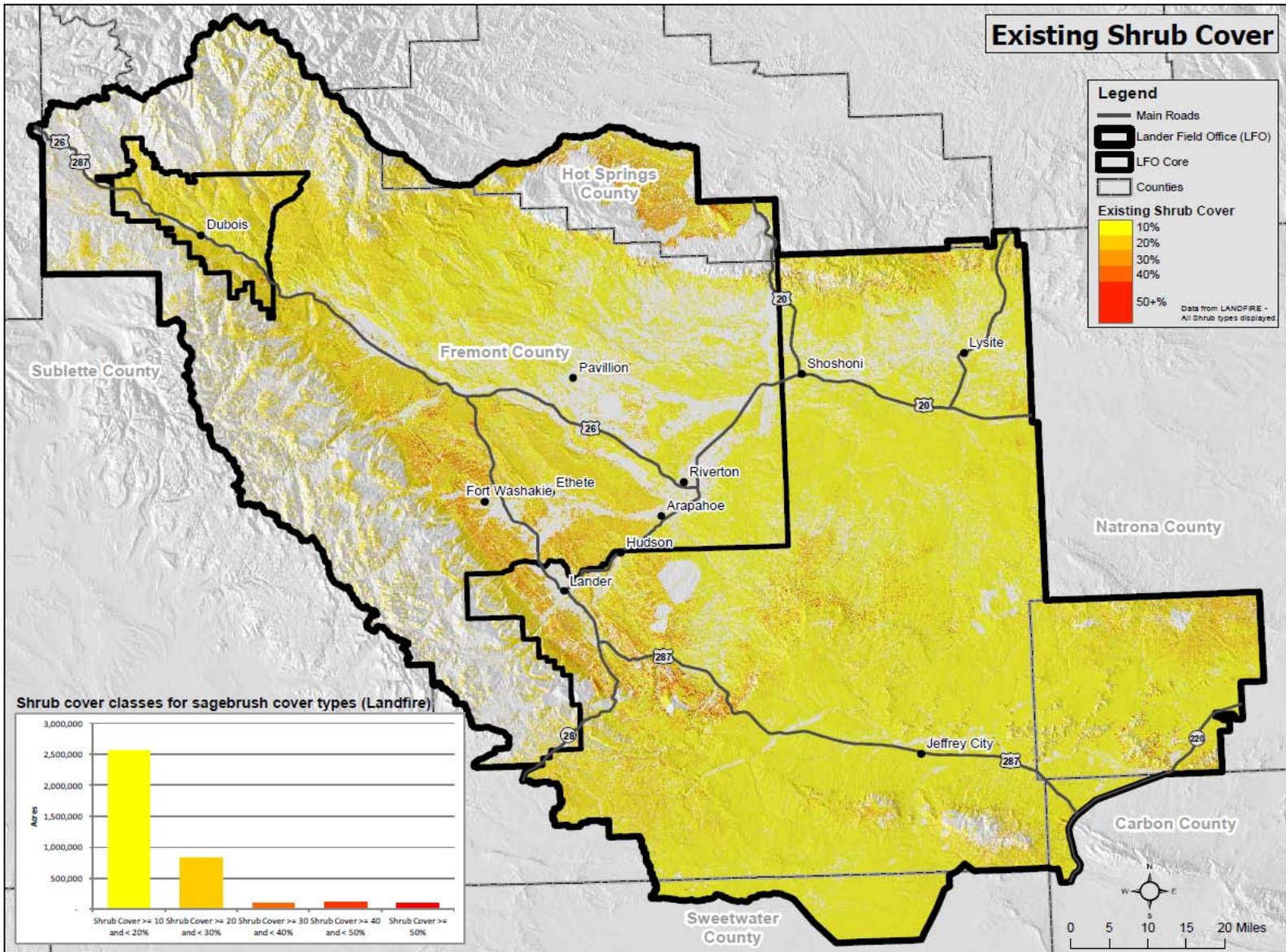


Figure 5 Sagebrush cover in the Lander Planning Area

The RMP/EIS (Chapter 3, p.370) states:

The planning area has been identified as supporting some of the best greater sage-grouse habitat in Wyoming and throughout the species range (Connelly et al. 2004). Of particular importance is the area between the Hudson and the Sweetwater River, which contains important breeding, nesting, brood-rearing, and winter habitats. The area is mostly undeveloped; thus habitats are mainly intact and not fragmented. The Audubon Wyoming designated the Ninemile Draw area south of Hudson as an IBA for greater sage-grouse. The area has been identified as a greater sage-grouse stronghold for breeding populations in western North America and contributes to the conservation of the species. The governor of Wyoming issued an Executive Order 2008-2 for increased protection of greater sage-grouse. This executive order delineated Core Area in the state, including the planning area, and restricted human activities in certain areas. Map 63 identifies the greater sage-grouse leks and the Governor's Core Area in the planning area. Governor's greater sage-grouse Core Area cover 2,664,509 acres (all ownership types) in the planning area.

Greater sage-grouse populations have been declining across the western United States, prompting several petitions to list them as threatened under the ESA. In March 2010, the USFWS announced its 12-month finding that listing of the greater sage-grouse is "warranted but precluded." Thus, the species is designated as a candidate for listing with the USFWS and will be reviewed annually to determine if the listing status should be changed. As identified in the USFWS 2010 finding, the greater sage-grouse population in the planning area is part of Management Zone II, one of seven Management Zones for greater sage-grouse delineated by the Western Association of Fish and Wildlife Agencies based upon ecological and biological attributes, which includes sage-grouse populations throughout the Wyoming Basin (USFWS 2010). Threats to greater sage-grouse in Management Zone II are discussed at length in the USFWS finding and would apply to the planning area.

Greater sage-grouse population levels throughout the planning area plummeted during the 1990s and then experienced a resurgence in the 2000s. This resurgence is thought to be related to precipitation events that promoted grass growth, thus aiding survival of young. Populations in areas of extensive energy development, including fields near Lysite, Moneta, and below Beaver Rim in the Wind River Basin, have not seen the same degrees of growth as other parts of the planning area.

Threats to greater sage-grouse include degradation, loss, and fragmentation of habitat, predation, West Nile virus, and human disturbance during sensitive periods.

Chapter 3 provides an interesting history of greater sage-grouse in the Planning Area, yet it provides no data on the current availability or lack thereof of nesting cover at any scale. Nor does it demonstrate that domestic livestock grazing has reduced nesting cover to the extent that greater sage-grouse production has suffered. The one "cause and effect" citation included in Chapter 3 is that weather seems to be most responsible for changes in greater sage-grouse production in recent years. Again, the FCC suggests that the aforementioned "bulleted measures" be addressed in detail to provide substantive data to support the effects determination in Chapter 4 and that those effects truly reflect the data disclosed.

7.5 GOVERNOR OF WYOMING 2011 GREATER SAGE-GROUSE EXECUTIVE ORDER

The FCC lauds the BLM for incorporating the Wyoming Governor's Executive Order 2011-5 into Alternative D and recognize the critical step the Executive Order takes to avoid federal listing of greater sage grouse. It is true that the Executive Order will serve as a model for other Western states to follow,

particularly regarding its science-based measures for mitigating the adverse effects of energy extraction on greater sage-grouse. These science-based restrictions on oil and gas, locatable minerals, and energy corridors imposed to meet the Governor of Wyoming 2011 Greater Sage-grouse Executive Order in Alternative D are highly prescriptive and easily understandable. Furthermore, those measures reflect the latest science on the effects of oil and gas extraction and minerals withdrawal on greater sage-grouse in both core and non-core habitats. The FCC was surprised that the RMP/EIS does not take more credit for including the Executive Order in Alternative D and disappointed that the effects of Alternative D on greater sage-grouse are still rather negative. Without providing specific examples of wording in the RMP/EIS, the FCC states that the BLM will take a hard look at the overall tone of how effects of Alternative D on greater sage-grouse are disclosed rewrite that narrative reflectivity of reality.

Grazing-related management actions and restrictions, unlike oil and gas activities, that would be taken to protect greater sage-grouse in core and non-core areas, are vague and open to interpretation. For instance, under Table 2.30 (6000 Land Resources (LR) - Livestock Grazing Management, Chapter 2, pg.140-143), the only reference to measures taken to protect greater sage-grouse pertains to the placement of salt near leks (record # 6065, p.143). This lack of prescription measures specific to greater sage-grouse suggests that few conflicts exist. The dialogue in Chapter 3 and 4 (as discussed under issue 2), however, suggests that grazing creates major potential conflicts (but unsubstantiated) with greater sage-grouse. The FCC finds this to be inconsistent between what is stated in Chapter 3 and 4 (i.e. grazing creates potential problems for greater sage-grouse) and a lack of any measures in the alternative descriptions in Chapter 2 to resolve on-the-ground grazing conflicts with greater sage-grouse. This level of disconnect is untenable. It seems likely that without specific measures identified as to how and at what scale grazing conflicts in greater sage-grouse habitat would be resolved through management actions, those unsubstantiated conclusions in Chapter 3 and 4 may lead to future demands by greater sage-grouse advocates to reduce grazing opportunities without merit. The FCC finds that the BLM will add the following prescriptive measures to Table 2.30:

- Alternative D, in greater sage-grouse Core Habitat, add:

Population declines in greater sage-grouse that cannot be scientifically explained by weather variables or disturbance from minerals extraction will be evaluated to determine if grazing may explain such a decline. Data on sagebrush coverage and height, nest cover, forb foraging areas, and wintering habitat, and the patterns of those variables, will be collected prior to any proposed changes in grazing. Grazing conflicts will be resolved with increased investments and/or permittee incentives and will be done with the full consultation and cooperation of grazing permittees and the FCC.
- Alternative D, in non-core greater sage-grouse habitat, add:

Population declines in greater sage-grouse that cannot be scientifically explained by weather variables or disturbance from minerals extraction may be evaluated to determine

if grazing might explain the decline, depending on the relative importance of the non-core greater sage-grouse subpopulation. Data on sagebrush coverage and height, nest cover, forb foraging areas, and wintering habitat and the patterns of those variables will be collected prior to any proposed changes in grazing. Grazing conflicts will be resolved with increased investments and/or permittee incentives and will be done with the full consultation and cooperation of grazing permittees.

Since release of the RMP/ EIS, the Washington, D.C. BLM office released Instruction Memorandum (IM) No. 2012-043, which concludes that the IM:

provides interim conservation policies and procedures to the Bureau of Land Management (BLM) field officials to be applied to ongoing and proposed authorizations and activities that affect the Greater Sage-Grouse (*Centrocercus urophasianus*) and its habitat. Field offices do not need to apply the conservation policies and procedures described in this IM in areas in which (1) a state and/or local regulatory mechanism has been developed for the conservation of the Greater Sage-Grouse in coordination and concurrence with the FWS (including the Wyoming Governor's Executive Order 2011-5, Greater Sage-Grouse Core Area Protection)..."

This direction suggests that the protective measures applied in Alternative D for greater sage-grouse core habitat are fully compatible with the IM. Because *non-core* habitat is not mentioned in the aforementioned language, however, it infers that additional protective measures would need to be applied to non-core areas to make Alternative D compatible with the IM. The Wyoming Governor's staff (Rieman 2012, pers comm.), in their discussions with national BLM staff, is confident that the wording in the final IM will be amended to fully exclude Wyoming BLM lands from additional protective measures on both core *and non-core* lands. If, and only if that is the case, Alternative D will be compatible with the IM.

7.6 OUTDATED WILDLIFE SCIENTIFIC REFERENCES

In the RMP/EIS, research used to identify effects on wildlife from oil and gas activities are outdated and not reflective of the latest research. The RMP/EIS (Chapter 4, pg. 834) concludes:

Alternative D...opens 2,351,440 acres to oil and gas leasing, 1 percent fewer acres than Alternative A and 2 percent fewer acres than Alternative C. Alternative D opens 76 percent more acres to leasing than Alternative B, which opens the fewest acres to mineral leasing and potential development. Alternative D makes available fewer acres of crucial winter range and parturition habitat to exploration and development than alternatives A and C but more acres than Alternative B. It is anticipated that approximately 724 acres would be disturbed each year through oil and gas development activities under Alternative D, and 375 of those acres would be disturbed for the long term. Alternative D would result in less wildlife habitat and habitat connectivity loss and fragmentation would occur from new lease development than alternatives A and C and more than Alternative B. Alternative D closes the entire Dubois area to oil and gas leasing; therefore, no habitat loss and fragmentation from lease development activities. Alternative D would have nearly the same beneficial impacts to wildlife in all statutory categories as Alternative B and greater beneficial impacts than alternatives A and C.

The effects conclusions do not reflect recognized, current research and accompanying data. Sawyer et al. (2006) found that while drilling on mule deer winter range during winter resulted in substantial displacement of mule deer from preferred foraging areas, and contributed to a major winter mortality event, mule deer rapidly habituated to inactive or developed well pads. Clearly, seasonal operating constraints would have avoided any measurable adverse effect. Holloran and Anderson (2005) and Holloran et al. (2005) found similar effects on greater sage-grouse when NSO was implemented near leks and no drilling was allowed during the nesting season near concentrations of leks. Admittedly, leasing withdrawals makes it easier for the BLM to ensure that no oil and gas disturbance-related adverse impacts will occur to wildlife than having to administer and enforce oil and gas operating constraints. When research-demonstrated effects of mitigation versus withdrawal on wildlife are the same, however, the BLM needs to accurately disclose the research-based effects. Effects of increased administrative costs of leasing with constraints can then be disclosed accordingly.

7.7 EFFECTS UPON NORTHERN GOSHAWKS AND CANADA LYNX

Within timbered landscapes, adverse effects upon northern goshawks and Canada lynx are exaggerated and not based upon state-of-the-art research. Insufficient data is provided in Chapter 3 to determine the relative health or risk status of those species. Mitigation measures in Alternative B and D have not been demonstrated to be necessary or beneficial for the preservation of either species. The RMP/EIS (Chapter 3, pg. 371) concludes in Affected Environment:

The northern goshawk is found in coniferous forests, especially Douglas fir, lodgepole pine, and aspen (Cerovski et al. 2004). The northern goshawk forages in a variety of habitats. There is suitable habitat for the northern goshawk primarily on Green Mountain and Lander Slope. Nests have been documented on Green Mountain.

The RMP/EIS (Chapter 4, pg. 864) concludes in Environmental Consequences:

Northern goshawks typically occupy large tracts of old-growth coniferous forests with dense canopy cover. Timber management actions that thin or alter suitable habitat could adversely impact the availability of nesting habitat. Timber harvest could result in an increase in roads and access into ... northern goshawk habitats that could result in additional habitat loss or disturbance conflicts.

The RMP/EIS (Chapter 4, pg. 898) further concludes in Environmental Consequences:

Alternative D applies a TLS to prohibit surface-disturbing activities within $\frac{3}{4}$ mile of active ...northern goshawk...nests...

There is an enormous body of research on goshawks, including discussions on territoriality and territory size (Kennedy 2003), descriptions of suitable nest habitat (Reynolds et al. 2008; Squires and Ruggiero 1996), methods for determining if nest habitat is sufficiently available or limited (Squires and Ruggiero 1996), recommendations for nest buffers and timing restrictions (Reynolds et al. 2008), and effects of timber harvest on nest density and fledgling production (Clough 2000). The conclusion that "(t)imber management actions that thin or alter suitable habitat could adversely impact the availability of nesting

habitat” is not based on any timber stand data that identifies whether or not suitable nest habitat is available or limited. Furthermore, the statement ignores the aforementioned research, and is therefore purely speculative. For conclusions to be defensible, the FCC suggests that the RMP/EIS:

- Explain that goshawks have territories of 5,000-10,000 acres (Kennedy 2003) and that based on Reynolds et al. (2008), only 504 acres need meet the definition of a “primary nest zone” (i.e. stands having size and structural characteristics suitable for nesting). Doing so would disclose that only a small percentage (~10%) of the landscape need be managed for dense, multi-storied conditions to meet the minimum nesting requirements of goshawks. This would add useful context to the degree to which “(t)imber management actions that thin or alter suitable habitat” could potentially affect goshawks, and the amount of untreated habitat that would need to remain untreated to avoid adverse effects
- Within potential goshawk habitat provide data on the distribution of timber size classes in order to disclose whether nest habitat (based on Reynolds et. al (2008)) is limited or relatively abundant.
- The conclusion that “(t)imber harvest could result in an increase in roads and access into ... northern goshawk habitats that could result in additional habitat loss or disturbance conflicts” is purely speculative and without any scientific basis. Clough (2000) compared timber-harvested versus unharvested landscapes and found no difference in nest density. Furthermore, she found that the timber harvested landscape had higher fledgling success (presumably due to improved foraging habitat). Since the effects of disturbance on nest success can be fully mitigated by seasonal restrictions (Reynolds et al. 2008), the conclusion is unwarranted.
- The FCC can find no scientific references that correlate road density with nesting success or nest density. Since disturbance-related effects from logging activity can be fully mitigated (Reynolds et al. 2008), the FCC suggests the conclusion that “an increase in roads ...could result in ... disturbance conflicts” is unwarranted.
- There is no scientific basis for the 0.75-mile disturbance buffer around goshawk nests. The conclusion in the RMP/EIS is that a 0.75-mile buffer is better than a 0.5-mile buffer for goshawks. Reynolds et al. (2008), however, concludes that goshawks are sensitive to human disturbance up to 0.5 miles from the nest, but no references suggest any sensitivity beyond this distance. Reynolds et al. (2008) designate a 1.0-mile *foraging habitat zone* around the nest to show the area in which goshawks will actively *defend against other goshawks*, but no discussion is provided that suggests goshawks react to human disturbance farther than 0.5-mile from the nest. Thus, the conclusion that Alternative D is better than other alternatives is unsubstantiated. The BLM will either provide supporting data or research supporting the 0.75-mile buffer or remove the conclusion altogether from the RMP/EIS.

7.8 CANADA LYNX

It is not clear in the RMP/EIS whether or not Canada lynx are present, or if present, what direction would be applied to Canada lynx management. The RMP/EIS discloses that the RMP area adjoins Lynx Analysis Units (LAUs) on adjacent National Forest land, but fails to disclose the lynx management direction (USDA 2007) under which National Forest lands are managed or whether or not the BLM would also apply that direction to adjacent lands occupied by Canada lynx in the RMP. The RMP/EIS ignores findings for Canada lynx from the 2005 statewide Canada lynx Biological Assessment (USDI 2005) and makes effects determinations that are contrary to that NEPA document. Lastly, the effects upon Canada lynx are not treated consistently by alternative, nor are the effects based upon timber stand data or sound science. The RMP/EIS (Chapter 3, pg. 372) concludes:

Canada lynx occur in dense coniferous forests at high elevations. Canada lynx have not been documented on BLM-administered land in the planning area; however, there are five lynx analysis units adjacent to larger tracts of USFS-managed land in the northwestern part of the planning area (Map 66).

The aforementioned discussion suggests that Canada lynx are primarily a “non-issue” due to the peripheral status of the species. In Chapter 4, however, the RMP/EIS concludes (pg. 873):

...Canada lynx...occupy the area.

Based upon the conflicting statements, the FCC cannot tell if Canada lynx are an issue or not and whether or not future management activities will be constrained by concerns over Canada lynx recovery. In Chapter 4 under “Effects Common to All Alternatives,” the RMP/EIS concludes (pg. 864):

Forest management activities impact ...Canada lynx ... the most because these species require a timber overstory for seasonal habitats. Timber management activities could adversely impact Canada lynx by removing forest cover needed for foraging and denning habitat and needed by snowshoe hare, the main prey of lynx.

This conclusion is a gross oversimplification of Canada lynx science. Ruggerio et al (1994), Ruediger et al. (2000), and the Northern Rockies Lynx Management Direction (USDA 2007) all conclude that Canada lynx are dependent upon natural disturbances (wildfire) and that human activities can be compatible with Canada lynx if they mimic those natural disturbances or detrimental if they do not. USDA (2007) identifies the need to maintain or create a mix of stand initiation-hare habitat (seedling-sapling stands), multi-storied-hare habitat (dense multi-storied stands), with pockets of denning habitat (heavy, coarse, woody debris), within individual LAUs. The direction clearly concludes that while accelerated timber harvest could create excessive “unsuitable” habitat (grass-forb stands, not yet suitable for hares), properly designed prescribed burning or timber harvest activities could maintain or improve Canada lynx habitat. The direction, which applies to adjacent lands on the Shoshone National Forest, is based on identifying the mix of Canada lynx habitat components by LAU and managing to maintain or enhance a desired mix of habitat components.

Also, the Wyoming Canada lynx Biological Assessment Final ((USDI 2005), not cited in either Chapter 3 or 4), concludes that forest management, access management, off-road vehicles, and grazing management

activities in the Lander RMP are “not likely to adversely affect (Canada lynx), due to insignificant ... (or) ... discountable effects (pg. 3-85).” The Biological Assessment describes a finding of “not likely to adversely affect” as “all effects to the species and/or its critical habitat are beneficial, insignificant, or discountable (pg. 1-2).” While the FCC realizes the 2005 Biological Assessment applied to the existing RMP and not the RMP/EIS, no data or research citations are found in the RMP/EIS suggesting a conflict exists with future timber harvest activities that did not exist in 2005. Thus, we can find no basis for the effects determination that “timber management activities could adversely impact Canada lynx by removing forest cover needed for foraging and denning habitat and needed by snowshoe hare, the main prey of lynx.” Under effects of Alternative C, the RMP/EIS (pg. 892) concludes:

Timber sales and cutting practices would adversely impact special status wildlife in the short term by causing displacement due to noise, road travel, and human presence, and in the long term from habitat loss, fragmentation, or alteration.

Because Canada lynx were not excluded from the term “special status wildlife” in the aforementioned statement, the FCC assumes that the finding applies to Canada lynx as well. Based on the previous comments, this appears to be a conclusion that has not been demonstrated based on research (Ruediger et al. 2000; USDA 2007), and is again, inconsistent with the findings of the Biological Assessment (USDI 2005). Furthermore, in terms of consistency, the effects of timber harvest on Canada lynx were already addressed under Effects Common to All Alternatives (RMP/EIS pg. 864). Therefore, it is unneeded to reiterate timber harvest-related effects by alternative. If Canada lynx were not meant to be included in the term “special status wildlife,” the BLM will clarify that this effects determination does not apply to Canada lynx and for which species it is applicable.

In Chapter 4 (pg. 887) the RMP/EIS states:

Alternative B opens approximately 2,312,095 acres (97 percent of the planning area) for livestock grazing, 12,839 fewer acres than Alternative A. Alternative B closes more acres in LAUs, which would beneficially impact Canada lynx habitat...

There are no scientific papers, neither cited in the RMP/EIS nor identified by the FCC, that conclusively correlate grazing with Canada lynx. Generally, livestock grazing does not overlap with high quality Canada lynx habitat. Livestock grazing has not been shown in any way to modify Canada lynx habitat components, including stand-initiation hare habitat, multi-storied-hare habitat, or denning habitat. The FCC finds no studies suggesting livestock grazing creates any social or disturbance-related conflicts with Canada lynx. Ruediger et al. (2000) hypothesized that grazing may affect the density of jackrabbits that Canada lynx might otherwise forage upon while in migration between areas of suitable habitat. The hypothesis, however, was rejected in the Northern Rockies Lynx Management Direction (2007) because of a lack of supporting science. To resolve these inconsistencies, the FCC finds that the BLM will address the following bullet in the RMP/EIS with appropriate data and research:

- Clarify whether or not the RMP/ EIS intends to follow the direction in the Northern Rockies Lynx Management Direction as it applies to adjacent National Forest lands, or, if not, describe what

management direction for Canada lynx will be followed. For instance, if there are certain recommendations in Ruediger et al. (2000) or other papers that will be used, please identify the papers chosen to guide management.

- Clarify the historic and current range of Canada lynx based on Squires et al. (2006), including the findings showing that reproducing Canada lynx subpopulations are generally limited to northwest Montana and that habitat in the RMP/EIS area is substantially less productive for Canada lynx than those areas in Montana.
- Clarify whether lands in the RMP/EIS area are considered occupied or not occupied, and if occupied, identify whether those lands are designated “core,” “secondary,” or “peripheral” habitat based on the USFWS Canada Lynx Recovery Outline (USDA 2007).
- If the RMP/EIS intends to follow direction outlined in the Northern Rockies Lynx Management Direction, summarize those standards that pertain to timber, access, and other management activities in occupied Canada lynx habitat.
- Lastly, in terms of logging or prescribed burning in Canada lynx habitat, the RMP/EIS needs to be consistent with the scientific findings of the Northern Rockies Lynx Management Direction.

In the Northern Rockies Lynx Management Direction, the effects of logging and prescribed burning on the majority of Canada lynx habitat in the northern Rockies, south of the 49th parallel, including areas occupied by reproducing Canada lynx in northwestern Montana (Squires et al. 2006), are evaluated. While the FCC acknowledges that the BLM withdrew from that process in 2005 and elected to individually amend BLM RMPs on a state-by-state basis with USFWS consultation, the Agency must recognize the science-based findings of the Northern Rockies Lynx Management Direction. Most importantly, the USFWS Biological Opinion (2007a) acknowledged that “the selected alternative is likely to have overall beneficial effects to Canada lynx...,” a finding that is categorically different than the following RMP/EIS conclusion (pg. 864):

Forest management activities impact ...Canada lynx ... the most because these species require a timber overstory for seasonal habitats. Timber management activities could adversely impact Canada lynx by removing forest cover needed for foraging and denning habitat and needed by snowshoe hare, the main prey of lynx.

The USFWS Biological Opinion does acknowledge that “some adverse effects could still occur, primarily due to the allowance for fuel treatment and precommercial thinning... (USDI 2007a)” The latter exception was for precommercial thinning in rust-resistant white pine, which is, of course, not present in the Lander Planning Area. The other negative finding from the Biological Opinion that may be applicable to the Lander RMP is for fuel treatments, which presumably could be needed on the Lander Slope to protect structures in the urban interface. Before any negative effects upon Canada lynx are identified from fuel treatments, however, the FCC suggests the RMP/EIS describe in detail what those

fuels treatment activities might entail and how and to what degree those activities might impact Canada lynx habitat components at the LAU scale.

7.9 WILDLIFE AND DDAS

Alternative D allows routinely authorized exceptions to TLS stipulations within DDAs, which are designed to protect wintering ungulates, greater sage-grouse, and other wildlife. The FCC supports the designation of DDAs and the emphasis on energy and minerals extraction. Routinely waiving TLS stipulations within crucial ungulate winter range is prudent and necessary. The RMP/EIS (Chapter 2, pg. 77) states:

New fluid and solid mineral leases and mineral material disposals in DDAs will include standard stipulations such CSU and TLS stipulations. Exceptions to the stipulations, such as to allow drilling and development operations during seasonal closures, are routinely authorized with an expedited approval process unless the BLM identifies a site-specific real time need for the stipulation. Wildlife seasonal protections for operations and maintenance actions determined to be detrimental to wildlife will not be applied inside DDAs.

The FCC supports energy and minerals extraction. Consequently, the FCC supports the designation of DDAs. The FCC also supports wildlife protection, particularly ungulate populations that support our economic and cultural base, and the protection of species (e.g. greater sage-grouse) that are at risk of federal listing where such could drastically impact our economic base adversely. In the opinion of the FCC, the language in the last sentence of Record # 2018 is unnecessarily negative toward DDAs and potential effects to wildlife. As such, the FCC asserts that the BLM shall delete from the final sentence of Record #2018 the following six words: “determined to be detrimental to wildlife.”

7.10 LANDER RMP/EIS BIOLOGICAL ASSESSMENT

In making the following comments on the Draft Lander Biological Assessment (BA), the FCC notes that given the release of this document in relation to the RMP/EIS has not allowed much time for extensive commenting. Thus, the BLM can expect that in the near future the FCC will provide more detailed comments in regard to the BA.

First, the FCC would ask why the BLM would release a BA for the Agency-preferred alternative, when no selection decision has been made at this point in the revision process. Does this mean that alternatives A, B, and C are no longer under consideration by the BLM? The release of the BA should have occurred after alternative selection and issuance of a ROD.

While the BA is extremely detailed, it appears unnecessarily complex. Making effects determinations for each and every Planning Area activity (air quality, geologic resources, cave and karst resources, etc.) seems unnecessary and confusing. While the FCC can speculate endlessly how a given species may be adversely impacted by virtually anything, ultimately, recovery strategies for threatened, endangered, and candidate species has to focus on a fairly short list of limiting factors. Consequently, by considering virtually everything that may conceivably impact a species (i.e. “(a)ctions related to health and safety will

result in no impacts on lynx behavior, denning habitat, or foraging habitat” line 20, p.7-92), the effects determinations seem to obfuscate, rather than focus on, those things that really matter in terms of species impacts. If the effect of an action is obviously no effect (i.e. health and safety measures on lynx), why not eliminate those actions up front by describing that they do not fall within the list of threats to a given species? It is understandable on the part of the BLM that there is a need to cover all significant biological factors that could be challenged in court. The FCC argues, however, that the “cover absolutely every conceivable indicator” method increases the factors that could be challenged in court.

The list of “threats” for individual species is overly-exaggerated. Many of those listed threats have no scientific basis or citations and appear more conceptual than actual. For instance, a threat to Canada lynx includes “(e)xtensive grazing by domestic livestock or wild ungulates may reduce forage and cover availability for snowshoe hares in aspen stands and high-elevation riparian willow communities (Line 16, p. 4-8).” The research on hare availability (Griffin and Mills 2007; Griffin and Mills 2009) indicates that hares are strongly tied to seedling-sapling stands as influenced by wildfires, fire exclusion, logging, and pre-commercial thinning. There is no research that correlates Canada lynx to grazing. Furthermore, in the effects determination the BLM concludes that “livestock management typically does not occur in Canada lynx habitat (line 15, p.7-72).” If there is no overlap between Canada lynx and grazing, why consider grazing to be a threat in the first place? These unsubstantiated threats are found throughout the BA and include this example that states: “Forest management ...may reduce large woody debris, thereby ... reducing availability of snowshoe hares and red squirrels (line 10, p.7-23).” Again, there is no research suggesting any correlation whatsoever.

In spite of the previous criticisms, the actual cumulative effects determinations (p.8-1) seem reasonable and correct. The FCC’s concern, however, is not with the effects determinations, but with the laundry list of unsubstantiated and non-referenced threats, which may make the effects determinations difficult to defend due to obfuscating and superfluous variables.

7.11 MITIGATIONS

As the preceding comments describe, the FCC is concerned with the lack of substantive wildlife data and research, assertion of perceived management challenges, and erroneous conclusions. Of equal or greater concern to the FCC is the adverse affect BLM management actions, based on the current RMP/EIS, may have on traditional multiple uses in the Planning Area. To ensure that protective measures for wildlife are not implemented erroneously, and to the detriment of resources uses by stakeholders, the following wildlife mitigations were designed by the FCC. Each mitigation clearly mandates that the BLM must undertake and complete monitoring studies of wildlife and wildlife habitats prior to the placement of constraints on resources, stakeholders, and local governments. Additionally, where inconsistencies arise between local, state, and federal laws, rules, and regulations and the RMP/EIS, the BLM shall closely coordinate with the FCC to arrive at an agreed upon solution. Upon completion of monitoring studies, the BLM must work closely with stakeholders and local governments before implementing

changes/restrictions in grazing allotments and/or AMPs, oil, gas, and mining leases, and travel management designations. If disagreements arise, they shall be settled through a conflict resolution and mediation process or other dispute settlement alternatives.

7.11.1 Mitigations – Grazing

- Prior to any proposed modification of AMPs or elimination of livestock grazing allotments in the Planning Area as a protective measure for greater sage-grouse and/or other wildlife species, the BLM will design and implement a comprehensive monitoring study based on state-of-the-art methods that evaluates species population density and viability, habitat quality and quantity, and the effects of livestock grazing at the project scale. At the conclusion of the study the BLM will coordinate with livestock grazing permittees and local governments in Fremont County preceding any proposed modification of AMPs or elimination of livestock grazing allotments in the Planning Area.
- Preceding any proposed modification of AMPs or elimination of livestock grazing allotments in the Planning Area as a protective measure for big game parturition areas, the BLM will design and implement a comprehensive monitoring study based on state-of-the-art methods that evaluates big game population density and viability, repeated annual calving in the same areas, and the effects of livestock and grazing in Planning Area-designated parturition habitat. At the conclusion of the study the BLM will coordinate with livestock grazing permittees and local governments in Fremont County preceding any proposed modification of AMPs or elimination of livestock grazing allotments in the Planning Area.

7.11.2 Mitigations – Mining and Energy Development

- Previous to the designation and application of CSU, NSO, and TLS constraints on mining, oil and gas, and renewable energy development projects in the Planning Area as a protective measure for greater sage-grouse and other wildlife species, the BLM will design and implement a comprehensive monitoring study based on state-of-the-art methods that evaluates species population density and viability, habitat quality and quantity, and the effects of mining and energy projects in the Planning Area. At the conclusion of the study the BLM will coordinate with industry representatives and local governments in Fremont County preceding any constraints placed on mining and energy developments in the Planning Area. Special emphasis will be placed on the development of innovative energy development and mining mitigation measures in place of constraints.
- Previous to the designation and application of CSU, NSO, and TLS constraints on mining, oil and gas, and renewable energy development projects in the Planning Area as a protective measure for big game parturition areas, the BLM will design and implement a comprehensive monitoring study based on state-of-the-art methods that evaluates big game population density and viability,

repeated annual calving in the same areas, and the effects of mining and energy projects in Planning Area-designated parturition habitat. At the conclusion of the study the BLM will coordinate with industry representatives and local governments in Fremont County preceding any constraints placed on mining and energy developments in the Planning Area. Special emphasis will be placed on the development of innovative energy development and mining mitigation measures in place of constraints.

7.11.3 Mitigation – Travel Management

- Any change in travel management designations for the protection of greater sage-grouse and/or other wildlife species that reduce or eliminate stakeholder access to allotted or permitted uses will be preceded by the BLM designing and implementing a comprehensive monitoring study based on state-of-the-art methods that evaluates species population density and viability, habitat quality and quantity, and the effects of travel management infrastructure in the Planning Area. At the conclusion of the study the BLM will coordinate with stakeholders and local governments in Fremont County preceding any proposed modification of travel management designations in the Planning Area. Special emphasis will be placed on the development of innovative travel management mitigation measures in place of alteration of designations.

7.11.4 Mitigation – Special Designations and Other Management Areas

- Before a new special designation and/or other management area (including but not limited to ACECs, National Back Country Byways, WSRs, and/or WSAs) is authorized by the BLM for the protection of greater sage-grouse and/or other wildlife species that reduce or eliminate allotted or permitted stakeholder uses will be preceded by the BLM designing and implementing a comprehensive monitoring study based on state-of-the-art methods that evaluates species population density and viability and habitat quality and quantity in the Planning Area. Additionally, the BLM shall conduct a study of special designations and other management areas and the economic effects on stakeholders and local governments from the associated constraints and restrictions. At the conclusion of the study the BLM will coordinate with stakeholders and local governments in Fremont County preceding any new special designation and/or other management area implementation in the Planning Area.

7.12 CONCLUSION

The preceding comments clearly illustrate that the BLM has failed to adequately describe historic wildlife habitat quality and quantity, population density, and viability of species analyzed in the RMP/EIS. This is also true for the AMS, which is vastly inadequate as it pertains to baseline data. In the Affected Environment chapter, the RMP/EIS insufficiently discloses the aforementioned variables. Given that the current condition does not properly disclose the population density and area of use of many species in the Planning Area, it is indiscernible to what degree a species or group of species is challenged by habitat

conditions or availability. Complicating the wildlife section is the fact that the RMP/EIS does not provide measurement indicators for species. An EIS must provide measurement indicators so that management planning action effects can be applied to wildlife species and habitats. Only then can the action alternatives be accurately assessed and compared.

Management challenges are provided for the Planning Area that describe in very nebulous terms adversities facing wildlife species. However, the management challenges are not substantiated with data gathered from the Planning Area. In fact, very little data is provided for either wildlife species or habitats. In addition, the RMP/EIS incorporation of recognized research and field studies on Planning Area species that were conducted outside the Planning Area, but still relevant, are mostly absent.

Before the RMP/EIS is finalized, the wildlife section must be substantially improved. The Affected Environment must compare historic and current wildlife species populations and habitat quality and quantity. Next, a description of how management actions and resource uses in the Planning Area, over the life of the current RMP(s), have impacted wildlife either beneficially or adversely should be provided. With a solid Affected Environment chapter, the Environmental Consequences chapter can effectively analyze proposed action alternatives. For proper evaluation, measurement indicators must be devised for each species. Then, and only then, can the true effects to wildlife species be understood. Until a thorough wildlife NEPA analysis is constructed, the FCC cannot support any management actions taken by the BLM for the protection of wildlife that inhibits resource uses in Fremont County.

8. HERITAGE AND VISUAL RESOURCES

The FCC has considerable concerns with the Cultural and Visual Resources sections of the RMP/EIS, including the related Special Designations sections associated with NHTs. Concerns related to cultural resources have to do with significant buffers on NHTs potentially precluding surface disturbing activities over tens of thousands of acres in the Lander Planning Area. Given the connection between Heritage and Visual Resources and Special Designations – Congressionally Designated Trails in the Planning Area, the following comments pertain to both resource areas. The FCC believes that appropriate science-based mitigation measures can be employed that would protect these resources without precluding development on such a large acreage of surrounding lands.

8.1 RESOURCE MANAGEMENT ALTERNATIVES – DETAILED DESCRIPTION OF ALTERNATIVES BY RESOURCE

After review of Tables 2.5–2.51 in the RMP/EIS, the FCC submits the following comments (Table 3).

Table 3 Heritage, Visual Resources, and Trails Comments for Tables 2.5–2.51 of the RMP/EIS

Record Number	FCC Comments
5019	Seven cultural sites are listed with various restrictions imposed on over 10,000 total acres. The FCC understands the need to keep the locations confidential but have the following questions: 1) Are any of these sites located in DDAs? ; 2) Are any of these sites located within ACECs; 3) Will grazing lessees be notified that one of these sites is located on their lease and that new range improvement projects are restricted (as described in Record 5020)?
5036	The wording in Alternatives B, C, and D is confusing because of the use of the phrases “inventory areas” in B, “managed as” in C, and “designations” in D. Please change the wording to the following: <ul style="list-style-type: none"> • Alternative B: “...by reducing the amount of VRM Class IV allocations to include only existing oil and gas fields...”. • Alternative C: “...except in areas allocated to VRM Class I...” • Alternative D: “Adjust the Lander RMP allocations to...” The above clarifications are meant to clearly show the difference between the Lander Field Office VRM inventory and what is allocated in the RMP. This does not preclude the VRM inventory being updated as more information is obtained.
5037	Under Alternative D the RMP/EIS states the following, “Surface-disturbing activities out of scale with the surrounding landscape within view of the Congressionally Designated Trails will be evaluated based on VRM Class II standards.” Please change the wording to “Assign VRM Class II to areas seen from congressionally-designated trails.”
7003	Map 127 is referenced under Alternative D and depicts the Heritage

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Record Number	FCC Comments
	<p>Tourism and Recreation Corridor. This corridor includes “Lands within 5 miles on each side of the NHTs and the remainder of the Continental Divide National Scenic Trail (CDNST) not within the CDNST ERMA” (547,640 acres)”. A comparison of Map 127 with Map 122 shows that the corridor is applied to all segments of the NHTs, regardless of the “class” (condition) of the trail. For example, in the southeastern portion of the Lander Planning Area there is a five-mile segment of the trail with class “unknown” where the NHT is on private property. The ten-mile wide buffer is still applied in this area where the trail may be completely obliterated by farming activities. The buffer should be modified in areas where the trail condition is unknown, compromised, or destroyed.</p>
7003	<p>In reference to Alternative D, in the area where the CDNST trends to within 10 miles of the NHT trail, the three and five mile buffers merge, creating an NSO buffer as wide as 14 miles and a CSU buffer as wide as 19 miles. These buffers restrict development unnecessarily. Mitigation measures and narrower buffers can be used to protect the integrity of the trails without resorting to such wide buffers.</p>
7006	<p>Record # 5037 for Alternative D states, “Surface-disturbing activities...within view of the Congressionally Designated Trails will be evaluated based on VRM Class II standards.” Record #7006 for Alternative D states, “Manage the Heritage Tourism and Recreation Management Corridor as VRM Class II.” This statement does not acknowledge that portions of the Heritage Tourism and Recreation Management Corridor cannot be seen from the Trails. Please change the wording to be consistent with Record #5037, so that only areas visible from Congressionally Designated Trails are included as VRM Class II.</p>
7008	<p>Under Alternative D, in regard to oil and gas leasing, the RMP/EIS states, “0 to 3 miles on each side of the Trails and all Trail-related SRMAs is NSO and that 3 to 5 miles on each side of the trails are CSU.” This treatment is significantly different than the buffers for the same NHTs in BLM RMPs for adjacent BLM districts. The 2007 Casper RMP has different restrictions for the same trail (complex – Oregon, Pony Express, Mormon, and California trails) to the east of the Lander District (USDI 2007b). In the 2007 Casper RMP, CSU is stipulated to “extend to the viewshed foreground (out to a maximum of 3 miles) or the visual horizon, whichever is closer to ensure that surface-disturbing activities avoid trail remains and the lands immediately surrounding them.” There is no NSO buffer and no restrictions from 3 to 5 miles from the NHTs. In the adjacent district to the west, the 2008 Pinedale RMP prohibits surface occupancy within 1 mile on either side of the Sublette Cutoff NHT (USDI 2008b). Further to the west, the most intact segments of NHTs in the Kemmerer BLM District Office are buffered by prohibiting surface-disturbing activities within ¼ mile of the intact</p>

Record Number	FCC Comments
	<p>trail segments.</p> <p>The buffers on either side of NHTs in these adjacent BLM district offices are significantly less the 3 to 5 mile NSO/CSU buffers in the Lander RMP. The FCC believes that the buffer language contained in the Casper RMP, while more restrictive than those in the Kemmerer and Pinedale RMPs, is more reasonable than the proposed NSO buffer to 3 miles and CSU buffer from 3 to 5 miles.</p>
7137	<p>The RMP/EIS states under Alternative D “protect the foreground of Historic Trails up to two miles where setting is an important aspect of the integrity for the trail...” It is unclear what parts of the historic trails have important settings; this information is not portrayed in Map 79. Please define what portions of the historic trails have important settings or better define “where setting is an important aspect of the integrity of the trail.”</p>

8.2 AFFECTED ENVIRONMENT – SPECIAL DESIGNATIONS – CONGRESSIONALLY DESIGNATED TRAILS

The RMP/EIS states in regard to visual management and the Continental Divide Scenic National Trail (CDSNT) (pg. 446):

Importantly, the trail corridor across the planning area encompasses diverse landscapes. A portion of the trail landscape encompasses areas of “high absorption capacity,” meaning activities along these could be easily located out of view. Conversely, another portion of the trail crosses a landscape that does not readily absorb contrasting activities, that is observers traveling along this section of trail would be particularly sensitive to activities that altered the characteristic landscape.

However, it is not clear which portions of the trail landscape have a high absorption capacity. In order to clarify where activities can easily be located out of view, the BLM will include a map depicting these locations. In addition, the BLM will provide a better description of the types of activities that could be located in these segments without causing a visual impact.

In general, the RMP/EIS inadequately describes where trail segments and/or the historic setting have been compromised or detracted from. Although the RMP/EIS states that impacts to trails are present, specific segments that have been compromised are not sufficiently identified or described. This is important because areas that have been previously impacted can be utilized as crossings, which would aid with protecting good-to-excellent quality segments. For example, the RMP/EIS states (pg. 446):

The portion of the CDNST in the planning areas travels through numerous differing landscapes. The trail enters south of Green Mountain and travels northwest towards Crooks Gap. In the Crooks Gap area the trail travels through a more industrialized zone with many resource uses including major pipeline ROWs, reclaimed uranium mining, major motorized travel routes, and an oil field on top of Crooks Mountain.

Similarly, Map 121 does not depict impacted segments of the CDNST, only the trail in its entirety. The FCC states the BLM will illustrate compromised or destroyed segments of the CDNST, in the same way that the NHT Condition Class Ratings are presented in Map 122.

8.3 ENVIRONMENTAL CONSEQUENCES – HERITAGE AND VISUAL RESOURCES – SUMMARY OF IMPACTS

The RMP/EIS states (pg. 929):

Alternative B provides greater protection for cultural resources than alternatives A and C, but somewhat less protection than Alternative D.

This will be corrected by the BLM. Alternative B offers somewhat more protection than Alternative D, not somewhat less.

8.3.1 Alternative B – Resource Uses

In these discussions (pg. 935), Alternative B is only compared to Alternative A and not to Alternatives C and D. Likewise, under Alternative C on page 936, Alternative C is only compared to Alternatives A and B and not to Alternative D. The alternatives shall be compared and contrasted to all of the other alternatives, not only those that were described immediately above. Alternatives A, B, C, and D were described in detail in Chapter 2 of the document so the requisite information on each of the alternatives has already been presented and they can be fully compared to one another.

8.3.2 Congressionally Designated Trails – Cultural and Historic Resources

In the second part of the paragraph, the RMP/EIS states (pg. 1044):

Alternative D retains the pre-FLPMA withdrawals but does not include new locatable mineral withdrawals. This alternative removes withdrawals and opens the lands along the NHTs to unrestricted mining. Therefore, Alternative C would result in more adverse impacts than Alternative A.

The sentence beginning with “Alternative D” will read “Alternative C....”

8.3.2.1 Resource Uses

Page 1,045, the RMP/EIS states:

Although Alternative D would be less beneficial than Alternative B, the lower level of impact from geophysical exploration would make this a less important issue because geophysical exploration would likely not be visible beyond 1 mile.

This statement is confusing and it is not clear why geophysical exploration activities are restricted if projects would not be highly visible. Considering that surface-disturbing activities cannot take place within a ¼ mile of the NHTs, the additional restrictions on geophysical exploration appear unnecessary.

The RMP/EIS states (pg. 1046):

Under Alternative D, from 0 to 5 miles on either side of the trails, leasable and mineral materials projects are closed unless they would not adversely impact trails (552,229 acres). This is in contrast to alternatives A and C, which close an area from 0 to $\frac{1}{4}$ mile either side of trails (27,728 acres).

The BLM will modify the aforementioned statement to say “solid leasable minerals” rather than just “leasable.” In reference to major rights-of-way (ROW) crossings of the trails, the RMP/EIS states (pg. 1,046):

Alternative D allows fewer major ROW crossings of the trails than alternatives A and C, but more than Alternative B. Crossings are in three designated corridors under Alternative D; Alternative B includes one designated crossing.

This description conflicts with information provided elsewhere in the RMP/EIS regarding trail crossings. Also, only two designated crossings are depicted on Map 108. The BLM will correct this information and provide the location of the third designated corridor.

8.4 MITIGATIONS

1. The RMP/EIS states for Alternative D (pg. 125) “Surface-disturbing activities out of scale with the surrounding landscape within view of the Congressionally Designated Trails will be evaluated based on VRM Class II standards.” The BLM will change the wording to “Assign VRM Class II to areas seen from Congressionally-designated trails” since impacts to the viewshed must be based on topography.
2. The FCC states that the BLM will use language from the Casper RMP with respect to the buffers on NHTs. The FCC believes that with respect to the trail buffer, CSU is stipulated to “extend to the viewshed foreground (out to a maximum of 3 miles) or the visual horizon, whichever is closer to ensure that surface-disturbing activities avoid trail remains and the lands immediately surrounding them.” There should be no NSO buffer and no restrictions from 3 to 5 miles from the NHTs. Figure 6 displays a viewshed analysis conducted by the FCC.⁵
3. The NHT buffers in the RMP are applied to all segments of the NHTs regardless of the condition of the trail (Map 127). In the southeastern portion of the Planning Area there is a five-mile segment of the NHT with class “unknown” where the NHT is on private property. The buffer will be appropriately modified by the BLM in areas where the trail condition is unknown, compromised, or destroyed.
4. The BLM will inform the FCC where the seven cultural sites listed in Table 2.23 Page 118, Record 5019 are; the area protected around these unnamed sites amounts to 10,000 total acres. The FCC understands the need to keep the locations confidential but the following questions should be clarified. Are any of these sites located in DDAs or ACECs? Will grazing lessees be notified that

⁵ The viewshed analysis was run with an observer height of 6 feet and analyzed every 150 feet along the NHTs, using a 30 meter digital elevation model to determine areas visible from the NHT. There are significant portions of lands, within the 3-mile buffer, that are not visible from the NHT.

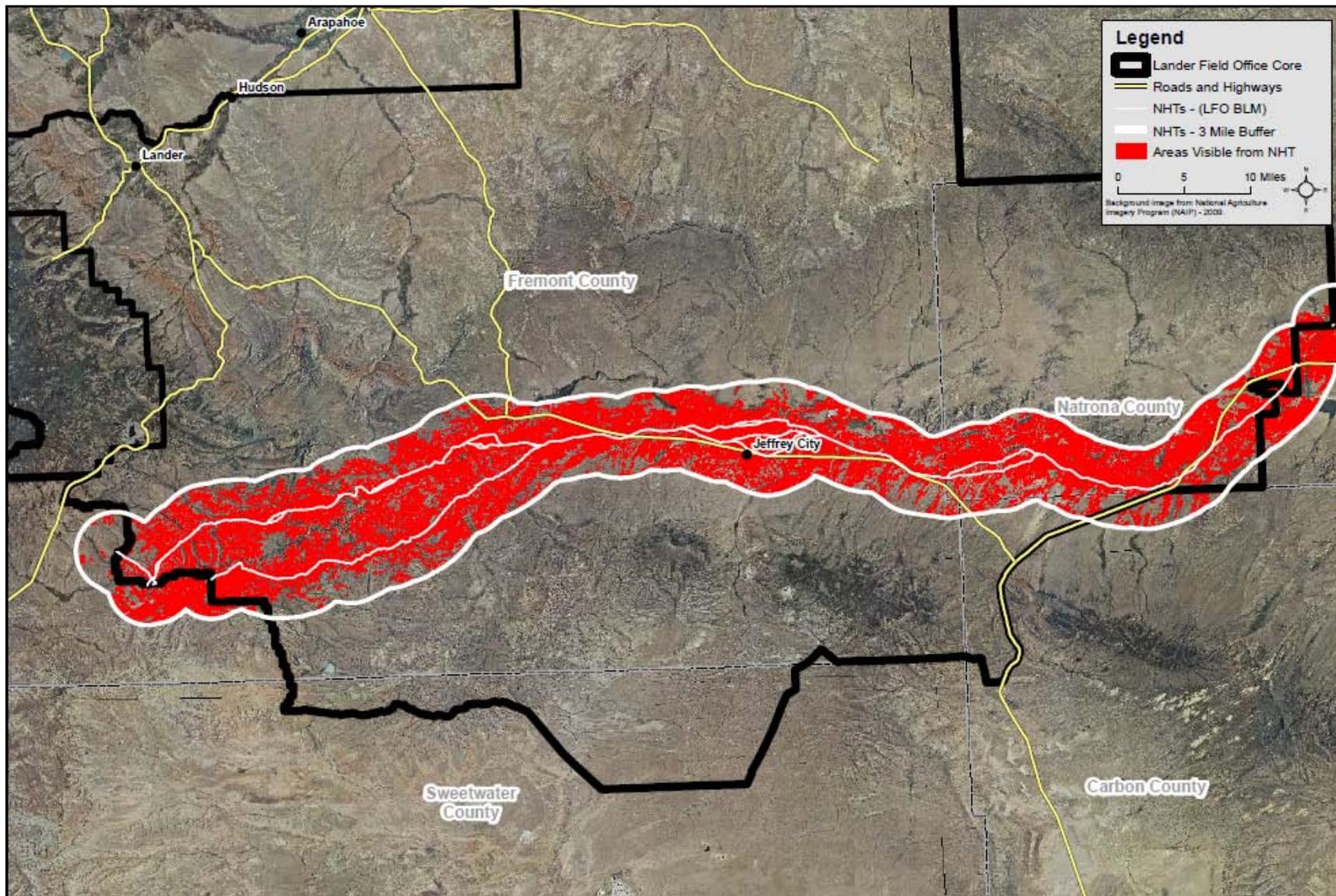


Figure 6 NHT viewshed analysis for the Lander Planning Area

one of these sites is located on their lease and that new range improvement projects are restricted (as described in Record 5020)?

5. The FCC finds that the BLM will illustrate impacted segments of the CDNST, in the same way that the NHT Condition Class Ratings are presented in Map 122.
6. In reference to major ROW crossings of the trails, the RMP/EIS states (pg. 1046):

Alternative D allows fewer major ROW crossings of the trails than alternatives A and C, but more than Alternative B. Crossings are in three designated corridors under Alternative D; Alternative B includes one designated crossing.

Only two designated crossings are depicted on Map 108. The BLM will correct this information and provide the location of the third designated corridor.

8.5 CONCLUSION

The FCC has several concerns with the treatment of cultural resources in the RMP. Most importantly, the FCC is concerned about three- and five-mile buffers around NHTs in the Planning Area. The FCC proposes to adopt the accepted language from the BLM Casper RMP which was approved in 2007 and which covers the same NHTs to the east of the Planning Area. This language, if adopted, would protect the NHTs and their settings while not placing such restrictive measures on development over such a large portion of the Planning Area. SHPO has designed a rating system for trails, which includes significance criteria to determine trail integrity. Local and regional trails in the Planning Area have not been sufficiently analyzed, evaluated, and rated. The BLM must devise a rating system for local and regional trails that includes significance criteria for determining trail integrity.

9. LIVESTOCK GRAZING

As stated in the RMP/EIS, livestock grazing is one of the most visible and established uses on BLM-administered lands. It is a historical use that has been in existence for over 150 years and should be recognized as a priority use in the Planning Area. Livestock grazing has existed in harmony with other resources in the Planning Area during times of drought, wildlife population increases, and oil and gas development. It is vital to the economics of local communities providing stable year round employment and commerce for the Planning Area. The analysis of impacts to grazing has several issues that need to be clarified prior to any adjustments in permitted grazing levels as a result of the RMP/EIS. The following is a summary of the issues that will be discuss in detail in the following sections.

- There is no data or methods presented on how the loss of AUMs was calculated for each alternative.
- Grazing allotment acres and AUMs are not consistent within chapters, between chapters, and Appendix K.
- Grazing is not identified as an allowable use in several management areas.
- Several management areas identify the removal of fences or cattle guards with no analysis of impacts to livestock grazing or cooperation with the permittees/leasees.
- Livestock management (livestock roundup) is considered a disruptive activity that has timing restrictions for wildlife. Livestock management requires frequent visits to check livestock, water developments, and fences, doctor livestock, and deliver supplements. With livestock grazing management activities (human presence) considered disruptive, there is limited or no window to complete these common management practices. This designation is in no way acceptable, nor is it helpful in addressing positive grazing management strategies or fulfillment of permittees' responsibilities to maintain range improvements or the use thereof.
- It is stated that the Sweetwater Grazing Wilderness Study Area (WSA) will be closed to grazing if the permit/lease is abandoned. Yet, in Section 4.6.5.2 Methods and Assumptions, it states "Livestock grazing is a "grandfathered" use in WSAs and the impacts of WSAs on livestock grazing is the same under all alternatives and is not further addressed in this section." It is not stated how many AUM's will be impacted or justification for this statement.
- Livestock grazing should be eligible for listing in the National Register of Historic Places (NRHP) as a cultural, historical, and traditional use. The BLM will pursue this listing as a priority use. In doing so, the BLM must recognize that select activities the Agency is proposing with adversely affect grazing and the potential for it to be listed on the NRHP.

- Several travel closures are proposed in the RMP/EIS, but there is not discussion on the impacts to livestock management activities such as checking cattle, delivering supplements, doctoring cattle, and maintaining range improvements.
- Wildlife management is a major threat to livestock grazing in the Planning Area. Special status species, elk, wild horses, and their habitat are all given priority over livestock grazing with little data to support reductions or elimination of grazing in certain, unidentified areas.

RELEVANT REGULATORY GUIDELINES

As it pertains to livestock grazing in the Planning Area, the following are relevant regulatory guidelines the BLM must comply with when making planning decisions:

- The Taylor Grazing Act of June 28, 1934 as amended (43 U.S.C. 315, 315a through 315r)
- FLPMA (43 U.S.C. 1701 et seq.) as amended by the Public Rangelands Improvement Act of 1978 (43 U.S.C. 1901 et seq)
- Executive orders that transfer land acquired under the Bankhead-Jones Farm Tenant Act of July 22, 1937, as amended (7 U.S.C. 1012), to the Secretary and authorize administration under the Taylor Grazing Act
- Section 4 of the Oregon and California Railroad Land Act of August 28, 1937 (43 U.S.C. 1181d)
- The Public Rangelands Improvement Act of 1978 (43 U.S.C. 1901 et seq.)
- Public land orders, Executive orders, and agreements that authorize the Secretary to administer livestock grazing on specified lands under the Taylor Grazing Act or other authority as specified
- BLM Land Use Planning Handbook (H-1601-1)
- BLM Grazing Administration Manual (M-4100)
- NEPA, as amended

9.1 RESOURCE MANAGEMENT ALTERNATIVES

Under all alternatives, approximately 97 percent of the Planning Area is open to livestock grazing, yet it is not identified as a use in most of the management area. The BLM will include livestock grazing as a use in all management areas.

Table 2.52 discloses that 18 percent of permitted and actual AUMs will be lost over the life of the Plan. However, there is no data cited to support why permitted AUMs will be reduced. In addition, there is only AUM reductions throughout the life of the plan. Provide for opportunities for increased active use as provided for in the BLM Grazing Administration Manual as follows:

Title 43—Public Lands: Interior, Chapter II—Bureau of Land Management, Department of the Interior, Part 4100 Grazing Administration –Exclusive of Alaska, p. 871, Section 4110.3-1 71 FR 39504, July 12, 2006] defines Increasing active use as “When monitoring or documented field observations show that additional forage is available for livestock grazing, either on a temporary or sustained yield basis, BLM may apportion additional forage to qualified applicants for livestock grazing use consistent with multiple-use management objective specified in the applicable land use plan”. Yet nowhere in the document is this analyzed or mentioned. Only decreases in livestock are planned without data to support the reductions. Disclose the impacts (increased additional forage) to stocking rates for years of additional forage.

Based on the preceding, the BLM shall explain the difference between a “Comprehensive Grazing Strategy” and “Allotment Management Plan (AMP).” Do these include future range improvement projects and will they be project-level NEPA compliant? If they are one in the same, and to reduce confusion and be consistent with the definitions in FLPMA, Part 4100, the BLM will change “Comprehensive Grazing Strategy” to “AMP,” to be consistent throughout the document. If, however, the BLM ignores the stated request for Comprehensive Grazing Strategy to be deleted from the document and replaced by AMP, then the Agency will clearly define the term with coordination and consultation with the FCC and Wyoming Stock Grower’s Association. As it is currently, the term Comprehensive Grazing Strategy is overly nebulous and unclear.

The Goal LR: 10 states “Maintain or enhance rangeland health and livestock grazing opportunities.” However, under Alternative D, permitted AUMs are reduced by 51,808. This contradicts the second half of the Goals statement of maintaining and enhancing livestock grazing opportunities. Revise this goal to read as follows:

“Maintain and enhance rangeland health and livestock grazing opportunities at current levels until such time as complete monitoring data support a change in grazing opportunities. Enhancement of livestock grazing opportunities will be advanced through RMP-level analysis of increased allotments and AUMs, thus negating the need for additional project-level NEPA analysis.”

In Table 2.3, 69,276 acres is identified as not available for livestock grazing. What are these areas and is this number included in the 2,324,934 acres available for grazing? The BLM shall provide the data for these closed acres and what the impacts to AUM’s are to be. In addition, how is “not available” and “closed” different? Alternative D closes 6,313 allotment acres to livestock grazing. Is this included in the 69,276 acres that are not available for grazing?

In Table 4, the FCC provides comments related to the livestock grazing portion of the Resource Management Table in the RMP/EIS.

Table 4 Livestock Grazing Comments for the Resource Management Table

Record Number	FCC Comments
1000-7000	In the <i>Detailed Alternative Descriptions by Resource</i> tables include a <i>Management Actions Common to All Alternatives</i> section for each one to be consistent with all resource areas. LWC's do not have this section.
1000-7000	Include in the <i>Management Actions Common to All Alternatives</i> for each resource area the following record: (Resource Area) is open to livestock grazing, i.e. ACECs are open to livestock grazing.
1017	Include grazing objectives in all final reclamation objectives.
4019A	Add the following Management Action to Alternative D: When monitoring or documented field observations show that additional forage is available for livestock grazing, either on a temporary or sustained yield basis, BLM will apportion additional forage to qualified applicants for livestock grazing use.
4029	Under Alternative D change from Same as B to Same as A. Noxious weeds are transported by non-authorized activities such as wildlife, wind, wild horses and water. How is the BLM going to determine that one specific activity was the cause of an infestation?
4037	Include livestock care and management to authorized exceptions.
4039	No fences will be removed unless in consultation, cooperation and coordination with the permittees/lessees. § 4120.3-2 (b) Subject to valid existing rights, <u>cooperators and the United States will share</u> title to permanent range improvements such as fences, wells, and pipelines where authorization is granted <u>in proportion to their contribution to on-the-ground project development and construction costs.</u>
4102	In conflict with wildlife. Disruptive activity
4109	No grazing dates will be adjusted outside recovery areas.
4121	Add "in consultation, cooperation and coordination with permittees/lessees".
5004	Add the following: Protect and manage livestock grazing as eligible for listing in the NRHP as a traditional use. In doing so, the BLM must recognize that select activities the Agency is proposing with adversely affect grazing and the potential for it to be listed on the NRHP.
LR10:10-	Add to the end of this Objective the following: "in consultation, cooperation and coordination with permittees/lessees."
6000-Livestock Grazing	Add the following Goal: Maintain, promote and prioritize working landscapes with BLM allotments.
6000-Livestock Grazing	Add the following Goal: Maintain and promote existing and allocated AUMs to support economics of local communities.

Record Number	FCC Comments
6000-Livestock Grazing	Add the following Goal: Recognize many of the vegetation communities developed in conjunction with herbivory, and herbivory is important to rangeland health.
6000-Livestock Grazing	Add the following Goal: During times of greater than average forage production, BLM will work with permittees to utilize above average forage within guidelines for proper grazing use.

9.2 AFFECTED ENVIRONMENT

There are 310 allotments identified in the Planning Area. Of these 310 allotments, 288 have been categorized as Improve (I), Maintenance (M), or Custodial (C). What is the status of the remaining 22 allotments? Specifically, what is their preference (see *Public Lands Council v. Babbitt*, 529 U.S. 728). The BLM will provide correct number of allotments and categories that are consistent throughout the document. Currently in the Planning Area there are permitted AUMs which are suspended. These are not disclosed in the RMP/EIS in any meaningful manner and it is fundamental that they be disclosed within the document. The finalized RMP must include all currently suspended AUMs, so that when needed in the future, they can be reauthorized for use. The BLM will provide this information.

Several allotment categories are scheduled to change under the new RMP, yet no data or criteria are provided for these changes. A review of Appendix K and associated tables identifies allotments where their category has changed, but there has been no rangeland health assessment or AMP completed. As an example, allotment number 11508 Gas Hills is 48,496 acres with a stocking rate of 3,547 AUMs. The category was changed from M to I, yet there was no rangeland health assessment done nor is there an AMP. Since many of the criteria for classification into category I are directly related to rangeland health, there must be data to support this classification. As stated on page 432, paragraph 5 of the RMP/EIS, “the Wyoming Standards for Healthy Rangelands describe healthy rangelands rather than rangeland byproducts. The achievement of a standard is determined by observing, measuring, and monitoring appropriate indicators.” For all allotments in Category I, the BLM will provide a table that identifies the criteria used to make that classification and whether or not there has been any monitoring or rangeland health assessments completed to support that classification.

The total acres of allotments not meeting standards (584,195) is higher than the total acres of rangeland that has been assessed (401,975). The BLM will clarify how many acres have been assessed and of those acres assessed which ones do not meet rangeland standards.

It is stated that 73 allotments have been assessed and 250 have not. This totals 323 allotments but the document states there are only 310 allotments. The BLM will correct this discrepancy.

In the section titled *Management Challenges for Livestock*, the summary of acres assessed is significantly higher than the 401,975 acres that were identified as being assessed earlier in this Chapter. The BLM will correct this discrepancy.

On page 433 of the RMP/EIS, it states that rangeland health assessments have been ongoing in the Planning Area since 1998: approximately 73 grazing allotments and 401,975 acres have been assessed. This is approximately 17 percent of the acres available for grazing (401,975/2,324,934). Later on page 435, it states “The lack of completed rangeland health assessments for all allotments in the Planning Area (approximately 45 percent of the Planning Area has been assessed) limits the ability to improve rangeland conditions.” How many acres have been assessed 401,975 (17%) or 1,046,220 (45%)? The BLM will provide the correct acreages. This statement also implies that rangeland conditions need to be improved, yet there is no data to support this conclusion. Rangeland health assessments include seven standards that are evaluated. The BLM must state what standards each of the allotments failed to meet. As currently written, the RMP/EIS makes it seem as if a failing allotment did not pass any of the rangeland health assessment standards. This is patently false. Rangeland health assessment standards are not all tied to livestock grazing. In fact, allotments in the Planning Area have failed to meet rangeland health assessment standards due to wild horses and nothing to do with livestock or livestock grazing practices. For all allotments not meeting rangeland health standards, disclose them individually and provide the indicator(s) that were out of compliance.

As reported in Table K.3, the range assessments were completed from 1999 through 2008. According to the RMP/EIS, on page 435, this was a period of sustained drought and unless the Ecological Site Descriptions and Similarity Index surveys were used to “reconstruct” the forage based on historic climax plant communities, the results of these assessments may be misleading. The BLM will provide the methods used to complete the rangeland assessments.

9.3 ENVIRONMENTAL CONSEQUENCES

The Environmental Consequences section states: “See Appendix L (p. 1477) for further discussion regarding the methodology used to estimate AUM loss.” However, Appendix L is the Economic Impact Analysis Methodology for all resource areas including livestock grazing. There is no methodology provided for estimating AUM loss that is based on livestock forage amounts from monitoring or assessment information. As stated in the BLM planning handbook (BLM 2005).

Implementation Decisions. For areas available for grazing, identify allotment-specific (for one or several allotments) grazing management practices and livestock forage amounts based on monitoring and assessment information, as well as constraints and needs related to other resources. Grazing management practices and levels of livestock grazing use must achieve the desired outcomes outlined in the land use plan, including rangeland health standards (or comprehensive Land Health Standards), or must result in significant progress toward fulfilling rangeland health standards; they must also conform to the guidelines required under 43 CFR 4180.2(b).

The effects analysis must demonstrate that the BLM took a “hard look” at the impacts of the action. Nowhere in the document is there data provided to support the 49,696 AUM loss to meet rangeland health standards. Basing the reduction in AUMs on actual use relative to permitted use does not provide any data on land health for documenting resource conflicts, if any, to support the proposed changes in livestock use and management.

9.3.1 Wildlife/Special Status Species

Alternative D closes crucial elk and bighorn sheep winter range and parturition habitat in the East Fork Area of Critical Environmental Concern (ACEC) and part of the Whiskey Mountain ACEC to livestock grazing to eliminate forage competition between wildlife and livestock. The BLM will provide the data to support the conclusion that forage competition from livestock is having an impact on elk and bighorn sheep populations and provide the impacts this closure will have on AUMs.

The BLM will provide the impacts to AUMs from the grazing closures in the Dubois area due to forage competition or reduce impacts to special status wildlife from livestock management activities.

On page 905 it states “Where new fences are constructed, there would be an increase in habitat fragmentation and the number of flight hazards across the landscape for all special status birds.” The BLM will provide the data to support the conclusion that populations of special status birds are impacted by fences. Have there been indicators identified that indicate a “significant” impact? The BLM will provide those indicators and how they are measured?

9.3.2 Wild Horses

Under Alternative D, Section 4.4.10.3.5.1 Program Management, it states “Except for livestock grazing and special designations, Alternative D wild horse management is more similar to Alternative B than to A and C.” Then later in the section it states, “Resource values (from Alternative B) such as wildlife winter range and migration corridors, riparian-wetland areas, and the greater sage-grouse Core Area could limit AUMs available for livestock, which would result in direct beneficial impacts to wild horses. These statements contradict each other. Alternative B reduces AUMs by approximately 54 percent and D reduces AUMs by approximately 18 percent. Are resource values with regards to livestock grazing the same under Alternative B and D? Provide the amount of AUM’s limited by Alternative B resource values.

On page 926 it states “Alternative D requires that range improvement projects be in support of a Comprehensive Grazing Strategy to achieve healthy rangelands. However, this high-risk strategy could adversely impact wild horses if it is not successful because the downside risks would be substantial (see the Vegetation sections of this chapter).” This is opinion. The BLM will provide the science to support the conclusion that a Comprehensive Grazing Strategy is a “high-risk strategy”. There is no reference to Comprehensive Grazing Strategies being high-risk in the Vegetation section. The BLM will remove this statement from the RMP/EIS.

On page 927 it continues and states “Moreover, the strategy will disturb 620 acres associated with new fence construction and 227 acres associated with spring, reservoir, and well developments.” The BLM will provide the source of these numbers or remove?

9.3.3 Livestock Grazing

In addition, Alternative B closes lands in elk and bighorn sheep crucial winter range in the Dubois area, which would result in adverse impacts from the loss of approximately 1,837 AUMs. The BLM will provide the method used to determine the loss of AUMs.

9.4 METHODS AND ASSUMPTIONS

Change the third bullet in the RMP/EIS to read (pg. 995):

“When range improvement projects are used to improve rangeland health, they would be appropriately implemented to meet multiple resource values, (e.g., riparian-wetland habitats, wildlife, greater sage-grouse, wild horses, livestock grazing and trails). The alternatives vary in the types of projects authorized. Alternative B authorizes primarily non-infrastructure improvements such as vegetative treatments and lowered stocking rates, while Alternative C emphasizes infrastructure such as fences and water developments.”

Throughout the document it is implied that other resources (e.g. wildlife, wild horses, special status species) take preference over use by livestock grazing and that if a resource is perceived to be adversely impacted, livestock will be “managed.” The BLM will provide the law or regulation that allows this resource management preference. The BLM will remove the following from the RMP/EIS (bullet 8, pg. 995):

Management actions for other resource uses can affect livestock grazing allocation management, both adversely and beneficially.

Bullet number 13, in the RMP/EIS (pg. 995), states:

Acres closed to livestock grazing do not vary by alternative and are not further discussed in this section.” Closures do vary by alternative.

The BLM will remove this bullet.

In the RMP/EIS, it states in bullet 15 (pg. 995):

For each alternative, the number of baseline AUMs available and reductions in AUMs is adjusted for the ratio of actual use to permitted use.

No data or information has been provided to justify reductions in baseline AUMs. Reducing AUMs based on ratios instead of ecological principles is not the integration of “best available science.” The FCC is uncomfortable with the qualitative and philosophical approach to reducing AUMs. The FCC finds that permitted AUMs will be maintained at current levels by the BLM to address potential range

improvements and intermittent increases in forage yield. This increased forage is anticipated for wetter than normal seasons. By maintaining current permitted AUMs, additional approval for increased AUMs when conditions are right would be covered in this Plan.

On page 1,014 of the RMP/EIS, it states:

However, while Alternative D would present some of the risks of adverse impacts resulting from a failure of high-intensity grazing systems as Alternative C, it would present less risk because of the requirement for a Comprehensive Grazing Strategy.

The BLM will remove this statement, there has been no mention or details presented on high-intensity grazing systems. However, as for other management programs, increased costs to permittees is generally not considered an environmental impact. The BLM will also remove this statement. The increased management will have social and economic impacts.

9.4.1 Impacts Common to All

In paragraph 7 of Impacts Common to All (pg. 997), it states “INNS have a direct adverse impact on livestock grazing.” Direct effects indicators are AUMs. The BLM will provide the impacts to AUMs due to INNS.

9.4.2 Alternatives

Alternative D relies on intensive grazing management to produce usable forage for livestock, thereby benefiting livestock grazing management where successful, although less so than Alternative C. The BLM will remove “intensive” from this sentence. Nowhere in the documents is this mentioned, described, or impacts disclosed.

9.5 MITIGATIONS

1. No reduction in permitted AUMs will be identified in the RMP/EIS by the BLM until data is gathered through assessments and inventories that identifies and supports AUM reductions or increases.
2. The BLM will provide for increases in AUMs when monitoring or documented field observations show that additional forage is available for livestock grazing.
3. The BLM will provide the scientific method used to determine changes in AUMs.
4. Livestock grazing analysis will be corrected by the BLM so that data is consistent throughout the RMP/EIS.
5. Livestock grazing as an allowable use in all management areas will be included in the RMP/EIS by the BLM.
6. No fences or cattle guards will be removed by the BLM without data and documentation to support the reasons for removal.
7. Livestock management will not be considered a disruptive activity by the BLM.
8. Grazing will continue in the Sweetwater WSA through BLM approval, as this is a grandfathered use.

9. There will be no travel restriction by the BLM for livestock grazing management activities.
10. Livestock grazing will be given priority for management over wildlife, wild horses, and special status species in BLM management documents, as it is an historical use that has been in existence for over 150 years and in harmony with other resources.
11. The BLM shall provide a table of impacts to livestock grazing by resource area.

9.6 CONCLUSION

It is unclear how the impacts to and from livestock grazing are based. Apparently, it is on inconsistent data and qualitative and philosophical approaches to analysis and impact reporting. Language such as “most adverse impacts to livestock grazing,” “Alternative D would be the same as under B,” and “would result in substantially fewer adverse impacts to livestock” means nothing without quality data on AUMs so as to define these terms.

The method for calculating impacts to AUMs is based on modeled ratios, not ecological principles. According to Table L8 – Estimated AUMs by Alternative, there are only three areas that will have direct impacts to AUMs, 1) allotments not meeting rangeland health standards; 2) closures, and; 3) surface-disturbing activities yet the impacts analysis list wildlife, special status species, wild horses, riparian-wetland as all having adverse impacts to livestock grazing yet no data is presented on impacts or the significance of those impacts.

10. RIGHTS-OF-WAY AND CORRIDORS

The FCC approves of the formally designated Westwide Energy Corridor (79-126) and recognizes that additional corridors for pipelines and electricity transmission and distribution are required to enhance existing infrastructure and to foster new energy export opportunities. In view of that, there is concern that the limited number of north/south corridors designated under Alternative D will not promote new opportunities. In order to alleviate the congestion that will certainly occur in the Crooks Gap area, the FCC is requesting that the BLM designate additional corridors under Alternative D.

10.1 RESOURCE MANAGEMENT ALTERNATIVES

Following review of Tables 2.6–2.51 in the RMP/EIS, the FCC submits the following comments (Table 6).

Table 5 ROW and Corridors Comments for Tables 2.6–2.51 of the RMP/EIS

Record Number	FCC Comments
6020	Update Map 108 to include the location of the Pathfinder Reservoir/Sinclair corridor.
7012	Given the strict restrictions placed on large wind-energy development projects and high-voltage transmission lines in proximity to NHTs, it is unclear whether continuous access to the southern extent of the Planning Area is provided.

10.1.1 Rights-of-Way and Corridors – Management Challenges for Rights-of-Way

The RMP/EIS appropriately addresses the need for ROW corridor connectivity and the obstacles created by the lack of coordinated planning efforts in adjacent BLM field offices (pgs. 422 and 423):

Another management challenge for ROWs has been created by recent planning efforts in adjacent BLM field offices, specifically the Casper Field Office and the Rawlins Field Office. Through RMP revisions, these field offices have designated ROW corridors that terminate at the Lander Field Office planning area boundary, where the Lander Field Office has not designated corridors (Map 105) and is unlikely to because of serious resource conflicts such as Congressionally Designated Trails and historic sites. The Lander Field Office is working with the Bighorn Basin RMP plan revision and the Rock Springs Field Office to better coordinate adjoining land management. This constitutes a major planning gap between BLM field offices that limits the ability for proponents to gain connectivity for facilities and energy infrastructure. As ROW applications for linear infrastructure to transport energy and other commodities increase in Wyoming, the lack of consistency and location of ROW corridors between field offices increases processing time and creates inefficiencies for both the BLM and private sector clients.

However, the RMP/EIS fails to provide solutions for these failed planning efforts. While cooperation with the Rock Springs Field Office is a valid effort put forth during the current planning process, it is not a corrective measure. With the goal of utilizing designated ROW corridors in adjacent field offices, it is requested that the linking of these corridors be reexamined. In particular, provide for corridor

connectivity with the Bighorn Basin. During this reexamination also consider the designated widths of corridors in order to ensure compatible uses.

10.1.2 Rights-of-Way and Corridors – Impacts Common to All Alternatives

Management actions that would adversely impact the ROW program under all alternatives are stated as the following (pg 973):

Proposed ROWs will be evaluated for location on a case-by-case basis except where an alternative excludes ROWs. Mitigation measures and BMPs will be applied to ensure ROWs are co-located with existing ROWs in existing disturbance where possible. This would adversely impact the ROW program, because it would restrict the location of ROWs in the planning area and could require some proposed projects to be relocated.

Mitigation measures and BMPs are applied to proposed linear ROWs such as fiber-optic cables and low-voltage powerlines to place them along currently established road systems (e.g., interstate or state highways and paved county roads). This would restrict the location of ROWs in the planning area.

First, in regard to the above narrative, the FCC finds that the BLM will strike the reference to “paved county roads.” Rather, the sentence will read as follows (new language bolded and italicized):

Mitigation measures and BMPs are applied to proposed linear ROWs such as fiber-optic cables and low-voltage powerlines to place them along currently established road systems (e.g., interstate or state highways and ***all*** county roads). This would restrict the location of ROWs in the planning area.

Figure 1 of this document provides a map of all Fremont County roads. The BLM shall reference this map when determining the location of Fremont County roads in the Planning Area.

It is understood that existing ROW and communications sites will be managed to protect existing rights and that proposed projects will be co-located; however, it remains unclear if co-location will be approved in areas with existing ROW disturbance that are not located in a designated corridor and are also located in an exclusion area under the revised RMP/EIS. There is concern that site-specific analysis performed for proposed projects will preclude co-location because of the updated exclusion designation. While it may not be possible for the BLM to depict the numerous existing ROWs in the Planning Area, the location of existing corridors that are included in an exclusion area designation under Alternative D should be provided along with language that clarifies that these areas are to be used for co-location and multiple ROW uses on a case-by-case basis.

10.1.3 Alternative D – Resources

A comparison of alternative protections for special status species is provided and the RMP/EIS states (pg. 979):

The one area in which Alternative D management of special status species could result in substantially less adverse impact to the ROW program than Alternative B is that greater sage-

grouse Core Area surface disturbance calculations are applied only to energy ROWs and transmission lines. This is analyzed in detail in the *Renewable Energy* section.

While Alternative D closes less area than Alternative B to surface disturbance, is the information provided in the statement above accurate? Although it is stated that additional details are presented in the Renewable Energy section, clarification is not provided in regard to this topic. This information is in conflict with Alternative D surface disturbance descriptions provided elsewhere in the RMP/EIS. For example, the RMP/EIS states (pg. 100):

Limit wind-energy development in sage-grouse Core Area to no more than one location per 640 acres and require that the cumulative disturbance from all sources is no more than 5 percent of sagebrush habitat within the project area.

In order to allow for a thorough review of management direction as described under Alternative D, provide a clear description of how surface disturbance calculations will be applied. Also, evaluate for consistency with the management direction outlined in Executive Order 2011-5.

10.1.4 Resource Uses

The RMP/EIS states in reference to Alternative D designated corridor widths and the crossing of NHTs (pg. 980):

Alternative D allows major utility ROWs in designated corridors and in other places under some circumstances. Designated corridors up to $\frac{1}{2}$ mile wide are allowed except where the corridor crosses an NHT, where it could be only $\frac{1}{4}$ mile wide or less. With the exception of Alternative B, these substantial restrictions would result in the greatest adverse impacts to ROWs.

The RMP/EIS fails to disclose the methodology used during the assignment of NHT Condition Class Ratings and thus the FCC utilized GIS to assess existing impacts to trails and the visual surroundings in areas where corridor uses are currently in place. Existing infrastructure located parallel to NHTs and at NHT crossings were evaluated. Based on LFO GIS road data, it was determined that only two percent of the NHT system does not have a road located within a distance of $\frac{1}{4}$ mile (Figure 7). Similarly, an overlay of LFO transportation plan roads and existing pipelines and transmission lines indicated that there are currently six major NHT crossings (Figure 8).

In order to establish maximum widths for north/south corridors with applicable guidance documents, the FCC is requesting that the BLM perform an equivalent detailed analysis of existing infrastructure and trail conditions where corridors cross NHTs. Upon completion of this analysis, the BLM will provide for corridor width expansion in areas where constructed features detract from the historic and visual setting. Corridors shall not be limited to pipelines and powerlines only, but for all possible uses. In addition, the BLM will change the designation of exclusion area to avoidance area in these corridor crossing locations. It is disconcerting that the RMP/EIS insufficiently addresses the transmission infrastructure limitations in the Planning Area and does not provide for additional utility-scale power generation. The ROW and corridor characterization provided in the Summary of the AMS for the Lander Resource Management Plan Revision (USDI 2009b) assesses this situation and includes the following:

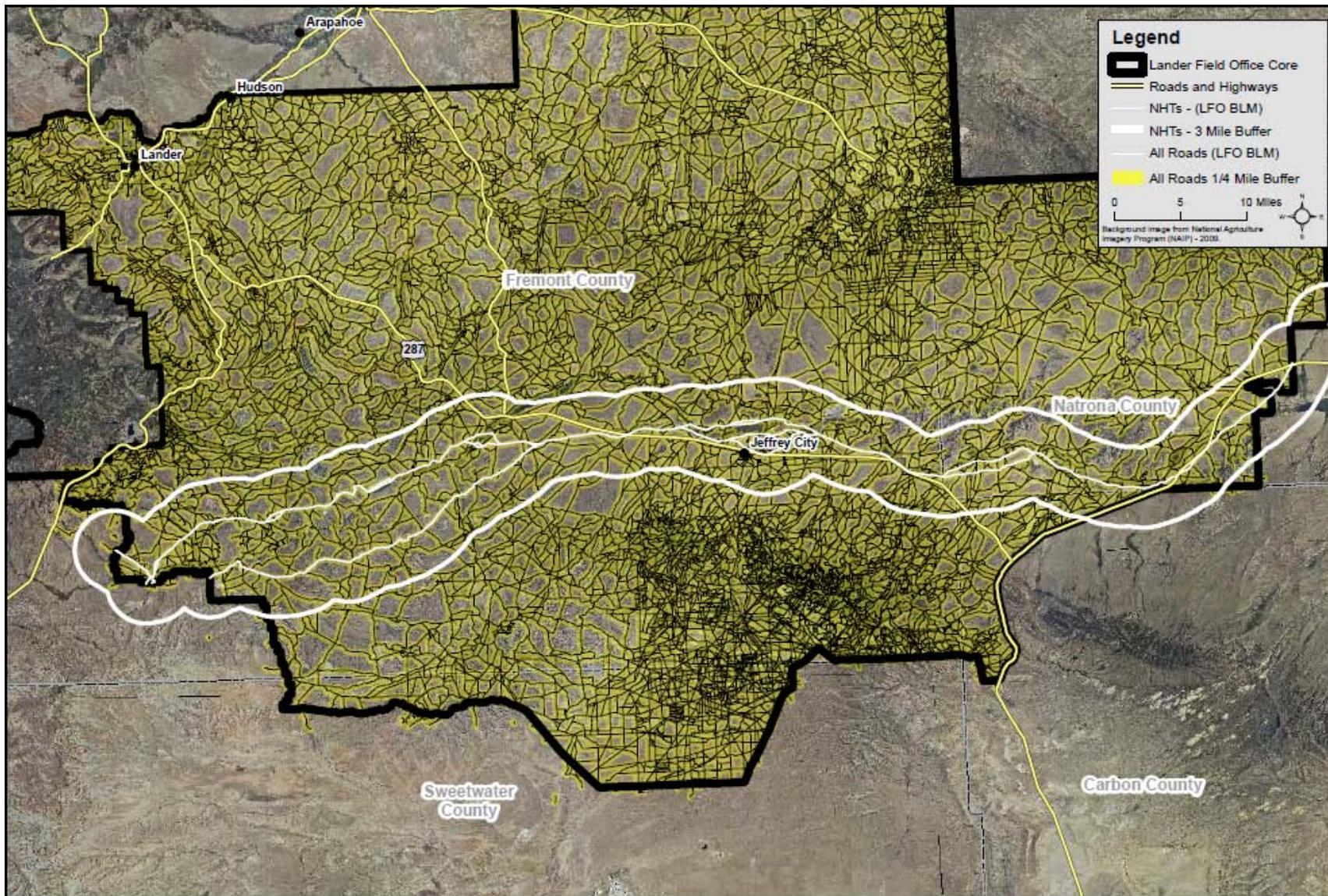


Figure 7 NHT and LFO road system in the Planning Area

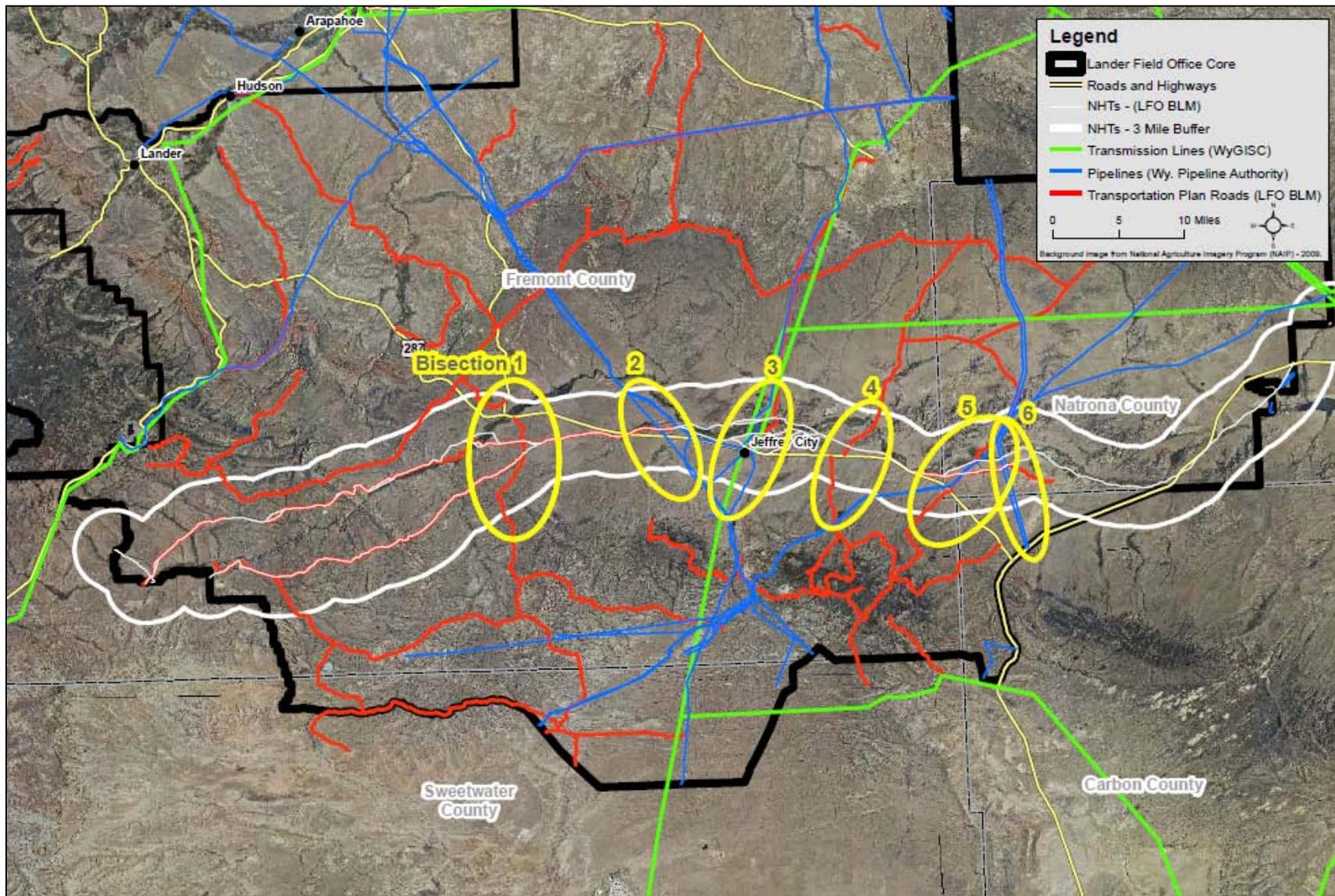


Figure 8 NHT, LFO plan roads, and existing pipelines and transmission lines in the Planning Area

Wind site testing and monitoring are determining the potential for utility-scale wind energy development which would most likely require additional transmission infrastructure. Designation of corridors could aid in streamlining these types of authorizations.

If the current rate of development continues and no additional electrical generation occurs, the existing transmission infrastructure is expected to adequately meet future needs over the next 10 to 20 years. Current electrical power transmission infrastructure is considered inadequate to support additional utility-scale power generation in the planning area, so in the event that this type of development occurs there would probably be a need for the addition new transmission lines.

The FCC supports renewable energy export opportunities and requests that the BLM provide corridors that will provide for the addition of new transmission lines.

10.2 COMMUNICATION SITES

In reviewing the Draft Lander Resource Management Plan and Environmental Impact Statement (RMP/EIS), Fremont County agencies noted that future communication sites are either unduly restricted or prohibited in the Lander Planning Area, depending upon alternative. Alternative A encourages co-location of future communication sites within concentration areas and is to be avoided in proposed utility corridor avoidance areas. Under alternatives B and D, new communication sites are required to be co-located in identified concentration areas. Alternative D proposes to close Bureau of Land Management (BLM) Ridge and Black Rock, but does provide some flexibility by allowing new communication site to be constructed outside of concentration areas if the proponent demonstrates need and consistency with the Land Use Plan. However, it is expected by the Fremont County Commission (FCC), that the process of demonstrating need and consistency with the Land Use Plan will be particularly onerous and time-consuming. Applying an extra layer of regulatory oversight in this process is unnecessary and will discourage proponents from investing in new communication sites. Alternative B adds additional regulatory mandates by proposing to cap the leasing period to 10 years, at which time they are expired. Reapplication for expired leases is allowed, but the proponent will have to show that the sites are necessary. How their necessity will be determined and what steps will have to be taken by the proponent is not described. While Alternative C, in the narrative (Record number 6021, pg. 130), does not limit communication sites, Map 107 in the RMP/EIS discloses concentration areas for communication sites. This leads the FCC to conclude that Alternative C, if selected, will limit the siting of communication structures in the Planning Area.

The FCC, being entrusted with ensuring that the health and safety of their citizenry is protected and maximized, both as public servants and through legal mandates, will not accept the BLM's propositions to restrict communication sites in the Planning Area. Article IX – Law Enforcement, of the Fremont County Land Use Plan (FCLUP), has as its singular objective the following (pg. 67):

To achieve a balance between responsible use of the natural resources within Fremont County, protection of those resources, and safety of the citizens (which courts have long held to be the jurisdiction of the State).

Guidance policy for Article IX reiterates the role that the FCC has in the protection of Fremont County citizens and the requisite BLM coordination on such matters (pg. 69):

The elected Fremont County officials have the overall responsibility for the protection and safety of the citizens of the County. Federal agencies shall coordinate with the County as required by applicable Congressional mandates.

Proposing to restrict new communication sites in the Planning Area, whether it is for viewshed, Areas of Critical Environmental Concern, wildlife, or cultural protection, flagrantly dismisses the FCLUP and has the potential to cause harm to human safety. The vastness of the Planning Area lends itself to many things, including zones where communication by electronic devices is impossible. Example zones include the Dubois and Crowheart areas, Moneta and to the south, as well as south of the Beaver Rim. As County funds become available or private proponents step forward with proposals to close gaps of non-communication, the FCC is resolute that new communication sites will be allowable throughout the Planning Area. The FCC, law enforcement, emergency responders, and citizens alike are dependent upon means of communication for health, protection, and safety.

BLM proposed restrictions on and closure of communication sites is also economically impinging. Restrictions and closures will discourage private investment in new communication infrastructure and dissuade industries from moving into or expanding their businesses. Whereas the FCC invokes their public protection and safety responsibility, they do so equally in regard to the freedom to pursue and achieve quality livelihoods and economic viability, a theme that is carried throughout the FCLUP, article by article. The preamble states (pg. i):

The people of Fremont County, Wyoming believe the United States Constitution and Wyoming State Constitution to be the supreme law of Fremont County. Those documents contain the ultimate protections for the rights of Fremont County citizens in regard to customs, culture, economic viability, social stability, and quality of life and they guarantee our freedoms to pursue activities protected by those rights. The people of Fremont County establish this Land Use Plan in the spirit of those Constitutions, and reject all activities affecting her citizens which are inconsistent with the provisions of those basic founding documents and which inhibit the rights of her citizens to pursue the freedoms those documents guarantee.

As the RMP/EIS moves from draft to final, the FCC is emphatic that the BLM shall not limit future communication sites within the entire Planning Area. To do so, the BLM will disclose and analyze communication sites, Planning Area-wide, in the Final RMP/EIS to the degree and detail necessary that future communication site proposals will not require further project-level review and analysis. This will negate unnecessary and burdensome regulatory oversight in the future which tends to actively dissuade new developments.

10.3 SNOW FENCES

The RMP/EIS does not provide information regarding snow fences and the FCC is requesting that snow fence installation be approved without delay when safety and road maintenance issues arise. The BLM must acknowledge that this type of activity is designated as a categorical exclusion pursuant to Part 516

of the Departmental Manual (516 DM 11) and unless extraordinary circumstances apply, the activity does not require the preparation of an EA or EIS. Given that this is a public safety issue, it is requested that when permission is sought to install snow fences on important county roads, the coordination process with Wyoming Department of Transportation will be expedited. BLM MOU WY 920-08-07-192 includes the following (pg. 8):

The WYDOT is responsible for the safety of the public in relation to highway rights-of-way and will be the final authority for determining fencing and fence standards used or installed on highway rights-of-way across BLM lands. This determination will be made considering highway safety, BLM recommendations, State law, and design factors. WYDOT will obtain the BLM's initial recommendations on fencing during the scoping process.

Wyoming BLM's policy is to authorize snow fences for Federal-aid highways by amending the existing Letter of Consent or by amending the existing right-of-way grant (pre-1982). Snow fences are considered a part of the Federal-aid highway facilities in Wyoming.

The FCC encourages the BLM to include in the final RMP/EIS a snow fence safety protocol that will allow for the swift installation of snow fences in all areas not subject to a seasonal closure.

10.4 MITIGATIONS

1. With the goal of utilizing designated ROW corridors in adjacent field offices, it is stated that a reexamination of corridor linking will occur by the BLM. In particular, for corridor connectivity with the Bighorn Basin.
2. The location of corridors with existing ROW disturbance, that are included in an exclusion area designation under Alternative D, will be provided along with language that clarifies that these areas are to be used for co-location and multiple ROW uses on a case-by-case basis.
3. The RMP/EIS fails to disclose the methodology used during the assignment of NHT BLM Condition Class Ratings. As such, the BLM will disclose the approach used to assess existing impacts to trails and the visual surroundings in areas where corridor uses are currently in place.
4. In order to establish maximum widths for north/south corridors with applicable guidance documents, the FCC finds that the BLM will perform a detailed analysis of existing infrastructure and trail conditions where corridors cross NHTs. Upon completion of this analysis, the BLM will provide for corridor width expansion in areas where trails are impacted and constructed features detract from the historic and visual setting. In addition, the BLM will change the designation of exclusion area to avoidance area in these corridor crossing locations.
5. In order to alleviate the congestion that will occur in the Crooks Gap area, the FCC supports the WGO's request that the BLM adopt a modified Alternative C for ROW and corridors.

11. SPECIAL DESIGNATIONS – AREAS OF CRITICAL ENVIRONMENTAL CONCERN

Special designations in the Lander Planning Area, particularly expanded and proposed ACECs, are founded on inadequate evaluations and baseless conclusions that the BLM shall address between the draft and final versions of the RMP/EIS. The FCC has identified numerous falsehoods that the BLM state as fact in proposing to expand an existing or create a new ACEC. Additionally, the BLM does not provide the necessary data and substantive research throughout this section of the RMP/EIS to support new ACECs or expanding existing areas. Existing ACECs, proposed for continuing designation, are of equal concern to the FCC.

Based on the findings in the RMP/EIS sections covering ACECs, the FCC advances two directives that the BLM shall fulfill prior to finalization of the document. This is not only necessary due to this comment, but mandated by federal law, policy, and regulation.

- The BLM shall, utilizing full cooperation and coordination with the FCC as required by law, determine what type of activities, and to what level those activities will cause irreparable harm (significance criteria) within ACECs.
- Following the identification of irreparable harm activities and significance criteria, the BLM shall, utilizing full cooperation and coordination with the FCC as required by law, reinventory all ACECs proposed (existing, expanded, and new) in the RMP/EIS. The reinventory process will be compatible and consistent with all relevant regulatory, policy, and legal ACEC guidance.

11.1 RELEVANT REGULATORY GUIDELINES

In evaluating ACECs for the Planning Area, the FCC consulted all relevant regulatory guidelines to facilitate the formulation of accurate and substantive comments that the BLM must acknowledge moving forward in the revision process. Section 103 (a) of FLPMA (U.S. Department of the Interior 2001) states (pg. 2):

The term “areas of critical environmental concern” means areas within the public lands where special management attention is required (when such areas are developed or used or where no development is required) to protect and prevent irreparable damage to important historic, cultural, or scenic values, fish and wildlife resources or other natural systems or processes, or to protect life and safety from natural hazards.

The BLM is careful in the Lander RMP/EIS to use the terms “historic, cultural, or scenic values, fish and wildlife resources or other natural systems or processes, or to protect life and safety from natural hazards” in stating the need for ACEC designations. Depending upon the ACEC, the BLM has identified from one to five values of concern rising to the level of relevant and important (Figure 9). However, using one or more of those terms outlined in FLPMA as a pretense for designating an expanded or new ACEC is disingenuous. Terms alone are not enough. There must be a basis in fact for designating an ACEC built on data and research. Clearly, the BLM has not provided quantitative data necessary for closing and/or restricting lands to multiple uses under the auspices of ACEC designation in the Lander RMP/EIS.

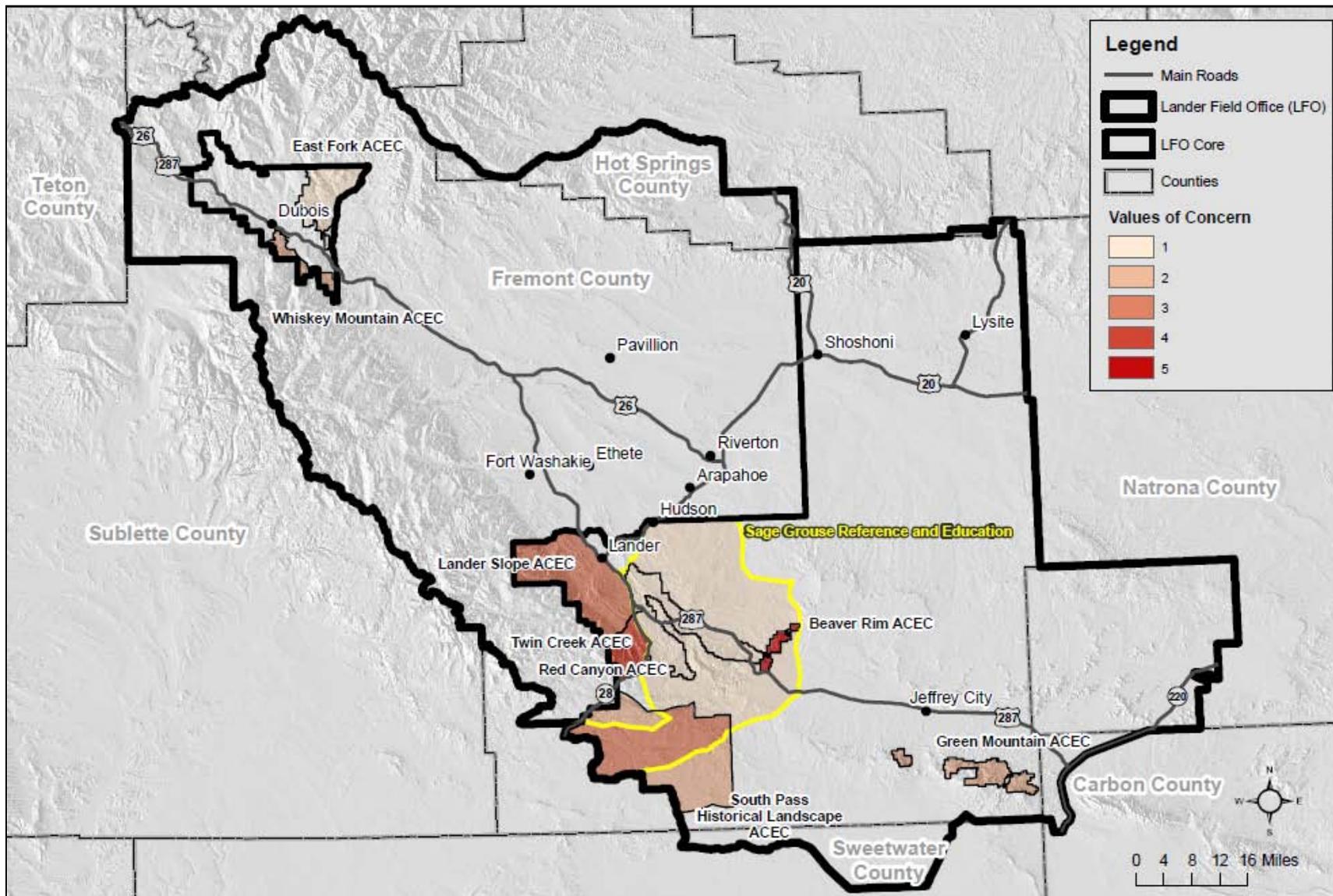


Figure 9 Number of values of concern by ACEC

ACEC designations in the Lander Planning Area are onerous to numerous resource uses, as well as management and recreational activities. Depending upon the ACEC, the number of management action constraints (e.g. CSU, NSO, TLS, etc.) vary from one to ten (Figure 10). In the same vein, the BLM has not followed the intent of FLPMA in regard to ACECs within the Lander Planning Area.

On behalf of the FCC, Ecosystem Research Group requested evaluation forms for proposed BLM expanded and proposed ACECs in the Lander Planning Area on October 17, 2011. In response to that request, Kristin Yannone (BLM Project Lead) stated the following in an e-mail dated October 19, 2011:

Early and interim drafts of the worksheets, where done, have been incorporated into the ACEC Report and have not been maintained as independent documents. This Report is not final but is offered for public input as part of the draft RMP EIS. It appears that the draft has not been made available on the RMP website. I am trying to find out why this has not occurred but will ensure that it is available by early next week unless there is some technical or staffing glitch that prevents this. If that is the case, I will make an electronic copy available to you.

In addition to the statement advanced by Ms. Yannone, Lander Field Office (LFO) Outdoor Recreation Planner Jared Oakleaf told FCC Chairman Douglas Thompson (pers. comm. 2012) that evaluation worksheets had flatly not been completed for existing ACECs. During the 1987 Lander RMP revision process, those ACECs were not adequately evaluated and again, are not.

Based on Ms. Yannone's response on October 19, Mr. Oakleaf's admittal to Chairman Thompson, and after reviewing the recently released LFO ACEC Report, the FCC is requesting that the BLM produce all ACEC evaluation worksheets that are incorporated in both the Lander Planning Area ACEC Report and RMP/EIS. For those ACECs where worksheets have not been completed, the FCC would ask one, which areas are incomplete, and two, a participatory role in the data collection and evaluation process for those unfinished proposed special designations. Additionally, the FCC is requesting the opportunity to assist the BLM in revising and improving already completed ACEC evaluation worksheets, as prescribed in CEQ NEPA Section 1501.6, to ensure maximum accuracy and procedural defensibility. To suggest, as is done in the October 19 e-mail, that evaluation worksheets were not undertaken and completed for every ACEC is untenable. Section 201 of FLPMA states:

The Secretary shall prepare and maintain on a continuing basis an inventory of all public lands and their resource and other values (including, but not limited to, outdoor recreation and scenic values), giving priority to areas of critical environmental concern. This inventory shall be kept current so as to reflect changes in conditions and to identify new and emerging resource and other values.

In *Western Watersheds Project (WWP) v. Ken Salazar, Secretary, Department of the Interior*, Judge B. Lynn Winmill cites Section 201 in conjunction with 43 CFR 1610.4-3:

The Field Manager, in collaboration with any cooperating agencies, will arrange for resource, environmental, social, economic and institutional data and information to be collected, or assembled if already available. New information and inventory data collection will emphasize significant issues and decisions with the greatest potential impact. Inventory data and information

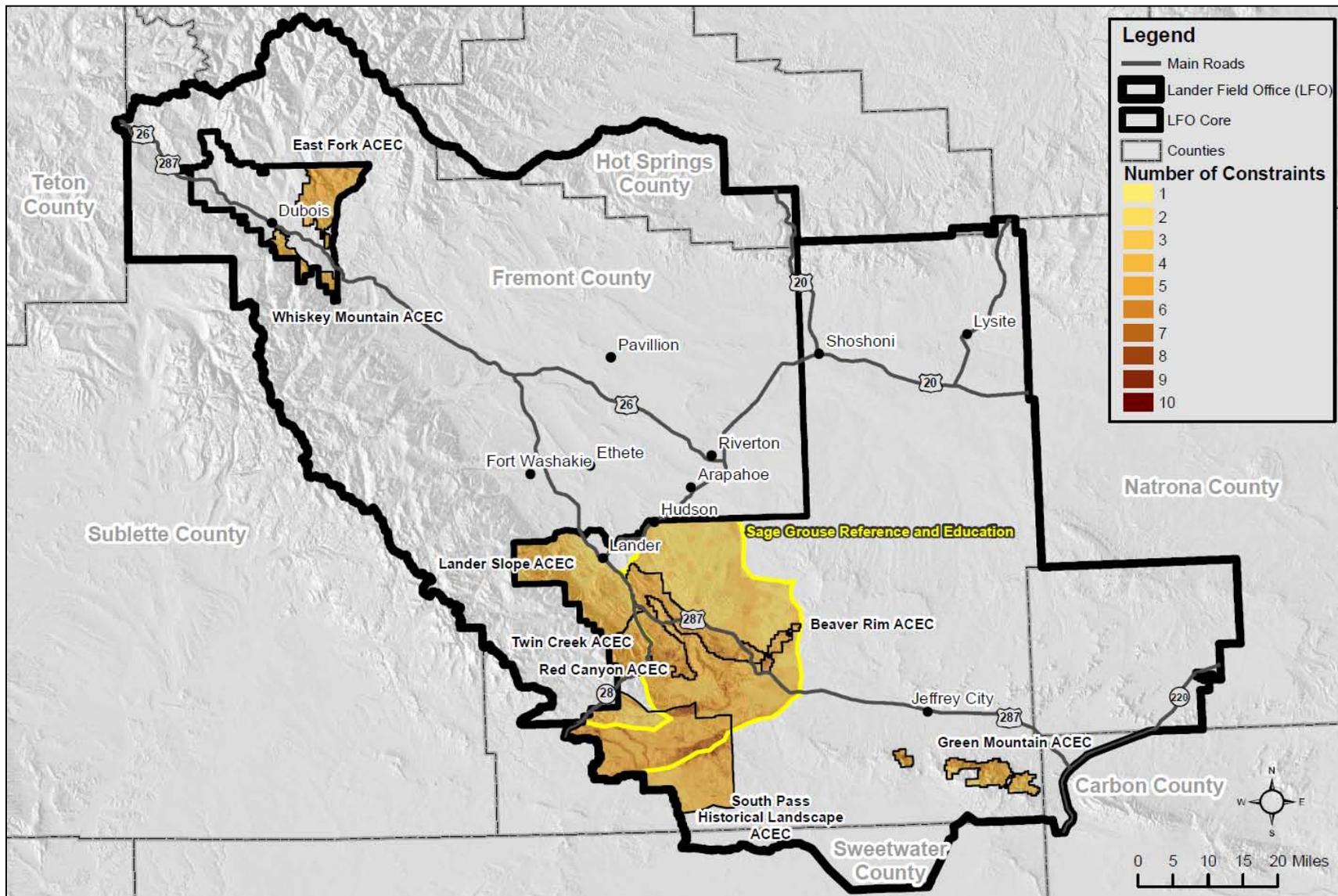


Figure 10 Number of management action constraints within ACECs

shall be collected in a manner that aids application in the planning process, including subsequent monitoring requirements.

Judge Winmill is instructing the BLM to collect all necessary data and information not at the project level, but during the revision of a programmatic RMP when management actions will have “immediate and continuing effects (*WWP v. Salazar 2011*).” ACEC designations will have immediate and continuing effects on multiple uses in the Planning Area. As proffered by Judge Winmill, the BLM is required to collect data and information prior to the designation of ACECs. This is applicable not only to expanded and proposed ACECs, but those that are to be retained from the 1987 Lander RMP. Therefore, the court mandates and the BLM must comply, evaluation worksheets are necessary for all ACECs in the Planning Area.

Manual 1613 – Areas of Critical Environmental Concern (USDI 1988), the Agency framework for designating and retaining ACECs, provides the BLM (pg. 01):

policy and procedural guidance on the identification, evaluation and designation of areas of critical environmental concern (ACEC's) in the development, revision and amendment of resource management plans (RMP's) and amendments of management framework plans not yet replaced by RMP's.

For an area to be considered a potential or maintained as an existing ACEC, as established in 43 CFR 1610.7-2, it must be determined to meet the criteria of “relevance” and “importance.” Manual 1613 states (pg. .1):

A. Relevance. An area meets the "relevance" criterion if it contains one or more of the following:

1. A significant historic, cultural, or scenic value (including but not limited to rare or sensitive archeological resources and religious or cultural resources important to Native Americans).
2. A fish and wildlife resource (including but not limited to habitat for endangered, sensitive or threatened species, or habitat essential for maintaining species diversity).
3. A natural process or system (including but not limited to endangered, sensitive, or threatened plant species; rare, endemic, or relic plants or plant communities which are terrestrial, aquatic, or riparian; or rare geological features).
4. Natural hazards (including but not limited to areas of avalanche, dangerous flooding, landslides, unstable soils, seismic activity, or dangerous cliffs). A hazard caused by human action may meet the relevance criteria if it is determined through the resource management planning process that it has become part of a natural process.

B. Importance. The value, resource, system, process, or hazard described above must have substantial significance and values in order to satisfy the "importance" criteria. This generally means that the value, resource, system, process, or hazard is characterized by one or more of the following:

1. Has more than locally significant qualities which give it special worth, consequence, meaning, distinctiveness, or cause for concern, especially compared to any similar resource.
2. Has qualities or circumstances that make it fragile, sensitive, rare, irreplaceable, exemplary, unique, endangered, threatened, or vulnerable to adverse change.
3. Has been recognized as warranting protection in order to satisfy national priority concerns or to carry out the mandates of FLPMA.

4. Has qualities which warrant highlighting in order to satisfy public or management concerns about safety and public welfare.
5. Poses a significant threat to human life and safety or to property.

Further in Manual 1613, the BLM is provided guidance on determining relevance and importance criteria for existing and proposed ACECs (pg. .21b):

B. Obtain Information and Data on Relevance and Importance.

Information on relevance and importance will usually be obtained from inventory and data collection and in comments received in response to the NOI and the proposed planning criteria (BLM Manual Section 1616.1, 1616.2 and 1616.3). Information on relevance and importance is actively sought during planning to aid the evaluation of potential ACEC areas.

Key to the guidance above is that determination of relevance and importance “will usually be obtained from inventory and data collection...” Yet, in careful review of the Lander RMP/EIS, the FCC cannot find disclosure of inventory and collected data to support ACEC designations. Beaver Rim, an existing ACEC that the BLM is proposing to expand by 20,532 acres, is a prime example of no data disclosure to support the determination. In regard to Beaver Rim, the RMP/EIS states (pg. 469):

As with the existing ACEC, the proposed expansion area contains fish and wildlife, geological and paleontological resources, plant communities, and scenic values...The proposed ACEC expansion area is also important for the preservation of volcanic deposits derived from the Yellowstone-Absaroka volcanic field to the northwest, and the Rattlesnake volcanic field to the east.

Each of those values may be true, in fact, they may rise to the level of “relevant” and “important,” but it is impossible to determine without supporting data. The FCC can provide the same lack of data for values used to designate any existing, expanded, or proposed ACEC in the Lander Planning Area. CEQ 1502.22 – Incomplete or unavailable information, places onus on federal agencies to either provide all necessary data or provide a clear rationale and reasoning for lack of data and information in a NEPA document.

When an agency is evaluating reasonably foreseeable significant adverse effects on the human environment in an environmental impact statement and there is incomplete or unavailable information, the agency shall always make clear that such information is lacking.

- (a) If the incomplete information relevant to reasonably foreseeable significant adverse impacts is essential to a reasoned choice among alternatives and the overall costs of obtaining it are not exorbitant, the agency shall include the information in the environmental impact statement.
- (b) If the information relevant to reasonably foreseeable significant adverse impacts cannot be obtained because the overall costs of obtaining it are exorbitant or the means to obtain it are not known, the agency shall include within the environmental impact statement:
 1. A statement that such information is incomplete or unavailable;
 2. a statement of the relevance of the incomplete or unavailable information to evaluating reasonably foreseeable significant adverse impacts on the human environment;
 3. a summary of existing credible scientific evidence which is relevant to evaluating the reasonably foreseeable significant adverse impacts on the human environment, and

4. the agency's evaluation of such impacts based upon theoretical approaches or research methods generally accepted in the scientific community. For the purposes of this section, "reasonably foreseeable" includes impacts which have catastrophic consequences, even if their probability of occurrence is low, provided that the analysis of the impacts is supported by credible scientific evidence, is not based on pure conjecture, and is within the rule of reason.

(c) The amended regulation will be applicable to all environmental impact statements for which a Notice of Intent (40 CFR 1508.22) is published in the Federal Register on or after May 27, 1986. For environmental impact statements in progress, agencies may choose to comply with the requirements of either the original or amended regulation.

As NEPA documents, the RMP/EIS and the LFO ACEC Report are required to contain "information... essential to a reasoned choice among alternatives." If the "overall costs of obtaining it are exorbitant or the means to obtain it are not known," then the BLM is required to follow the four steps outlined in CEQ 1502.22.

Given that the BLM fails to meet part 2.1 (b), it is unnecessary for the FCC to continue to cite portions of Manual 1613 not adhered to by the Agency in the Lander ACEC nomination process. What the FCC does intend to do is provide evidence throughout this section of the comment document that ACECs (existing, expanded, or proposed) in the Lander Planning Area are based on unsubstantiated claims.

It is imperative that the BLM use accurate data when plotting the future of lands in the Lander Planning Area. Further, planning requirements for the USDI are specified in the CFR and include requirements for assembling and using existing data:

1610.4-3 Inventory data and information collection.

The Field Manager, in collaboration with any cooperating agencies, will arrange for resource, environmental, social, economic and institutional data and information to be collected, or assembled if already available. New information and inventory data collection will emphasize significant issues and decisions with the greatest potential impact. Inventory data and information shall be collected in a manner that aids application in the planning process, including subsequent monitoring requirements. [48 FR 20368, May 5, 1983, as amended at 70 FR 14566, Mar. 23, 2005].

In sum, the BLM has at its disposal a plethora of guidance documents and policies that it must adhere to in proposing and designating ACECs. To date, there has been a near complete lack of adherence to the above stated laws, policies, and regulations.

11.2 RESOURCE MANAGEMENT ALTERNATIVES

Table 2.35-2.50 provides goals, objectives, and management actions for existing, expanded, and proposed ACECs in the Lander Planning Area. Following careful review of Table 2.35–2.50 in the RMP/EIS, the FCC offers the following comments disclosed in Table 6. As noted above, the BLM has not sufficiently provided the data required to determine the relevance and importance of ACECs in the RMP/EIS. Until that time, the FCC cannot support ACECs in the Planning Area.

The design and intent of Table 2.35-2.50 is to provide a detailed description of how ACECs, by alternative, will affect other resource uses. Table 2.35-2.50 fails in that regard miserably. Since the inception of the RMP revision process, the FCC has repeatedly requested that the BLM comprehensively describe what activities will and will not be allowable within ACECs. Land use activities and allocations, as well as restricted or prohibited activities, must be clearly delineated.

Table 6 ACEC Comments for Table 2.35–2.50 of the RMP/EIS

Record Number	FCC Comments
Goal SD: 8	The BLM shall provide monitoring and collected data to support the relevance and importance of ACECs
7040	Alternative A – The BLM shall provide monitoring and collected data to support existing ACECs Alternative B – The BLM shall provide monitoring and collected data to support existing, expanding, and proposed ACECs Alternative D – The BLM shall provide monitoring and collected data to support existing, expanding, and proposed ACECs
7041	The FCC fully supports livestock grazing and range improvements in all portions of the Planning Area
7043-7048	Alternatives A, B, and D are not supported by the FCC
7050	The FCC supports livestock grazing in the Red Canyon ACEC
7052-7059	Alternatives A, B, and D are not supported by the FCC
7063	Alternatives A, B, and D are not supported by the FCC
7066-7068	The FCC fully supports livestock grazing and range improvements in all portions of the Planning Area
7071	Alternatives A, B, and D are not supported by the FCC
7074-7076	The FCC fully supports livestock grazing and range improvements in all portions of the Planning Area
7079-7083	Alternatives A, B, and D are not supported by the FCC
7084	The FCC fully supports livestock grazing and range improvements in all portions of the Planning Area
7085	Invasive species eradication, through cooperative means, is supported by the FCC
7087-7093	Alternatives A, B, and D are not supported by the FCC
7094	The FCC fully supports livestock grazing and range improvements in all portions of the Planning Area
7096-7101	Alternatives A, B, and D are not supported by the FCC
7103	The FCC fully supports livestock grazing and range improvements in all portions of the Planning Area
7105-7112	Alternatives A, B, and D are not supported by the FCC
7113-7120	The FCC does not support the proposed Cedar Ridge ACEC. In proposing Cedar Ridge as an ACEC, the BLM did not follow the requirements of either FLPMA or Manual 1613.
7121-7128	The FCC does not support the proposed Castle Gardens ACEC. In proposing Castle Gardens as an ACEC, the BLM did not follow the requirements of either FLPMA or Manual 1613.
7129-7133	The FCC does not support the proposed Sweetwater Rocks ACEC. In proposing Sweetwater Rocks as an ACEC, the BLM did not follow the requirements of either FLPMA or Manual 1613.

Record Number	FCC Comments
7134-7140	The FCC does not support the proposed Regional Historic Trails and Early Highways ACEC. In proposing Regional Historic Trails and Early Highways as an ACEC, the BLM did not follow the requirements of either FLPMA or Manual 1613.
7141-7150	The FCC does not support the proposed Government Draw/Upper Sweetwater Sage-grouse ACEC. In proposing Government Draw/Upper Sweetwater Sage-grouse as an ACEC, the BLM did not follow the requirements of either FLPMA or Manual 1613.

The FCC does not have the intent of being obstructionists on the matter of ACECs. In rejecting ACEC designations in the comments provided above for Table 2.35-2.50, the FCC is voicing its discontent with the manner, or lack thereof, in which ACEC relevance and importance is measured. A cadre of legal and procedural guidance regarding the designation and retention of ACECs is at the BLM's disposal and adherence to those documents is required. Until the BLM can demonstrate, with the backing of "inventory and data collection" statistics that ACECs in the Lander Planning Area are valid and necessary, the FCC cannot support the considerable number of acres (119,622 acres in Alternative A, 492,990 acres in Alternative B, and 245,037 acres in Alternative D) that would be restricted by ACECs. In the following narrative the FCC will primarily offer comments regarding the ACEC section of Affected Environment. Essentially, commenting on Environmental Consequences would be superfluous as the BLM has not met the legal and procedural requirements for nominating new, expanded, or existing ACECs in either the LFO ACEC Report or RMP/EIS Affected Environment section.

11.3 AFFECTED ENVIRONMENT

Section 3.7.4 (pg. 464) of Affected Environment begins with a discussion on the requirements of FLPMA in relationship to land use plan revisions and ACECs:

An ACEC is defined in FLPMA, Section 103(a) as an area within public lands where special management attention is required to protect and prevent irreparable damage to important historic, cultural, and scenic values, fish and wildlife, and other natural systems or processes. ACECs are also designated to protect life and ensure safety from natural hazards. Designation of ACECs during revisions of land use plans is mandatory under FLPMA: "In the development and revision of land use plans, the Secretary shall ... give priority to the designation and protection of areas of critical environmental concern ..." FLPMA, Section 202(c)(3). BLM regulations for implementing the ACEC provisions of FLPMA are found at 43 CFR 1610.7-2(b).

It is disconcerting that the BLM only provides the preceding legal and procedural ACEC language. The FCC, in this comment document, has provided much greater detailed narrative on the BLM's requirements than has the Agency itself. Thus, the FCC will reiterate one of the most fundamental requirements in BLM Manual 1613 that the Agency fails to cite in the LFO ACEC Report and RMP/EIS (pg. .21b):

B. Obtain Information and Data on Relevance and Importance.

Information on relevance and importance will usually be obtained from inventory and data collection and in comments received in response to the NOI and the proposed planning criteria

(BLM Manual Section 1616.1, 1616.2 and 1616.3). Information on relevance and importance is actively sought during planning to aid the evaluation of potential ACEC areas.

As will be clearly shown, the BLM has not provided inventory and collected data from either the Agency or other reputable sources in the evaluation of relevance and importance. Judgments of whether an area is relevant and important are qualitative, aspirational, and subjective at best.

11.3.1 Existing ACECs

The FCC provides comments in the following sections for the following existing ACECs: Lander Slope, Red Canyon, Dubois Badlands, and Whiskey Mountain.

11.3.1.1 *Lander Slope*

The Lander Slope ACEC was designated in 1987 upon finalization of the RMP. At that time, it was said to meet relevance an important criteria due to fish and wildlife, scenic values, and natural processes. The RMP/EIS states (pg. 466):

Those resources continue to meet the criteria for this RMP revision. The ACEC provides crucial winter range for elk and mule deer, and supports a large percentage of the South Wind River elk herd. This elk herd provides hunting opportunities for both resident and nonresident hunters and revenue to local economies. Several of the steep canyons provide habitat for bighorn sheep and peregrine falcons, a BLM sensitive species. The Lander Slope is visible from Lander and Sinks Canyon State Park and its prominence from these vantage points makes it a visually sensitive area. The ACEC is also an important component of the watershed that supplies water to Lander; a potential for flooding in Lander from the Popo Agie River makes watershed management in this area important.

It would be logical if following the statement, “(t)hose resources continue to meet the criteria for this RMP revision,” the BLM provided a detailed description and evaluation of each of those values of concern and how they meet the relevance and importance criteria. However, that does not occur. Equally untenable is that at the time of RMP/EIS release there was not a publicly available LFO ACEC Report. The LFO ACEC Report was only made available on the BLM website on November 1, 2011. In reviewing that document, the FCC still is unable to find inventory and collected data presented to corroborate that relevance and importance has been met.

The Lander Slope ACEC is facing numerous management challenges in the qualitative estimation of the BLM (pg. 466):

Management challenges for this area include development pressure and impacts from surface-disturbing activities. The area is important winter wildlife habitat and contains scenic vistas susceptible to the impacts of development, mining, ROWs, habitat fragmentation, motorized vehicle use, and the expansion of existing invasive plant species infestations. In addition, the ACEC has WUI issues related to fire and fuels management and steep slopes sensitive to erosion. At present, the BLM manages the area as VRM Classes II and III; mineral and realty actions in the ACEC are open with major constraints, and travel is limited to designated roads and trails with seasonal limitations.

To mitigate the management challenges, the BLM manages the areas under VRM II and III restrictions, mineral and realty action are open but with major constraints, and motorized use is limited to designated roads and trails with seasonal limitations.

While it may be true that the area deserves ACEC status, management challenges are accurate, and restrictions and constraints are necessary, it is impossible to determine with such shocking lack of data and information. Thus, without the disclosure of inventory and collected data and quantifiable measurement of relevance and importance, in addition to the absence of evaluation worksheets, the FCC cannot support the Lander Slope ACEC as proposed in Alternative A, B, and D. Until it is demonstrated that Lander Slope has characteristics rising to a level of relevance and importance as described in FLPMA, Handbook 1601-1, and Manual 1613, the FCC stipulates that the BLM shall not designate this nominee an ACEC.

11.3.1.2 *Red Canyon*

Red Canyon ACEC was designated in 1987 upon finalization of the RMP. At that time, it was said to meet relevance an important criteria due to wildlife, special status species, scenic values, and geologic features. The RMP/EIS states (pg. 466):

Those resources continue to meet the criteria for this RMP revision. The ACEC, which is part of the WGF D Red Canyon Habitat Management Unit, contains crucial winter range for elk and mule deer and supports a large percentage of the South Wind River elk herd. This elk herd provides hunting opportunities for both resident and nonresident hunters and revenue to the local economy. There are five sensitive plant species in the area, including one known to occur only in this area (Barneby's clover). Red Canyon has the highest visual sensitivity of any landscape in the planning area and is a draw for visitors, artists, and photographers. The geology of the ACEC provides an example of differential erosion of sedimentary layers, with the harder layers of sandstone and limestone forming cliffs and benches and the easily eroded shales and siltstones forming valleys and gulches. Color variation between the rock layers allows non-geologists a chance to understand the stratigraphy and structure of the canyon. The southern portion of the Red Canyon ACEC was designated a NNL in recognition of these geologic values.

It would be logical if following the statement, "(t)hose resources continue to meet the criteria for this RMP revision," the BLM provided a detailed description and evaluation of each of those values of concern and how they meet the relevance and importance criteria. However, that does not occur. The LFO ACEC Report also fails to disclose such information. If, indeed there are five sensitive plants within Red Canyon, why is only one named in the RMP/EIS? Management challenges, in the qualitative view of the BLM, are numerous in Red Canyon and include (pg. 466-467):

(D)evelopment pressure and impacts from surface-disturbing activities (e.g., phosphate mining), motorized vehicle use, and invasive plant species. The area contains nationally recognized visual resources and important wildlife habitat (corridors and crucial winter range) threatened by visual intrusions from development and habitat fragmentation. Much of the private land adjoining the ACEC has been subdivided, increasing pressure on these public lands to meet wildlife needs. The expansion of existing invasive plant infestations in the area could affect sensitive plant species, potentially leading to ESA listing. The ACEC also has steep slopes sensitive to erosion.

To reduce adverse impacts, the BLM “manages the area as VRM Classes I and II; mineral and realty actions in the ACEC are open with major constraints (except the NNL and crucial winter range, which are closed to phosphate leasing); and travel is limited to designated roads and trails with seasonal limitations (RMP/EIS pg. 467).”

While it may be true that the area deserves ACEC status, management challenges are accurate, and restrictions and constraints are necessary, it is impossible to determine with the utter lack of data and information provided in the RMP/EIS. Thus, without the disclosure of inventory and collected data and quantifiable measurement of relevance and importance, in addition to the absence of evaluation worksheets, the FCC cannot support the Red Canyon ACEC as proposed in Alternative A, B, and D. Until it is demonstrated that Red Canyon has characteristics rising to a level of relevance and importance as described in FLPMA, Handbook 1601-1, and Manual 1613, the FCC stipulates that the BLM shall not designate this nominee an ACEC.

11.3.1.3 *Dubois Badlands*

The 1987 RMP concluded that Dubois Badlands contained relevant and important wildlife, soil, and scenic value characteristics. Presently, the BLM has concluded that those values are still relevant and important (pg. 467):

Those resources continue to meet the criteria for this RMP revision. The area provides year-round habitat for a resident herd of bighorn sheep and hunting opportunities. The Dubois Badlands are highly visible from the town of Dubois and along an important travel route to Yellowstone and Grand Teton National Parks. The badland soils (variegated claystones, silt stones, and sandstones from the Wind River and Indian Meadows Formations) in the ACEC are highly erosive and scenic due to their red, gray, and purple banding.

If following the statement, “(t)hose resources continue to meet the criteria for this RMP revision,” the BLM provided a detailed description and evaluation of each of those values of concern and how they meet the relevance and importance criteria the FCC could evaluate the validity of this designation. Disingenuously, this does not occur. The LFO ACEC Report also fails to disclose such information.

Management challenges for the Dubois Badlands are minimal and include motorized vehicle use on soils, bighorn sheep, and scenic values. Current restrictions in the area to protect values of concern include imposition of VRM Classes I and II, major constraints on mineral and realty action, and travel is limited to designated roads and trails with seasonal stipulations.

For many years the BLM, through non-action or mismanagement, has implicitly allowed illegal use of off-highway vehicles (OHV) and motorcycles in the Dubois Badlands area. This is not to suggest that continued ACEC designation will be a panacea for this problem, given that to date it has not been effective. Concerned with protecting and preserving this area, while keeping the Dubois Badlands open for multiple, responsible uses, the FCC requests that the BLM implement a strategy for ending illegal motorized use here. In doing so, the FCC is expressly willing and interested in coordinating and

consulting with the BLM on a Dubois Badlands motorized use strategy. Additionally, the BLM shall identify designated play areas in the Planning Area for OHV uses.

While it may be true that the area deserves ACEC status, management challenges are accurate, and restrictions and constraints are necessary, it is impossible to determine with the utter lack of data and information provided in the RMP/EIS. Thus, without the disclosure of inventory and collected data and quantifiable measurement of relevance and importance, in addition to the absence of evaluation worksheets, the FCC cannot support the Dubois Badlands ACEC as proposed in Alternative A and B. Until it is demonstrated that Dubois Badlands has characteristics rising to a level of relevance and importance as described in FLPMA, Handbook 1601-1, and Manual 1613, the FCC stipulates that the BLM shall not designate this nominee an ACEC.

11.3.1.4 *Whiskey Mountain*

Scenic and wildlife values were the basis for designation as an ACEC in the 1987 RMP. Twenty-four years later, Whiskey Mountain, in the opinion of the BLM, still supports scenic and wildlife values of concern. It is described thusly in the RMP/EIS (pg. 467):

Those resources continue to meet the criteria for this RMP revision. The area provides crucial winter range for the Whiskey Mountain bighorn sheep herd (managed as the WGFD Whiskey Mountain Wildlife Habitat Management Unit), one of the largest and most visible herds in North America. The area has been the site of active land acquisition by the BLM and a conservation easement by The Nature Conservancy to protect this herd.

The Whiskey Mountain ACEC is an economic driver for Dubois, making it not just a gateway to Yellowstone and Grand Teton National Parks but also a tourism destination. In the period following the initial ACEC designation, there has been substantial economic investment in the town of Dubois focusing on bighorn sheep. Perhaps the most important of these, but not the only example, is the establishment of the National Bighorn Sheep Center on the main street through Dubois heading towards the national parks.

The FCC firmly asserts that following the statement, “(t)hose resources continue to meet the criteria for this RMP revision,” the BLM must provide a detailed description and evaluation of each of those values of concern and how they meet the relevance and importance criteria. Absent, however, is any such information. The LFO ACEC Report also fails to disclose such information.

Management challenges at Whiskey Mountain include stresses on bighorn sheep and development activities, though the RMP/EIS does not describe what type of development activities. Management challenge mitigative measures include near exclusion of domestic livestock grazing, motorized vehicle closures in the winter, VRM I and II restrictions, closure and withdrawal of mineral and realty actions, and travel is only allowable on designated roads and trails with seasonal limitations.

ACEC status for Whiskey Mountain may be valid and necessary, management challenges accurate, and restrictions and constraints necessary. Currently as written, however, it is not possible to determine if Whiskey Mountain is and should continue to be an ACEC with the sheer lack of data and information

provided in the RMP/EIS. Thus, without the disclosure of inventory and collected data and quantifiable measurement of relevance and importance, in addition to the absence of evaluation worksheets, the FCC cannot support the Whiskey Mountain ACEC as proposed in Alternative A, B, and D. Until it is demonstrated that Whiskey Mountain has characteristics rising to a level of relevance and importance as described in FLPMA, Handbook 1601-1, and Manual 1613, the FCC stipulates that the BLM shall not designate this nominee an ACEC.

11.3.2 Existing ACECs with Proposed Expansions

In the following, the FCC provides comments in regard to existing ACECs with proposed expansions in the Planning Area.

11.3.2.1 *East Fork*

Wildlife, in particular elk, was the basis for ACEC designation in 1987 and according to the RMP/EIS, still is a relevant and important resource (pg. 467):

This resource continues to meet the criteria for this RMP revision. The area is crucial winter habitat for elk and is managed as part of the Inberg/Roy Wildlife Habitat Management Area, which contains interspersed BLM- and WGFD-administered lands. This elk herd is one of the largest not supported by a state or federal feed ground.

With certainty, the FCC firmly asserts that following the statement, “(t)hose resources continue to meet the criteria for this RMP revision,” the BLM must provide a detailed description and evaluation of the wildlife value of concern and how it meets the relevance and importance criteria. Absent, however, is any such information. The LFO ACEC Report also fails to disclose such information.

Habitat fragmentation is the single management challenge in East Fork. To thwart habitat fragmentation, the BLM has closed livestock grazing, manages mining and leasing actions as closed/withdrawn/avoided, and disallows motorized travel except on existing roads and trails.

Alternative B and D would expand the East Fork ACEC to 7,744 and 7,745 acres, respectively. An increase in over 3,000 acres deserves a comprehensive discussion, including data and references, of why an increase is needed and how the expanded area meets the relevance and importance criteria. And yet, this is the extent of the rationale for an expanded ACEC in the RMP/EIS (pg. 468):

As with the existing ACEC, the proposed expansion contains wildlife resources related to elk winter habitat. Management challenges for the existing ACEC also apply to the expansion.

The preceding narrative is embarrassingly lacking and clearly in violation of Manual 1613. ACEC status for East Fork may be valid and necessary, management challenges accurate, and restrictions and constraints necessary. Similarly, an expansion may also be pertinent. Currently as written, however, it is not possible to determine if East Fork is and should continue to be an ACEC, or if an expansion is necessary, with the sheer lack of data and information provided in the RMP/EIS. Thus, without the disclosure of inventory and collected data and quantifiable measurement of relevance and importance, in

addition to the absence of evaluation worksheets, the FCC cannot support the East Fork ACEC as proposed in Alternative A or as expanded in Alternative B and D. Until it is demonstrated that East Fork has characteristics rising to a level of relevance and importance as described in FLPMA, Handbook 1601-1, and Manual 1613, the FCC stipulates that the BLM shall not designate this nominee an ACEC.

11.3.2.2 *Beaver Rim*

Five values of concern were identified in 1987 as relevant and important in Beaver Rim: fish and wildlife, geologic features, paleontological values, plant communities, and scenic values. The RMP/EIS states the following (pg. 468-469):

Those resources continue to meet the criteria for this RMP revision. Beaver Rim provides nesting habitat and hunting perches for many raptor species, with rock wall cavities, rock ledges, and trees located above, below, or within the rim typically used for nesting. Several Wyoming BLM sensitive plant species are found on the shallow soils and rocky slopes along the rim. The topographical and soil characteristics in the area also create a micro-climate in isolated pockets along the rim, which contain plant communities typical of a moister climate (e.g., Douglas fir stands and riparian-wetland areas). Geologically, the area contains an unusually complete sequence of Tertiary deposits representative of the Early Eocene Epoch (about 53 million years BP) through the Middle Miocene Epoch (about 10 million years BP). The ACEC is also representative of the deflational and erosional boundary between the degrading Wind River Basin to the north and west, and the stable upland Sweetwater Plateau. Fossil remains occur in the exposed stratigraphy along Beaver Rim. Although not found to meet importance and relevance criteria, the ACEC area also contains numerous archeological sites, some of which are important to local tribes.

It would be logical if following the statement, “(t)hose resources continue to meet the criteria for this RMP revision,” the BLM provided a detailed description and evaluation of each of those values of concern and how they meet the relevance and importance criteria. However, that does not occur. The LFO ACEC Report also fails to disclose such information.

To meet the management challenges in the Beaver Rim area, which are both numerous and described poorly by the BLM, the Agency has imposed VRM II – IV restrictions, moderate to no constraints on mineral and realty actions, and travel is limited to existing roads and trails.

Alternative B proposes to expand the ACEC by 14,111 acres. An increase of such magnitude deserves a comprehensive discussion, including data and references, of why an increase is needed and how the expanded area meets the relevance and importance criteria. And yet, this is the extent of the rationale for an expanded ACEC in the RMP/EIS (pg. 469):

As with the existing ACEC, the proposed expansion area contains fish and wildlife, geological and paleontological resources, plant communities, and scenic values. The proposed ACEC expansion area is also important for the preservation of volcanic deposits derived from the Yellowstone-Absaroka volcanic field to the northwest, and the Rattlesnake volcanic field to the east. Management challenges for the existing ACEC also apply to the expansion area.

Clearly, such a nebulous, generalist description is inadequate in stating the case for a 328 percent increase in the Beaver Rim ACEC. ACEC status for Beaver Rim may be valid and necessary, management challenges accurate, and restrictions and constraints necessary. Similarly, an expansion may also be pertinent. Currently as written, however, it is not possible to determine if Beaver Rim is and should continue to be an ACEC, or if an expansion is necessary, with the sheer lack of data and information provided in the RMP/EIS. Thus, without the disclosure of inventory and collected data and quantifiable measurement of relevance and importance, in addition to the absence of evaluation worksheets, the FCC cannot support the Beaver Rim ACEC as proposed in Alternative A and D or as expanded in Alternative B. Until it is demonstrated that Beaver Rim has characteristics rising to a level of relevance and importance as described in FLPMA, Handbook 1601-1, and Manual 1613, the FCC stipulates that the BLM shall not designate this nominee an ACEC.

11.3.2.3 *Green Mountain*

In 1987, and continuing through today, the BLM argues that wildlife and plant communities at Green Mountain are relevant and important to the degree that ACEC-designation is applicable (pg. 469):

Those resources continue to meet the criteria for this RMP revision. The area contains important elk winter range and constitutes almost all of the winter range for the Green Mountain elk herd. The important plant communities in this area are the riparian-wetland systems scattered throughout the ACEC, including wet meadow complexes formed by beaver dams. Though it did not meet the importance and relevance criteria, the ACEC also contains the locally important Sparhawk Cabin, which F.O. Sparhawk, the first USFS ranger on the Shoshone National Forest, built in the 1930s. The ACEC receives public use in the form of hunting, fishing, camping, and firewood gathering.

“Those resources continue to meet the criteria for this RMP revision,” is quote that requires substantiation to a degree that regulatory requirements are satisfied. Instead, the reader is provided no further description and quantifiable evaluation of Green Mountain ACEC relevance and importance. The LFO ACEC Report also fails to disclose such information.

Energy development, an activity that can be mitigated through standard constraints and stipulations, is the single management challenge in the ACEC. The BLM has imposed Class II and III restrictions, major constraints on mineral and realty actions, and limiting travel to designated roads and trails.

Alternative B and D propose to increase the size of Green Mountain ACEC by 10,248 and 6,777 acres, respectively. Proposed increases in Green Mountain ACEC land area of 170 and 146 percent warrant a complete analysis and disclosure, based in sound science and supported with data, of values of concern and the threats facing those resources. While regulatory guidance require as much, the BLM provides the following narrative to justify an expanded Green Mountain ACEC (pg. 470):

As with the existing ACEC, the proposed expansion contains wildlife resources. In addition, the expansion area includes an elk parturition area near the top of Green Mountain. This portion of Green Mountain consists of open sagebrush surrounded by forested areas. Management challenges for the existing ACEC also apply to the expansion.

The preceding passage is troubling for at least two reasons. First, it does not provide monitoring and collected data at any spatial or temporal scale. Second, elk parturition areas are anachronistic given the expand population and territory of gray wolves since reintroduction efforts began in 1995. Elk and other big game respond differently now with heightened wolf presence and are no longer tied to traditional areas year upon year.

ACEC status for Green Mountain may be valid and necessary, management challenges accurate, and restrictions and constraints necessary. Similarly, an expansion may also be relevant in this area. Currently as written, however, it is not possible to determine if Green Mountain is and should continue to be an ACEC, or if an expansion is necessary, with the sheer lack of data and information provided in the RMP/EIS. Thus, without the disclosure of inventory and collected data and quantifiable measurement of relevance and importance, in addition to the absence of evaluation worksheets, the FCC cannot support the Green Mountain ACEC as proposed in Alternative A or as expanded in Alternative B and D. Until it is demonstrated that Green Mountain has characteristics rising to a level of relevance and importance as described in FLPMA, Handbook 1601-1, and Manual 1613, the FCC stipulates that the BLM shall not designate this nominee an ACEC.

11.3.2.4 *South Pass Historic Mining Area*

Located in an historic mining region southwest of Lander, the South Pass Historic Mining Area ACEC was designated for cultural resource values in the 1987 RMP. Cultural resources are a nominating value of concern again in the RMP/EIS, with the addition of hazards (pg. 470):

For the current RMP revision, cultural resources and hazards (abandoned mines) are the resources that have met the importance and relevance criteria. The area contains important historic resources from mining activities. Historic resources range from early mining towns like Miner's Delight and South Pass City to numerous prospect holes. Many of these resources are still intact and visited by the public. However, abandoned mines resulting from this activity now constitute hazards to the public. Abandoned mine shafts and adits can be dangerous to visitors, and some of the tailings and deteriorated construction materials are hazardous and/or unstable.

Neither cultural resources nor hazards are adequately described and quantified in the preceding passage. Without data and a spatial representation of the magnitude of cultural resources and hazards in the South Pass Historic Mining Area ACEC, the FCC is unable to make an educated conclusion on the validity of this ACEC. The LFO ACEC Report also fails to disclose such information.

Management challenges are the protection and preservation of cultural resources and the inability of the BLM and State of Wyoming to rectify hazards in the area. It is unclear why standard constraints and restrictions are not adequate in protecting both cultural resources and humans from hazards. Instead, the BLM has imposed VRM Class II – IV restrictions, major constraints on mineral and realty actions, and allows motorized travel only on existing roads and trails with seasonal limitations.

Alternative B proposes to expand the South Pass Historic Mining Area ACEC by 10,863 acres. This is an increase of 186 percent and deserves a better explanation and discussion than the following (pg. 470):

As with the existing ACEC, the proposed expansions contain cultural resources and hazards associated with historic mining activities. Historic resources in the proposed expansions include historic ditches, dredging, and structures. The risks posed by abandoned mines in the expansion areas are perhaps even more pronounced than in the existing ACEC because of the areas' remoteness and limited public knowledge of the hazards.

Note that the discussion above is also referring to the proposed South Pass Historical Landscape ACEC that would be 124,229 acres if Alternative D is chosen. It would be paltry if the preceding was only in regard to the South Pass Historic Mining Area ACEC and no less about an area that is 147,668 acres. In making a comment of nonsupport for the South Pass Historic Mining Area ACEC, the FCC adds the following comment. If the South Pass Historic Mining Area is designated an ACEC, existing mineral claims must be recognized and no restriction of mineral entry will be imposed by the BLM.

ACEC status for the South Pass Historic Mining Area may be valid and necessary, management challenges accurate, and restrictions and constraints necessary. Similarly, an expansion may also be relevant in this area. Currently as written, however, it is not possible to determine if South Pass Historic Mining Area is and should continue to be an ACEC, or if an expansion is necessary, with the sheer lack of data and information provided in the RMP/EIS. Thus, without the disclosure of inventory and collected data and quantifiable measurement of relevance and importance, in addition to the absence of evaluation worksheets, the FCC cannot support the South Pass Historic Mining Area ACEC as proposed in Alternative A or as expanded in Alternative B. Until it is demonstrated that South Pass Historic Mining Area has characteristics rising to a level of relevance and importance as described in FLPMA, Handbook 1601-1, and Manual 1613, the FCC stipulates that the BLM shall not designate this nominee an ACEC.

11.3.2.5 *National Historic Trails*

Cultural and scenic values drove designation of the National Historic Trails ACEC in the 1987 RMP. According to the RMP/EIS, although there is nothing tangible presented to substantiate the claim, the ACEC continues to have relevant and important cultural and scenic values. Granted, four historic trails traversed through the ACEC. But, to what degree are those trails intact currently in the National Historic Trails ACEC?

Remarkably, Alternative B proposed to increase the National Historic Trails ACEC by an astounding 440,455 acres (1,688 percent). How is that increase validated? By the following (pg. 455):

As with the existing ACEC, the proposed expansion area contains scenic values and historic resources. This expansion is proposed to address visual sensitivity within 5 miles of the trail (or the foreground/midground zone). Public interest and visual sensitivity in the viewshed along these trails in the area encompassed by this proposed expansion has increased since publication of the existing plan.

ACEC status for National Historic Trails may be valid and necessary, management challenges accurate, and restrictions and constraints necessary. Similarly, an expansion may also be relevant in this area. Currently as written, however, it is not possible to determine if National Historic Trails is and should continue to be an ACEC, or if an expansion is necessary, with the sheer lack of data and information

provided in the RMP/EIS. Thus, without the disclosure of inventory and collected data and quantifiable measurement of relevance and importance, in addition to the absence of evaluation worksheets, the FCC cannot support the National Historic Trails ACEC as proposed in Alternative A or as expanded in Alternative B. Until it is demonstrated that National Historic Trails has characteristics rising to a level of relevance and importance as described in FLPMA, Handbook 1601-1, and Manual 1613, the FCC stipulates that the BLM shall not designate this nominee an ACEC.

11.3.3 Proposed ACECs

In the following, the FCC provides comments in regard to proposed ACECs in the Planning Area. Up front, the FCC notes that the BLM has not provided adequate management challenges narrative for any of the proposed ACECs. Management issues relating to the protection of an area is at the heart of any ACEC discussion. It is unclear, and troubling, that the BLM is proposing 1,799,344 acres of new ACECs in the Lander Planning Area without a cogent argument for their necessity. Whereas the sections on existing and existing with proposed expansion ACECs is lacking, the section on proposed ACECs is even more wanting.

11.3.3.1 *Continental Divide Scenic Trail*

To describe the discussion of the proposed Continental Divide Scenic Trail ACEC as anything other than woefully inadequate would be an understatement. Page 471 of the RMP/EIS states:

Discussion of the Continental Divide Scenic Trail proposed ACEC is provided within the *Congressionally Designated Trails* section.

And yet, when the FCC turned to the Congressionally Designated Trails section there is not a single mention of the proposed Continental Divide Scenic Trail ACEC in Chapter 3. Chapter 2, page 164, record number 7008 of the RMP/EIS makes a brief reference to the Continental Divide Scenic Trail ACEC:

Mineral and realty actions in the CDNST ACEC are managed with Category 4 restrictions.

A proposed ACEC consisting of 259,380 acres surely requires further discussion and analysis than one paltry sentence. ACEC status for the Continental Divide Scenic Trail may be valid and necessary. Currently as written, however, it is not possible to determine if the Continental Divide Scenic Trail should be an ACEC with the sheer lack of data and information provided in the RMP/EIS. Thus, without the disclosure of inventory and collected data and quantifiable measurement of relevance and importance, in addition to the absence of evaluation worksheets, the FCC cannot support the Continental Divide Scenic Trail ACEC as proposed in Alternative B. Until it is demonstrated that Continental Divide Scenic Trail has characteristics rising to a level of relevance and importance as described in FLPMA, Handbook 1601-1, and Manual 1613, the FCC stipulates that the BLM shall not designate this nominee an ACEC.

11.3.3.2 *Cedar Ridge*

Located in northeastern Fremont County, Cedar Ridge has been proposed as a 7,039-acre ACEC for the protection of cultural resources. Cedar Ridge, as disclosed in the RMP/EIS, has been determined to be eligible by both the BLM and SHPO for listing on the National Register of Historic Places (NRHP) as both a traditional cultural property and a prehistoric archeological resource. It is not the intent of the FCC to delegitimize the importance of the Cedar Ridge area to Native Americans. However, the FCC does intend to plainly state their non-support of an ACEC designation for this area.

Demonstration of necessity is an obligation the BLM has in the designation of any ACEC. Further, the BLM must describe how the area is under threat and values of concern are in danger of damage or loss. For Cedar Ridge, the BLM only states that that area is “vulnerable to development and other types of disturbance (RMP/EIS pg. 471).” Therefore, the FCC assumes that current management has been effective in protecting the cultural resources of the area.

ACEC status for Cedar Ridge may be valid and necessary. Currently as written, however, it is not possible to determine if Cedar Ridge should be an ACEC with the sheer lack of data and information provided in the RMP/EIS. Thus, without the disclosure of inventory and collected data and quantifiable measurement of relevance and importance, in addition to the absence of evaluation worksheets, the FCC cannot support the Cedar Ridge ACEC as proposed in Alternative B. Until it is demonstrated that Cedar Ridge has characteristics rising to a level of relevance and importance as described in FLPMA, Handbook 1601-1, and Manual 1613, the FCC stipulates that the BLM shall not designate this nominee an ACEC.

11.3.3.3 *Castle Gardens*

Cultural resources, in particular prehistoric rock art, constitute the rationale for designating Cedar Ridge an 8,469-acre ACEC under Alternative B. Prehistoric rock art within the proposed Castle Gardens ACEC is listed on the NRHP. As a listee on the NRHP, Castle Gardens is eligible for a bevy of financial assistance programs to aid in the protection of the resource. The RMP/EIS states (pg. 472):

Management prescriptions have thus far not reversed the deterioration of the site from vandalism, natural deterioration, and neglect. At present, the BLM manages the immediate site area as VRM Class II; mineral and realty actions in the area are closed, withdrawn, and excluded. The rest of the proposed ACEC is open to mineral and realty actions and is managed as VRM Class III and IV.

In the preceding, the BLM fails to acknowledge that through Agency mismanagement the area has seen vandalism and destruction of rock art sites. Has the BLM explored other management options in the place of ACEC designation? To what degree and what percentage of rock art sites have been vandalized in the proposed area? Is it necessary to designate 8,469 acres an ACEC when the core rock art site is only 80 acres?

ACEC status for Castle Gardens may be valid and necessary. Currently as written, however, it is not possible to determine if Castle Gardens should be an ACEC with the sheer lack of data and information provided in the RMP/EIS. Thus, without the disclosure of inventory and collected data and quantifiable

measurement of relevance and importance, in addition to the absence of evaluation worksheets, the FCC cannot support the Castle Gardens ACEC as proposed in Alternative B. Until it is demonstrated that Castle Gardens has characteristics rising to a level of relevance and importance as described in FLPMA, Handbook 1601-1, and Manual 1613, the FCC stipulates that the BLM shall not designate this nominee an ACEC.

11.3.3.4 *Sweetwater Rocks*

Designation of Sweetwater Rocks as an ACEC, proposed at 152,347 acres, is for three values of concern: scenic values, geologic features, and cultural. In reading the RMP/EIS, it appears that the Sweetwater Rocks area is largely intact and not suffering from major management challenges. Therefore, it is not clear why the area is being proposed as an extensive ACEC. Management challenges outlined in the RMP/EIS are nebulous at best and are tied to “surface disturbance.” The FCC is fully aware of the beauty and scenic value of the area, but does not concede the area deserves ACEC protection. Standard constraints and restriction should be adequate to protect the area from harm.

ACEC status for Sweetwater Rocks may be valid and necessary. Currently as written, however, it is not possible to determine if Sweetwater Rocks should be an ACEC with the sheer lack of data and information provided in the RMP/EIS. Thus, without the disclosure of inventory and collected data and quantifiable measurement of relevance and importance, in addition to the absence of evaluation worksheets, the FCC cannot support the Sweetwater Rocks ACEC as proposed in Alternative B. Until it is demonstrated that Sweetwater Rocks has characteristics rising to a level of relevance and importance as described in FLPMA, Handbook 1601-1, and Manual 1613, the FCC stipulates that the BLM shall not designate this nominee an ACEC.

11.3.3.5 *Regional Historic Trails and Early Highways*

Not as immense as Sweetwater Rocks, but still large, the Regional Historic Trails and Early Highways proposed ACEC would be 89,016 acres if Alternative B is selected. Cultural resources are the driver behind the BLM proposing this new ACEC. Given the age of the trails it should be disclosed clearly the percentage of each trail segment that is currently intact. Is 10, 25, 50, 75 percent of the Bridger Trail, Casper to Lander Stage Road, Rawlins-Fort Washakie Stage Trail, Green River-Fort Washakie Stage Road, Birdseye Pass Stage Trail, Point of Rocks to South Pass Stage Trail, Yellowstone Highway, and National Park to Park Highway intact? Page 472 of the RMP/EIS states “due to the fragile nature of the historic trails, these resources are vulnerable to surface-disturbing and other activities.” What fragile nature? There is no discussion of trail fragility or how surface-disturbing and other activities would further exacerbate an unexplained problem. Standard constraints and restriction should be adequate to protect the trails from harm.

ACEC status for Regional Historic Trails and Early Highways may be valid and necessary. Currently as written, however, it is not possible to determine if Regional Historic Trails and Early Highways should be an ACEC with the sheer lack of data and information provided in the RMP/EIS. Thus, without the

disclosure of inventory and collected data and quantifiable measurement of relevance and importance, in addition to the absence of evaluation worksheets, the FCC cannot support the Regional Historic Trails and Early Highways ACEC as proposed in Alternative B. Until it is demonstrated that Regional Historic Trails and Early Highways has characteristics rising to a level of relevance and importance as described in FLPMA, Handbook 1601-1, and Manual 1613, the FCC stipulates that the BLM shall not designate this nominee an ACEC.

11.3.3.6 *Government Draw/Upper Sweetwater Sage-Grouse*

The FCC asks the BLM to carefully review the greater sage-grouse discussion in the Wildlife section of this comment document in conjunction with the following comments on the Government Draw/Upper Sweetwater Sage-Grouse proposed ACEC. Just over 69 percent of land area constituting proposed ACECs in the Lander Planning Area is due to the Government Draw/Upper Sweetwater Sage-Grouse area. According to the BLM, the proposed Government Draw/Upper Sweetwater Sage-Grouse ACEC meets the relevance and importance criteria for the following reasons (RMP/EIS pg. 473):

The area contains breeding, nesting, brood-rearing, and winter habitats for greater sage-grouse. There are 87 occupied and 8 unoccupied leks within the proposed boundary of the ACEC. Breeding and nesting occurs throughout sagebrush-grass habitats in the area and brood-rearing occurs predominantly in riparian-wetland habitats south of U.S. Highway 287. The area of the proposed ACEC has one of the greatest densities of male greater sage-grouse per square mile in Wyoming and is considered to be an important component in the conservation of greater sage-grouse throughout its range. Greater sage-grouse winter use areas are found throughout the proposed ACEC, although the greatest amount of winter use occurs in the taller sagebrush stands in the northern half of the proposed area.

The FCC does not discount the preceding. As stewards of the land and resources, the FCC is fully aware of the importance of the area to greater sage-grouse. That stated, it is unclear to the FCC that ACEC protection over such a large swath of land is necessary and more importantly, would protect and preserve greater sage-grouse. The RMP/EIS, in concert with the 2011 Wyoming Governor's Office Greater Sage-grouse Executive Order, provide sufficient protection for the species. With an area as large as is the proposed Government Draw/Upper Sweetwater Sage-Grouse ACEC, the BLM must demonstrate its necessity and how standard constraints and restrictions are not effective in protecting the greater sage-grouse. A rationale for protecting such a large area is the threat of coalbed natural gas production in the area. However, using BLM-supplied GIS data, coalbed natural gas production potential in the proposed Government Draw/Upper Sweetwater Sage-Grouse ACEC is minimal (Table 7).

Table 7 Coalbed Natural Gas Potential – Government Draw/Upper Sweetwater Sage-grouse ACEC

Potential Rating	Potential (%)
Moderate	7
Low	17
Very Low	9
None	64

ACEC status for the Government Draw/Upper Sweetwater Sage-Grouse area may be valid and necessary. Currently as written, however, it is not possible to determine if Government Draw/Upper Sweetwater Sage-Grouse should be an ACEC with the sheer lack of data and information provided in the RMP/EIS. Thus, without the disclosure of inventory and collected data and quantifiable measurement of relevance and importance, in addition to the absence of evaluation worksheets, the FCC cannot support the Government Draw/Upper Sweetwater Sage-Grouse ACEC as proposed in Alternative B. Until it is demonstrated that the Government Draw/Upper Sweetwater Sage-Grouse has characteristics rising to a level of relevance and importance as described in FLPMA, Handbook 1601-1, and Manual 1613, the FCC stipulates that the BLM shall not designate this nominee an ACEC.

11.3.3.7 *Twin Creek*

Under Alternative D, a 36,302-acre ACEC would be designated in a portion of the area proposed as the Government Draw/Upper Sweetwater Sage-Grouse ACEC in Alternative B. Discussion is minimal for the Twin Creek proposed ACEC, as the RMP/EIS states that “the proposed Twin Creek ACEC has the same values of concern as the proposed Government Draw/Upper Sweetwater Sage-Grouse ACEC (pg. 473).” As such, the FCC reiterates the comments provided above for the proposed Government Draw/Upper Sweetwater Sage-Grouse ACEC.

ACEC status for the Twin Creek area may be valid and necessary. Currently as written, however, it is not possible to determine if Twin Creek should be an ACEC with the sheer lack of data and information provided in the RMP/EIS. Thus, without the disclosure of inventory and collected data and quantifiable measurement of relevance and importance, in addition to the absence of evaluation worksheets, the FCC cannot support the Twin Creek ACEC as proposed in Alternative B. Until it is demonstrated that Twin Creek has characteristics rising to a level of relevance and importance as described in FLPMA, Handbook 1601-1, and Manual 1613, the FCC stipulates that the BLM shall not designate this nominee an ACEC.

11.3.3.8 *Government Draw/Upper Sweetwater Sage-Grouse Reference and Education Area*

The Government Draw/Upper Sweetwater Sage-Grouse Reference and Education Area is vaguely discussed in the ACEC portion of the RMP/EIS. Remarkably, given that the proposed area is 306,360 acres in Alternative D, discussion of this special designation is nearly nonexistent in the RMP/EIS. Presumably the Government Draw/Upper Sweetwater Sage-Grouse Reference and Education Area is an administrative special designation as defined in Appendix C, Section 3 (B) of the BLM Land Use Planning Handbook (pg. C-27). If so, the RMP/EIS is remiss in providing the administrative designation determination invoked for this area. The FCC assumes that the Government Draw/Upper Sweetwater Sage-Grouse Reference and Education Area is designated under Appendix C, Section 3 (B) (4):

Designate research natural areas and outstanding natural areas as types of ACECs using the ACEC designation process.

Only an assumption can be made that this is the designation type, as there is no reference to Appendix C, Section 3 (B) of the BLM Land Use Planning Handbook in relation to the Government Draw/Upper

Sweetwater Sage-Grouse Reference and Education Area. As is likely the case, if the area is being designated as a type of ACEC, then the “ACEC designation process” is necessary, including substantiation that the area rises to the level of both “relevant” and “important” per Manual 1613. Until it is demonstrated that the Government Draw/Upper Sweetwater Sage-Grouse Reference and Education Area has characteristics rising to a level of relevance and importance as described in FLPMA, Handbook 1601-1, and Manual 1613, the FCC stipulates that the BLM shall not designate this nominee a type of ACEC.

11.4 MITIGATIONS

As the preceding comments describe, the FCC is concerned with the lack of substantive ACEC data and research mandated in federal policies and guidelines, assertion of perceived management challenges, and erroneous conclusions. Of equal or greater concern to the FCC is the adverse affect BLM management actions, based on the current RMP/EIS, may have on traditional multiple uses in the Lander Planning Area. To ensure that protective measures for non-quantified ACEC values of concern are not implemented erroneously, and to the detriment of resource uses by local governments, leasees/permittees, stakeholders, and the public, the following ACEC mitigations were designed by the FCC. Each of the mitigations clearly mandates that the BLM must undertake and complete monitoring, inventory, and collected data studies of disclosed ACEC values of concern prior to the placement of constraints on resources, stakeholders, local governments, and other affected parties. Upon completion of monitoring, inventory, and collected data studies, the BLM must work closely with stakeholders, local governments, and other affected parties before implementing changes/restrictions in grazing allotment management plans (AMP), oil, gas, and mining leases, and travel management designations. If disagreements arise, they shall be settled through a conflict resolution and mediation process.

11.4.1 Mitigation – Grazing

- Prior to any proposed modification of AMPs or elimination/reduction of livestock grazing allotments or AUMs in the Planning Area as a protective measure for ACEC values of concern, the BLM will design and implement a comprehensive and complete monitoring, inventory, and collected data study based on state-of-the-art methods that evaluates and measures the effects of livestock grazing on values of concern in the Planning Area. At the conclusion of the study the BLM will coordinate with livestock grazing permittees, other affected parties, and local governments in the Lander Planning Area preceding any proposed modification of AMPs or elimination of livestock grazing allotments.

11.4.2 Mitigation – Mining and Energy Development

- Previous to the designation and application of CSU, NSO, and TLS constraints on mining, oil and gas, and renewable energy development projects in the Planning Area as a protective measure for ACEC values of concern, the BLM will design and implement a comprehensive and complete

monitoring, inventory, and collected data study based on state-of-the-art methods that evaluates and measures the effects of mining and energy projects on values of concern in the Planning Area. At the conclusion of the study the BLM will coordinate with industry representatives, other affected parties, and local governments in the Lander Planning Area preceding any constraints placed on mining and energy developments. Special emphasis will be placed on the development of innovative energy development and mining mitigation measures in place of constraints.

11.4.3 Mitigation – Travel Management

- Any change in travel management designations, including Fremont County roads, for the protection of ACEC values of concern that reduce or eliminate stakeholder access to allotted or permitted uses will be preceded by the BLM designing and implementing a comprehensive and complete monitoring, inventory, and collected data study based on state-of-the-art methods that evaluates and measures the effects of travel management infrastructure on values of concern in the Planning Area. At the conclusion of the study the BLM will coordinate with stakeholders, other affected parties, and local governments in the Lander Planning Area preceding any proposed modification of travel management designations, including Fremont County roads. Special emphasis will be placed on the development of innovative travel management mitigation measures in place of alterations or reductions of road and trail designations.

11.5 CONCLUSION

The preceding comments clearly illustrate that the BLM has failed to adequately describe and measure ACEC values of concern identified in the RMP/EIS. In the Affected Environment chapter, the RMP/EIS insufficiently discloses the values of concern and why the necessity to protect them with ACEC-status. Given that the current condition does not properly disclose and quantify values of concern in the Planning Area, it is indiscernible to what degree values of concern are threatened and in what condition they are in. Complicating the ACEC section is the fact that the RMP/EIS does not provide measurement indicators. An EIS must provide measurement indicators so that effects from management action effects can be applied to values of concern. Only then can the action alternatives be accurately assessed and compared.

Management challenges are provided for the Planning Area that describe in nebulous terms adversities facing values of concern. However, the management challenges are not substantiated with data gathered from the Planning Area. In fact, very little data in or out of the Planning Area is provided for ACEC values of concern. If data collection was cost prohibitive, the RMP/EIS should have stated so, referenced CEQ 1502.22, and met the four criteria necessary when there is incomplete or unavailable information.

As noted above, stated management challenges for several values of concern are tantamount to a laundry list of problems. Before the RMP/EIS is finalized, the ACEC section must be substantially revised to meet the requirements of CEQ, FLPMA, and Manual 1613. The Affected Environment chapter must compare the historic and current condition of values of concern with inventory and collected data in the Planning Area. Next, a description should be provided of how management actions and resource uses in

the Planning Area, over the life of the current RMP(s), have impacted values of concern either beneficially or adversely. With a solid Affected Environment chapter, the Environmental Consequences chapter can effectively analyze proposed action alternatives. For proper evaluation, measurement indicators must be devised for each ACEC. Then, and only then, can the true effects to values of concern be understood. Until a thorough ACEC FLPMA, Manual 1613, and NEPA analysis is constructed, the FCC cannot support any management actions taken by the BLM for the protection of values of concern under the guise of ACECs that inhibits resource uses in the Lander Planning Area.

In conclusion, based on the findings in the RMP/EIS sections covering ACECs, the FCC advances three directives that the BLM shall fulfill prior to finalization of the document. This is not only necessary due to this comment, but mandated by federal law, policy, and regulation.

- Since the inception of the RMP revision process, the FCC has repeatedly requested that the BLM comprehensively describe what activities will and will not be allowable within ACECs. Land use activities and allocations, as well as restricted or prohibited activities, must be clearly delineated. As such, the FCC finds that the BLM will disclose allowable, restricted, and prohibited activities and land use activities and allocations within all ACECs included in the RMP/EIS.
- The BLM shall, utilizing full cooperation and coordination with the FCC as required by law, determine what type of activities, and to what level those activities will cause irreparable harm (significance criteria) within ACECs.
- Following the identification of irreparable harm activities and significance criteria, the BLM shall, utilizing full cooperation and coordination with the FCC as required by law, reinventory all ACECs proposed (existing, expanded, and new) in the RMP/EIS. The reinventory process will be compatible and consistent with all relevant regulatory, policy, and legal ACEC guidance.

12. SPECIAL DESIGNATIONS – LANDS WITH WILDERNESS CHARACTERISTICS

The FCC is perplexed as to why the BLM choose to include Lands with Wilderness Characteristics (LWCs) within the Physical Resources section of the RMP/EIS. Clearly, LWCs are a special designation. The preceding error pales in comparison to the BLM's conclusion that the Little Red Creek Complex is worthy of LWC-status under either Alternative B or D. According to BLM Outdoor Recreation Planner Jared Oakleaf (pers. comm. 2012), LWCs were initially inventoried in the AMS, "but in general (the BLM) found that the majority of findings from the 1980's still accurately depicted the current condition." The FCC is troubled that findings from the 1980's were used as the basis for inventorying LWCs. In fact, the AMS makes no mention of LWCs, but instead citizen's proposed wilderness areas totaling 53,518 acres.

Equally troubling is that the BLM did not coordinate with the FCC as is required based on the following amendment to 43 CFR Part 1610.4-3, which was published on March 23, 2005 in the Federal Register (FR) Vol. 70, No. 55 (pg. 14,562):

Section 1610.4-3 Inventory Data and Information Collection

We revised the first sentence of this section to instruct Field Managers to collaborate with cooperating agencies in arranging for the collection of data and information. Other changes for this section are editorial, and do not affect the substance of this rule. Other than a minor word change (deleting "participating" from "participating cooperating agencies"), this section remains as proposed.

The amended language is as follows (FR Vol. 70, No. 55, pg. 14,566):

1610.4-3 Inventory data and information collection.

The Field Manager in collaboration with any cooperating agencies, will arrange for resource, environmental, social, economic, and institutional data and information to be collected, or assembled if already available.***

As there have been several revisions to the AMS during the planning process, the FCC is disappointed that at no time did the BLM provide the opportunity for coordination efforts. Within the same personal communication from Jared Oakleaf mentioned above, it is stated:

We did however feel that to meet the need to update the inventory, we needed to embark on a process to update our inventory (one more time) in order to ensure compliance with the new guidance. This update process is explained more in-depth in the affected environment of the Draft EIS. This process will be finalized before the Final EIS. To date, the update process has reaffirmed the findings contained in the AMS and Draft EIS.

As required by 1610.4-3, the FCC finds that the BLM will begin coordination efforts immediately in the inventory of LWCs in the Planning Area. All documents, inventory sheets, maps, and other relevant information will be provided to the FCC so that coordination efforts will be conducted with all parties on equal footing.

BLM Manual 6301 – Wilderness Characteristics Inventory states that for lands to possess wilderness characteristics they must exhibit naturalness and provide outstanding opportunities for solitude or a

primitive and unconfined type of recreation. Little Red Creek Complex embodies neither. As exhibited in Figure 11, there are 9.3 miles of road, one water development (pond), 5.2 miles of fence, and several additional two-track roads that are not in the BLM's dataset in Little Red Creek Complex. A road density to this degree does not afford naturalness or outstanding opportunities for solitude and primitive and unconfined recreation.

In summation, the FCC requires immediate coordination on LWCs and the concomitant inventory and does not support Little Red Creek Complex LWC under Alternative B or D. Given that there have been no coordination efforts to date, the BLM shall reinventory LWCs in the Planning Area with the FCC having full involvement.

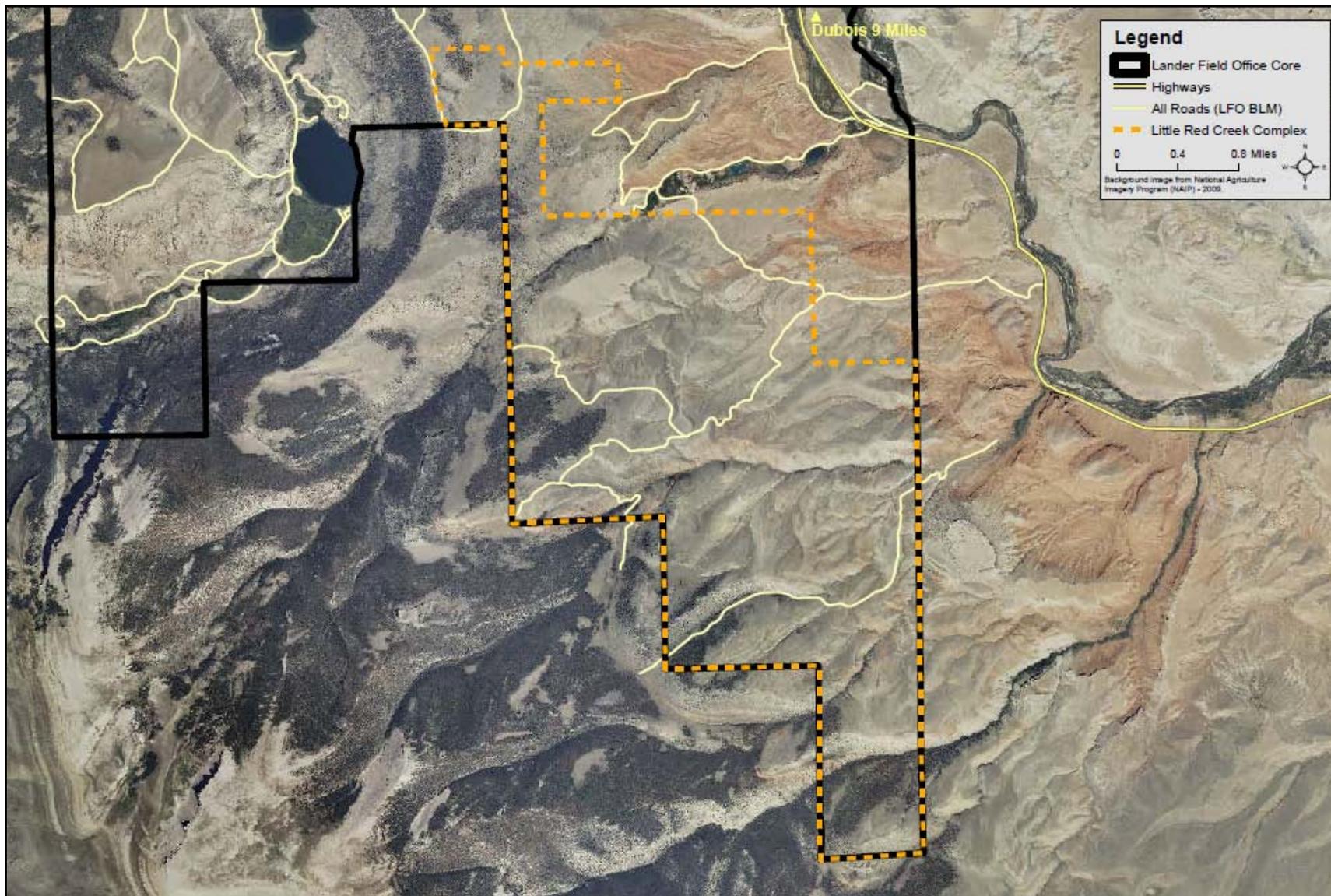


Figure 11 Little Red Creek Complex LWC

13. SOCIOECONOMICS

The analyses of the Socioeconomic resources of the Planning Area provide an opportunity to analyze the impact of the alternatives on human populations, including local users, visitors, local communities, regional economies, and the national populous who owns the land. The Socioeconomic section should provide a description of the groups and communities that impact or are impacted by management actions/restrictions in the RMP/EIS, an analysis of how the communities and groups interact with the resources of the Planning Area (including resource use conflicts), impacts of the alternatives to the communities and groups, methods to monitor the impacts over the life of the Plan, and mitigation measures to minimize impacts.

The FCC feels as if the BLM has provided a cookie cutter socioeconomic analysis. Many sentences, assumptions, and statements are exactly the same as the Draft Big Horn Basin RMP/EIS. The entire Environmental Consequences section is almost identical in wording to the Draft Big Horn Basin RMP/EIS Environmental Consequences section (in most paragraphs only the numbers and the name of cities are changed). In particular, assumptions made and conclusions drawn from the data are identical (examples are provided in the Environmental Consequences section below). In some instances, these assumptions and conclusion are based on generalizations that may reflect the opinion of the writer instead of being based on provided data for the Planning Area. For example, the socioeconomics portion of the executive summary is identical to those of the Draft Big Horn Basin RMP/EIS and includes the statement that “Impacts to social conditions in the Planning Area include changes in population, such as fluctuations caused by economic boom and bust cycles...” This statement implies that BLM possess the ability to create boom and bust cycles based on their management decisions and that impacts must be of large magnitudes in order to require analysis and mitigation.

The BLM has a check-off list of the statistics and trends that they are required to report and then input those numbers into IMPLAN, which are provided from other specialists. But the BLM has failed to work with the local communities in order to understand their specific resource issues, opinions, goals, and objectives. The BLM provided a one hour seminar on economic methods, but failed to discuss community issues, goals, and objectives. The reason provided by the BLM for not assessing impacts to individual communities is supposedly due to the software program used to measure economic impacts. Appendix L, which describes the economic methodology, states that (p. 1477, RMP/EIS):

IMPLAN model is run at a regional (multi-county) scale, with coefficients that describe linkages between sectors aggregated to the five-county level. Because of this mathematical aggregation, it is not possible to identify total economic impacts for an individual community.

Rather than using the guidelines outlined in BLM’s Land Use Planning Handbook, the approach is based on the capabilities of the economic software program. Consequently, average yearly population changes in relation to the five-County region from this approach are then used to conclude that the alternatives will have little impact on the communities of the Planning Area. By working with the local communities,

under the guidelines provided by the BLM's Land Use Planning Handbook and the Cooperating Agencies Guidebook, the BLM will be able to

1. Provide a more complete understanding of the communities and groups impacted by the decisions of the 20 year RMP,
2. Develop a set of indicators to monitor over the life of the Plan,
3. Complete an impact analysis showing possible impacts based on the scenarios in the alternatives and the possible mitigation measures to minimize impacts could be designed where needed.

The FCC understands that it is not possible for the BLM to predict the future, however it is our understanding that the RMP should provide some scenario analysis on how the differences among alternatives will impact our communities. For example, it is important to us that the impact to grazing in Alternatives A and D is completed in a method that is clear and understandable and provides possible mitigations should our ranching communities become negatively impacted over the life of the Plan. While we support greater sage-grouse protections, we would like to ensure that our ranching culture does not disappear due to policies that may have a low probability of increasing greater sage-grouse populations. Also, the economic impacts to communities from changes in ROWs should be addressed in the analysis. While the economic impact from ROWs is difficult to measure, the FCC would like to be able to understand how the changes from Alternative A to Alternative B may affect the County. Lastly, it is important for us to have a clear understanding of impacts to County revenues based on the policy differences for mineral extraction between Alternatives A and D. The current analysis does not provide enough information on the social and economic impact differences for us to support Alternative D.

Below, the FCC has provided the regulatory guidelines required for the process, an assessment of each section of the RMP/EIS, and examples of the expertise and data that the cooperating agencies can bring to the process. This is followed by possible mitigation measures to follow in order to produce a socioeconomics analysis for the RMP/EIS that is prepared by a partnership of the BLM and the cooperating agencies.

13.1 RELEVANT REGULATORY GUIDELINES

FLPMA regulations 43 CFR 1610.4-3 and 1610.4-6 require BLM to analyze social, economic, and institutional information. Appendix D of the BLM Land Use Planning Handbook provides guidance on incorporating social science into the land use planning process. It covers all stages of the RMP/EIS revision process and recommends the involvement of local cooperators throughout the process. The Cooperating Agency Handbook expands on the role that cooperators should play during each stage of the process. The relevant highlights of each are described below.

13.1.1 BLM Land Use Planning Handbook

Appendix L of the RMP/EIS states that the BLM “must” conduct at least one economics workshop to meet the following three objectives found in Appendix D (pg.11) of the BLM Land Use Planning Handbook:

1. Imparting skills on analyzing local and regional economic and social conditions and trends
2. Assisting community members to identify desired economic and social conditions
3. Collaborating with BLM staff to identify opportunities to advance local economic and social goals through planning and policy decisions within the authority of BLM, its cooperating agencies, or other partners

Table D-2 in Appendix D (pgs. 5-7) lists the topics to be considered for socioeconomic analysis and states that those found relevant through public scoping should be included. However, there are several that are classified as basic to every analysis, including:

- Population
- Inequality Government
- Communities of Place
- Occupational and Interest Groups
- Distribution of Communities, Roads, and Resources
- Interrelationships Among Producing Sectors
- Employment
- Personal Income
- Characterization of Environmental Justice Populations in Planning Areas
- Assessed Potential for Disproportionate Impacts to Environmental Justice Populations

Other topics that should be explored for socioeconomic relevance are disclosed in the following 16 bullet points:

- Social differences
- Social Indicators
- Non-governmental Institutions
- Social Groups and Networks
- Attitudes and Beliefs Regarding Local Environment and its Use

- Significance of Proposed Land Management Actions for Various Publics
- Quality of Life
- Land Ownership and Access
- Culturally and Socially Significant Places and Areas
- Non-market Values of Resources and Activities
- Dependence on BLM Lands and Activities
- Economic Diversity and Resilience
- Regional Economic Organization
- Subsistence Activities
- Government Revenues and Expenditures
- Public Infrastructure and Services

The analytical guidelines include 1) scale and level of effort, 2) assessment area, 3) schedule, 4) dimensions of impact analysis, 5) analysis of no-action alternative, and 6) non-market value. Within the scale of effort section (Appendix D, pg. 8), the guide says that “A single RMP would likely focus on a much smaller area (than a regional programmatic Plan) and include a detailed analysis for each community (BLM 2009).” More specifically, the dimension of impact analysis section says that (Appendix D, pg. 9):

Impact analysis must make clear how the social and economic effects of each management alternative – both positive and negative – are distributed among the communities and groups in the assessment area, and among other relevant populations.

The dimensional aspects to be considered are: 1) space, 2) time, 3) social identity, 4) magnitude, 5) probability, 6) causation, and 7) acceptability.

13.1.2 Desk Guide to Cooperating Agency Relationships

A Desk Guide to Cooperating Agency Relationships (BLM 2005) deals with formalizing the relationship between the BLM and local cooperating agencies in preparing RMPs. This relationship is critical to the socioeconomic analysis, since the cooperating agencies are part of the resource being impacted. Unlike other resources (e.g. wildlife, air quality, minerals, land, etc.), the communities of humans have the ability to contribute their own concerns, issues, data, and ideas to the process. The cooperating agencies are the leaders of the communities (Desk Guide to Cooperating Agency Relationships, pg.1):

The cooperating agencies share skills and resources to help shape BLM land use plans that better reflect the policies, needs, and conditions of their jurisdictions and the citizens they represent.

The Guide recognizes the difficulty of the planning process for public lands (Desk Guide to Cooperating Agency Relationships, pg. 2):

The agency's challenge is to manage this portfolio on behalf of all Americans, while recognizing the considerable local and regional consequences its decisions may have.

It also recognizes the challenges of the working relationship between the BLM and the cooperating agencies (Desk Guide to Cooperating Agency Relationships, pg. 3):

Effective discussion between federal agencies and their publics is often blocked by deeply incompatible views of the "facts" regarding both current environmental and socioeconomic conditions and how these will be affected by a proposed plan. Resolution often requires the lead agency and cooperating agency partners to engage in joint fact-finding and to seek agreement on where to find valid information and how to interpret it.

Because of this, the Guide provides specific roles for the cooperating agencies at each step of the process. In step 3 of the planning process, "Collect Inventory Data," the Guide states that the suggested role for cooperating agencies is to "identify data gaps; provide data and technical analyses within the cooperating agencies expertise (Desk Guide to Cooperating Agency Relationships, pg.10)." In step 5 of the planning process, "Estimate Effects Of Alternatives," it states that the cooperating agencies should (Desk Guide to Cooperating Agency Relationships, pg.11):

Suggest models and methods for impact analyses; provide effects analysis within the CA's expertise; identify direct, indirect, and cumulative effects within cooperating agencies expertise; suggest mitigation measures for adverse effects.

13.2 RESOURCE MANAGEMENT ALTERNATIVES

The Resource Management Alternatives section provides insight into how the alternatives were developed, including public scoping, proposed alternatives put forth but not further developed, a description of the alternatives that were analyzed, and the goals and objectives for each resource. Section 2.2.1 discusses public input, but does not include the required economics workshop. The FCC did attend a one hour session that explained economics. However, goals and objectives and opportunities to advance local economies were not addressed. As a result, the socioeconomic portions of the Resource Management Alternatives are generalized statements which are varying versions of the mandate of the BLM to sustainably manage the public lands as multiple-use for current and subsequent generations consistent with local community plans.

There were two economic alternatives proposed but not carried forward for detailed analysis (RMP/EIS, pg. 22-23, 26):

2.4.5. Defer Oil and Gas Leasing until Infrastructure is in Place to Ensure Price Parity with Other Parts of the Country

A proposed alternative was to defer additional leasing until additional infrastructure is in place in order to increase the competition for Wyoming-produced natural gas and this increase the economic benefit from oil and gas leasing. The BLM determined that this approach would inappropriately involve the BLM in industry financial decisions.

2.4.11. Require Planning Area Wide Phased Development

An alternative was suggested to require Planning Area-wide “phased development” as an approach to prevent the “boom-bust” aspect of intensive development and to limit additional disturbance until adequate reclamation has been achieved. The BLM determined that the appropriate scale for addressing economic issues and disturbance associated with major development was on a project specific bases...Adequate NEPA analysis requires that economic and cultural impacts (both direct and cumulative) be analyzed before a particular project is authorized.

The detailed description for each alternative analyzed contains a paragraph on socioeconomic management. The statements for each are:

In describing Alternative A (RMP/EIS, pg. 43):

The BLM’s management includes analyzing impacts on socioeconomic resources from the implementation of projects through the NEPA process.

This is all that is stated for Alternative A. It should be noted that the 1987 RMP does not have a socioeconomic section. Furthermore, a search of the 1987 RMP for the word “economics” yields zero finds. In other words, current management for socioeconomics is guided solely by other regulations, such as NEPA.

In describing Alternative B, very little mention is given to socioeconomics (RMP/EIS, pg. 48):

The BLM seeks to actively minimize adverse socioeconomic impacts associated with permitted actions. The BLM’s approach to socioeconomic resources is more proactive than the other alternatives and considers paced development options for mineral development to avoid adverse impacts on socioeconomic conditions.

Again, in describing Alternative C, very little mention is given to socioeconomics (RMP/EIS, pg. 52):

Similar to Alternative A, BLM’s management under Alternative C includes analyzing impacts on socioeconomic resources from the implementation of projects through the NEPA process. However, Alternative C would also minimize constraints on the pace of development for large development projects.

Short shrift is given to socioeconomics for Alternative D as well (RMP/EIS, pg. 57):

BLM management under Alternative D emphasizes the continued analysis of impacts on socioeconomic resources. This alternative would also consider paced development options for mineral development projects in the Planning Area to avoid adverse impacts to socioeconomic resources. This alternative manages high potential mineral areas to facilitate mineral development and emphasizes recreation as well as heritage and wildlife tourism.

Of particular note, the RMP/EIS states that Alternative C is similar to Alternative A. However, under the current RMP, there is not a socioeconomic management section.

Section 2.3.1 Goals and Objectives of the RMP/EIS states the following (pg. 17):

Goals are broad statements of desired outcomes that are usually not quantifiable...(and) objectives identify specific desired outcomes for resources. Objectives are usually quantifiable and measurable and may have established timeframes for achievement.

The goals and objectives listed for socioeconomic resources (RMP/EIS Table 2.51, pg. 210) clearly display the lack of development of specific socioeconomic goals and objectives for the region. The first and second goals are:

Provide sustainable economic development opportunities for a diversity of resources including energy, grazing and other agricultural activities, recreation, wildlife, fisheries, tourism, and others.

Consider local and regional economic development and land use plans in BLM decision making. Provide opportunities for economic and social sustainability at the national, regional, and local level.

Both of those goals could be written for any RMP. The objective for the first goal is to (RMP/EIS Table 2.51, pg. 210):

Provide resources and necessary access, consistent with multiple and sustainable use, for economic, cultural, and social viability at the national, regional, and local levels.

Obviously, this is nothing more than a restatement of the two goals disclosed above. As such, the FCC provides comments regarding the Resource Management Alternatives table for Socioeconomics (Table 8).

Table 8 Socioeconomic Comments for Resource Management Alternatives Table in the RMP/EIS

Record Number	FCC Comments
Goal Common: 10	Manage resources to contribute to the economic stability of local communities.
8013	Alternatives A, B, and C are identical and consist of “Analyze impacts on socioeconomic resources from the implementation of projects in the planning through the NEPA process.”
8014	Alternative B and Alternative D state that they will “consider paced development options for mineral and energy development projects in the Planning Area to avoid adverse impacts to socioeconomic conditions.” The FCC finds that all alternatives are evaluated at a different constant pace of development throughout the planning period – no scenarios for different paces of development within one alternative are considered.

The BLM has missed the chance to develop specific goals and objects for the human uses of the Planning Area with a focus on human conflicts. For instance, Record #6079 (RMP/EIS, pg. 148) under Land Resources, discusses managing particular areas “to specifically address local recreation issues.” However, there is no discussion in the socioeconomic sections of Local Recreation Issues regarding groups associated with local recreation, how many members they have relative to the rest of the population, etc. What was the objective in relation to human communities of having different areas open under the various alternatives? That information should be provided and explored by the socioeconomics specialist. Another goal should have been “to promote the maintenance of large scale ranches to ensure the culture of ranching, open vistas, and wildlife habitat, which are all valued by the public.” Objectives would have included indentifying such ranches that were dependent upon grazing allotments or other services provided by the BLM lands. These are the types of social and economic goals that the BLM should be examining during the RMP process.

13.3 AFFECTED ENVIRONMENT

The Affected Environment section of the RMP/EIS will include the following requirements disclosed in Appendix D (pg. 3) of the BLM Land Use Planning Handbook:

1. Review and summarize the relevant published and unpublished literature on the history, economy, and social system(s) of the study area;
2. Characterize the economic structure and activity of communities and groups within the study area that are affected by management of BLM lands; and
3. Characterize the social structure, activities, and values of such communities and groups.

The current Affected Environment provides a collection of data on demographics, social indicators, and economic. However, it lacks focus and fails to provide an adequate baseline to measure impacts. The Social Conditions (RMP/EIS, pg. 473-488) portion contains sections on Demographics, Housing, Customs And Culture, Public Safety, and Educational Services. The Demographics section (RMP/EIS, pg. 474-478) contains a table for populations of cities of all five Counties, but then states that only the cities within Fremont County are actually located in the Planning Area. There is no detail on how close the cities in the other counties are to the Planning Area or if they have any interaction with the Planning Area. This is the only reference to particular communities or groups, which does not provide an adequate characterization of the communities' structure, activities, or values. In the Environmental Consequences section there is a statement that (RMP/EIS, pg.1174):

Overall, the residents of the Planning Area tend to support both conservation or natural resources and the economic viability of resource-based industries. For this reason, residents generally support multiple-use of BLM-administered lands, including the development of mineral and energy resources, livestock grazing authorizations, continued access to BLM-administered lands for recreation, and conservation of wildlife and native vegetation.

However, there is no basis provided for this statement and no discussion of groups or communities that may favor one use over the other. In addition, this very same statement is made in the Draft Big Horn Basin RMP/EIS on page 4-462.

Further, there is no basis provided for the study area used in the analysis, other than that some areas of each of the five Counties is in the Planning Area. What is the contribution of the public lands to the economies of the Planning Area? The introduction to the Economic Conditions Section states (RMP/EIS, pg.1174):

The BLM has the capacity, through its decision-making responsibilities, to manage resource development in the Planning Area and influence the economy of the wider region.

The information provided in the section does not characterize the extent of their capacity to impact the local communities or influence the wider region. Are their state or national issues that should be addressed? What are the human uses of these public lands in relation to other public lands in the Planning Area, region, state, and/or nationally?

The decisions of the BLM have the potential to impact local communities and users, the regional and state economies, and the U.S. general public. Each of these should be discussed in the Affected Environment section, in particular how they are related to the lands of the Planning Area. The local communities and users are Fremont County, the cities within Fremont County, and to a lesser extent the other four Counties with land in the Planning Area. All five Counties should be considered as the regional economy and the state of Wyoming should also be considered. Lastly, the Planning Area should be considered in relation to the general public and future generations.

Fremont County composes 80.8 percent of the BLM surface area and 86.7 percent of the LFO. Based on information on total oil and gas production in the Planning Area and total oil and gas in Fremont County, according to Wyoming Oil and Gas Commission, Fremont County accounts for 90 – 95 percent of the production in the Planning Area. Based on AUMs per acre calculations, and acres of allotments in the Planning Area, Fremont County accounts for 75.9 percent of AUMs. The cities within the County have unique populations that interact differently with the public lands. Riverton, Wyoming has the most economic activity and has the greatest population of oil and gas workers. Lander, Wyoming has more government workers and the smaller cities are more agriculturally orientated. Table 9 shows the estimated contribution of commercial activity on BLM land from oil and gas, agriculture, and recreation based on information provided in Appendix L and total output provided in Regional Economics Model, Inc. (REMI). Based on these calculations, it can be argued that the BLM lands are responsible for approximately 25 percent of the total output in Fremont County, and thus it is extremely important to analyze the impacts to this County rather than grouping it with the other four Counties in the Planning Area. It is integral to the integrity of the RMP/EIS that the BLM provide a calculation for the total outputs of which Fremont County is responsible. This percentage is fundamental baseline data.

Table 9 BLM Land Estimated Contribution to Total Output in Fremont County (2007)

Sector	Direct Impact	Multiplier	Total Impact
Oil & Gas	327,760,000	1.23	403,144,800
Agriculture	6,953,282	2.07	14,393,294
Recreation	4,306,910	1.3	5,598,983
Total	339,020,192		423,137,077
Fremont County	1,581,407,190		1,581,407,190
Percentage	21.44		26.76

The particular impacts to Wyoming should also be considered. There are several types of taxes received by the state, including Federal Mineral Royalty (FMR), state severance, and state ad valorem tax. The tax section provided in the Affected Environment contains a fair amount of data, but never produces a clear calculation on tax revenues at the State-level. Revenue to the State needs to be aggregated together in

order for the State to measure the impacts of the management alternatives. The trends in revenue to the State will also need to be provided.

The general public has an interest in the land both for its ecosystem services and for its commercial values. A socially optimal allocation of resources requires examining the lands in this particular Planning Area with the rest of the BLM lands and other Federal lands in the U.S. Table 6Table 10 provides information that relates Wyoming federal and BLM lands to U.S. federal and BLM lands. While Wyoming BLM lands account for over 7 percent of all BLM lands, they account for only 3 percent of estimated recreational visitor days. On the other hand, they account for over 16 percent of all federal mineral royalty revenue and almost half of all federal onshore mineral royalty/revenue. This is not to imply that individuals do not come to visit federal lands in Wyoming, because they do. However, they do not come to visit BLM lands. Most visitors are come to Wyoming to visit National Parks and National Forest. Most recreational use of BLM lands is done by local citizens and groups. Further investigation should be done and reported that characterizes the specific Planning Area revenue to these totals. Only by conducting this characterization can the general public make an informed decision.

Table 10 Statistics of Federal, BLM, and Wyoming Lands (2007)

Analysis Area	Wyoming	Total	Percent Wyoming
Federal Surface Lands (acres) (1)	30,000,000	643,200,000	4.66%
BLM Public Lands (acres) (1)	18,300,000	255,700,000	7.16%
Estimated Visitor Days BLM Lands (1)	1,832,000	61,751,000	2.97%
FLPMA Receipts (1)	2,647,787	16,319,615	16.22%
Mineral Leasing Act Receipts (1)	1,438,627	4,275,790	33.65%
FMR /Revenue (2)	1,862,789,851	11,428,640,050	16.30%
Federal Onshore Royalty/Revenue (2)	1,862,789,851	3,934,772,668	47.34%

Specific user groups should also be identified, and their relationship with BLM lands and each other characterized. This includes mineral extraction industries, such as oil, gas, and uranium, renewable energy users, recreational users, including local user groups and visitors, environmental education organizations such as NOLS, and grazing users. Conflicts among and within these groups should be identified. For instance, are there areas where off-highway vehicle use conflicts with other recreational users? What level of use by one group lowers the marginal benefit of use for another?

13.4 ENVIRONMENTAL CONSEQUENCES

Impact Analysis should include “direct, indirect, and cumulative effects for all resources that make up the human environment (BLM Land Use Planning Handbook, Appendix D, pg. 3).” In particular, impact analysis should:

1. Analyze the positive and negative economic effects of each alternative developed within the RMP/EIS on those communities and groups.

2. Analyze the positive and negative social effects of each alternative developed within the RMP/EIS on those communities or groups.
3. In fulfillment of Environmental Justice requirements, identify any disproportionate negative effect on low-income or minority populations associated with one or more proposed alternatives.

The current Environmental Consequences section of the RMP/EIS cannot accomplish this due to the reality that it does not assess any communities or groups; it only analyzes the economic impacts to the entire five-County area. The expertise of the local cooperators would allow impacts to individual communities and groups. In the following sections the FCC highlights several of the issues and problems with the current impacts analysis and offer information examples that the cooperators could contribute to the process.

13.5 APPENDIX L – ECONOMIC IMPACT METHODOLOGY

Appendix L contains the methodology used to conduct the economic analysis. The information on employment is then used to assess the changes in population and then this change is used to assess impacts to social conditions. There are several problems with the economic methodology. First, it lacks sound projections from other resource areas. Second, it lacks information that is needed to reproduce the results. And lastly, there appears to be an error in the calculations for oil and gas employment in Alternative B. The BLM Land Use Planning Handbook states (Appendix D, pg. 9):

The economic analysis (and indirectly, the social analysis) is dependent on sound output projections for each significant resource, over each alternative to be evaluated.

According to the FCC's socioeconomic specialist, the methods for determining resource uses within each alternative for grazing, oil and gas, and recreation are lacking. For instance, the data for average annual growth are based on the opinion of the LFO, not substantiated fact. There is no information provided on how the alternatives alter the average annual growth differently for each alternative and several of the growth rates do not make logical sense. Other growth rates are contradicted by the research. For instance, hunting rates are declining nationally, as well as in Wyoming (Responsive Management/National Shooting Sports Foundation 2008). Yet, the RMP/EIS discloses that hunting is expected to increase at an annual rate during the life of the Plan

13.5.1 Mineral Extraction

It is important that the mineral extraction impacts are understandable as they have the largest economic impact on communities, groups, and individuals. The FCC would like to make sure that the impacts of closing areas to mineral extraction, exploration, and development are accurately analyzed. With approximately 90 and 80 percent of the oil and gas production in the Planning Area, respectively, occurring in Fremont County, changes in management will have the greatest affect there of any of the five Counties. According to the RMP/EIS, it cannot analyze impacts by County because the BLM is not certain where future wells will be drilled. Yet, the Reasonably Foreseeable Development contains oil and gas potential in the Planning Area and the RMP/EIS alternatives disclose varying areas closed to oil and

gas. This information can and should be used to analyze the possible impacts to communities and Counties.

13.5.2 Grazing

Impacts to cattle ranching and grazing are important for the local communities to understand, in particular the smaller communities of the Planning Area and those that live in the unincorporated areas. When areas in the West were originally homesteaded, the amount of land was not large enough to support viable ranching operations; public lands grazing permits were a solution to this problem. The grazing permits themselves have an economic value that must be considered when management actions taken by the BLM reduce the number of AUMs. When a plan was proposed in Idaho to have ranchers waive their permits to graze, calculations were made to determine the fair value per AUM. This data should be examined to analyze the impact to ranchland values should the AUMs associated with permits be reduced; not because of rangeland health standards, but for other reasons. The Multiple Use Conflict Resolutions Act proposes paying \$175/AUM. A study by Torrell et al. (2008) of New Mexico ranch values found that for a high percentage of ranches on public land “on an AUM basis, the BLM acreage and grazing capacity contributed about \$130/AUM to ranchland value.” This data should be examined in the RMP/EIS to analyze the impact to ranchland values should the AUMs associated with permits be reduced. Using the \$130/AUM amount, and assuming a loss of 50,392 AUMs over the life of the Plan (that is the difference in AUMs between Alternative A and Alternative D), the loss to ranchland values would be as much as \$6,551,220. While this may not be the exact amount for Fremont County, the FCC believes that this should be analyzed and understood prior to implementing policies that reduce AUMs.

13.5.3 Cumulative Impacts

Currently in the RMP/EIS, socioeconomic cumulative impacts are limited to the net present value of the average output and earnings per year over the life of the Plan (discounted at 7 percent). Most impacts are average yearly impacts. Part of the local expertise that should be incorporated into the analysis is the utilization of REMI software and data sets. The FCC purchased REMI for Fremont County in 2008 and possesses both the 2007 and 2008 datasets. The State of Wyoming Economic Analysis Division now owns the datasets for all of the counties within Wyoming. There are several advantages of REMI as compared to IMPLAN. The first is that it utilizes local data to create a standard regional control (the program also has a standard national control which is what IMPLAN uses). Also, REMI is not just an input/output regional economic model, but also incorporates computable general equilibrium, econometric, and economic geography models. One crucial piece of information that can be obtained from the program is the potential change in population over the life of the Plan. Other capabilities of the program are the ability to input nonresident recreational spending and analyze impacts. Also, the inclusion of the econometrics model allows measurements for quality of life decisions.

Using information from Appendix L, the difference in oil and gas employment, output value of AUMs, and recreational visitor spending between Alternative A and Alternative D were calculated for each year

of the Plan. This information was then input into REMI by the State of Wyoming Economic Analysis Division in order to measure the cumulative impact to total employment and population for the five-County study area. The percentage of the LFO was used to apportion inputs to each County, with Fremont County composing 86.7 percent of the field office.⁶ Table 11 demonstrates the potential impact over the life of the Plan on total employment and total population. As shown in Table 11, when the impacts are spread over the five-County study area there is only a decrease of 4.84 percent in population. However, Fremont County could potentially lose almost 20 percent of its population. The FCC believes that the impacts to Fremont County must be analyzed in this context.

Table 11 Employment and Population Impacts over the Life of the Plan Based on REMI Analysis

Analysis Sector	Fremont County		Five-County Study Area	
	Total Employment Change	Cumulative Population Change	Total Employment Change	Cumulative Population Change
Oil and Gas	-4,566	-7,347	-5,193	-8,319
Grazing	-67	-68	-68	-70
Recreation	96	86	99	89
Totals	-4,537	-7,330	-5,162	-8,300
Total Population 2008		38,113		171,432
Percent of potential population loss over life of the Plan		-19.23%		-4.84%

Another example of the power and capability of REMI is disclosed in Figure 12 and Figure 13. Figure 12 compares the impacts each year of Alternative D, as compared to Alternative A, based on the total employment in oil and gas information (in thousands of people and billions of dollars) provided in Appendix L of the RMP/EIS. Figure 13 compares the impacts on recreation visitor days (RVD) (in thousands of jobs and billions of dollars). Interestingly, during the first few years of less employment in oil and gas the population change is less than the employment change. However, after continuous years of less employment, the population change outpaces the employment change. By the end of the Plan, the population change is double the employment change. The same is true for recreation; however the effect is not as pronounced. This is the type of impacts the FCC would like to understand prior to the completion of the RMP/EIS.

⁶ Based on analysis of Oil and Gas Production and BLM AUMs this percentage is lower than Fremont County's actual share of production in the Planning Area.

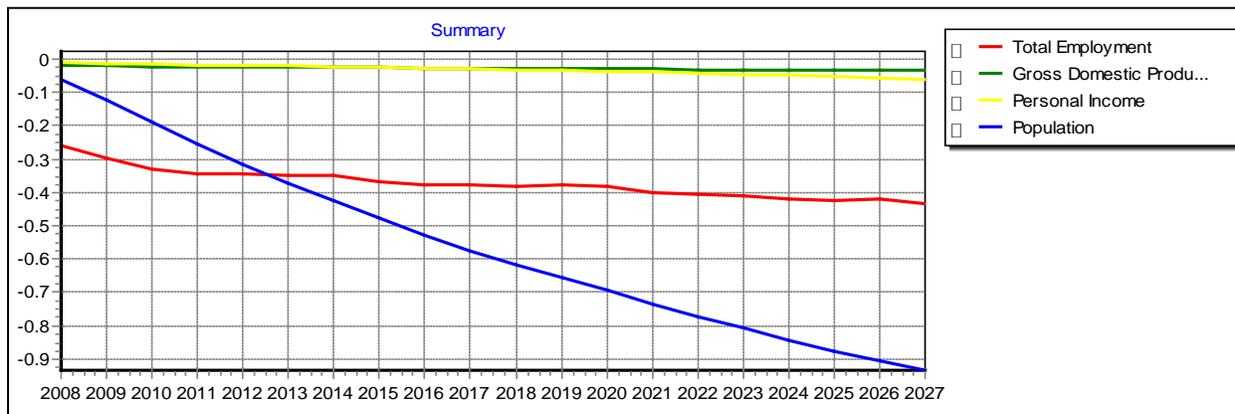


Figure 12 Difference in Alternative A and D based on direct oil and gas employment

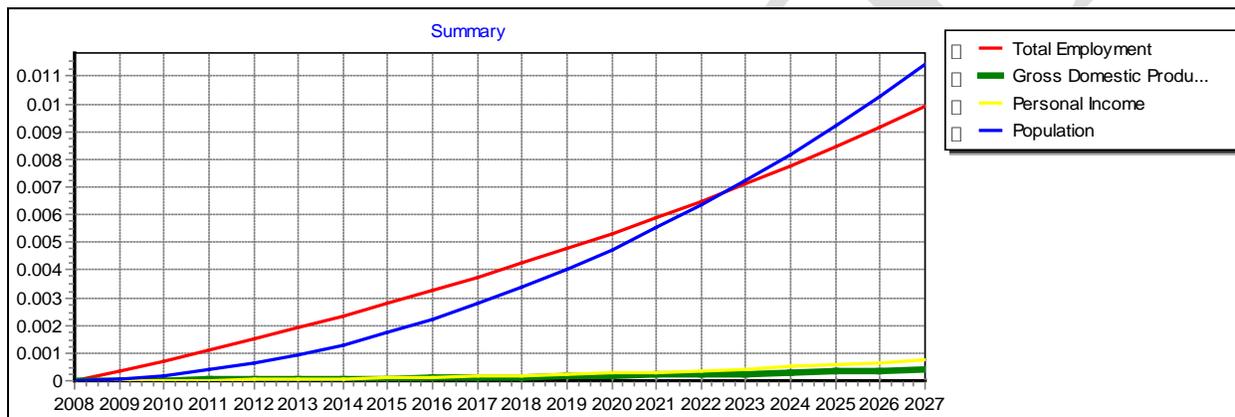


Figure 13 Difference in Alternative A and D based on RVD spending

13.5.4 Environmental Justice

The RMP/EIS does not adequately analyze environmental justice because it fails to measure impacts to individual communities. With the Wind River Indian Reservation in Fremont County, the FCC states that the Environmental Justice resource has not been adequately addressed according to federal laws and regulations (laws and guidance will be added prior to submission to the BLM).

13.6 MITIGATIONS

The FCC offers the following mitigations in response to the deficient Socioeconomic resource sections of the RMP/EIS.

1. Before proceeding further with changes to the document, the FCC finds that the BLM will conduct the required economics workshop to address local community issues, goals, and objectives. An outline and announcement for the required economics workshop that is being conducted by the Rock Springs Field Office is in Appendix B of this comment document. From this meeting a clear set of

indicators should be established to use as a baseline for impact assessment over the life of the Plan. The current socioeconomic analysis is not adequate to issue a ROD as the BLM Land Use Planning Handbook states (Appendix D, pg. 3):

As appropriate, identify measures that may reduce or avoid potential adverse economic or social effects of the alternatives, and maximize their positive effects. Determination of the preferred alternative as expressed in the RMP/EIS ROD should reflect this analysis .

At this point there are no measures to reduce or avoid potential adverse impacts because potential adverse impacts have not been identified.

2. Socioeconomic goal SR 2.1 states that the impacts of BLM management actions should be considered in regard to community health, welfare, infrastructure, services, housing, employment, custom, and culture. Measuring these impacts requires that a starting point or baseline be established for each of these criteria, and that current conditions be evaluated at intervals for comparison to this baseline. In essence, Goal SR 2.1 calls for a socioeconomic monitoring Plan. The FCC states that the BLM will fully analyze impacts, using baseline and current condition data, to community health, welfare, infrastructure, services, housing, employment, custom, and culture.
3. In 2008, Dr. Robert Winthrop, BLM Senior Social Scientist in the Division of Decision Support, Planning, and NEPA, developed a Social and Economic Monitoring Plan for use in the Pinedale Field Office. This Plan was included in the Pinedale RMP and approved in 2008. In the background narrative provided by Dr. Winthrop, he states that "...while BLM's Pinedale Planning Area falls largely within Sublette County, oil and gas activities in that field office generate social and economic impacts in communities outside the county, for example in Rock Springs (Sweetwater County). For these reasons, the monitoring program outlined in Appendix C of this comment document is proposed for use across Sublette, Sweetwater, and Lincoln Counties." The checklist provided in Appendix D of the BLM's Land Use Planning Handbook is also an appropriate starting place for developing indicators.
4. Monitoring encompasses oil and gas activity, demographics, economic activity, revenues, demand on public services, housing, and social impacts. Many of Dr. Winthrop's monitoring indicators are already included in the RMP/EIS, and the remaining indicators shall be included in a comprehensive monitoring plan. To meet the stated goal of SR 2.1, the Lander RMP/EIS shall include the monitoring program developed by Dr. Winthrop or one developed in conjunction with the FCC.

13.7 CONCLUSION

The BLM lands in Fremont County are an integral part of the economic and social fabric that holds the communities and groups of the County together. Any change to the management of these areas needs to be understood before they are implemented. In order for this to be accomplished, the FCC believes that the BLM and the County need to restart the process, beginning with the required economics workshop. The current impacts analysis for the Socioeconomic resource in the RMP/EIS fails to fulfill the requirements outlined by the BLM.

14. MOVING FORWARD IN THE PLANNING PROCESS

It is paramount that the BLM address and correct the significant inadequacies highlighted by the FCC in the Final RMP/EIS. The intent of the FCC is to actively engage with the BLM as the Agency revises the RMP/EIS to address the numerous concerns expressed in the comment document. As representatives of the citizens of the Lander Planning Area and advocates of responsible multiple uses, it is the firm position of the FCC that the BLM acknowledge that as currently written, the RMP/EIS does not provide the level of detail and analysis necessary to make planning decisions for the next 20 years.

An additional apprehension which the FCC posits is in regard to the increased level of rules, regulations, and restrictions advanced by the BLM in the RMP/EIS. The FCC concerns regarding the BLM's ability to administer and manage the array of directives and policy as part of the RMP/EIS suggests that the BLM continue the cooperating agency relationship with Fremont County and State agencies. A continuing relationship will allow the FCC to carry on providing appropriate technical, and in some cases, financial assistance. Since federal budgets for monitoring and implementing projects are anticipated to be constrained in the future, it may be to the interest of all parties to continue to cooperate on future projects. Weight and priority given to wildlife and vegetative resources at the expense of multiple resource uses will have the affect of crippling the economy and stifling the culture, customs, and traditions so important to the FCC and residents of the Lander Planning Area.

Making the situation more alarming is that findings and conclusions in the RMP/EIS are not grounded in science and field-verified data, but partisan, over-reaching assumptions and aspirations that encapsulate the vision the BLM has of the Lander Planning Area. The FCC recognizes that the BLM is in fact one of many stakeholders in the Planning Area. Conversely, the BLM appears to dismiss the importance of stakeholders who do not share the same management philosophy as the agency. Such an attitude is short-sighted, flawed, and not in keeping with the BLM's mission to "to sustain the health, diversity, and productivity of the public lands for the use and enjoyment of present and future generations." Section 302 of FLPMA is clear in stating: "the Secretary shall manage the public lands under principles of multiple use and sustained yield, in accordance with the land use plans developed by him under section 202 of this Act."

In the opinion of the FCC, the mitigations developed and incorporated in the comment document are a necessary protection against unwarranted BLM management actions that will adversely affect multiple parties in the Lander Planning Area. With the mitigations in place and noted in the administrative record, the next step is for the BLM to open all lines of communication with the FCC and stakeholders to work toward a solution for rectifying numerous issues, crossing all resource areas, in the RMP/EIS. Enthusiastically, the FCC will work in partnership with the BLM to reach solutions to the problem areas in the RMP/EIS. As both community members and public officials embodying decades of experience with and knowledge of resource uses and issues in the Lander Planning Area, the FCC will bring a wealth of knowledge to the RMP/EIS correction process. It is in the best interest of all parties involved and

affected that the RMP, when finalized, is a planning document worthy of the beauty, diversity, and specialness that is the Lander Planning Area. Any less than a well-crafted RMP that both protects and utilizes resources to their potential in the Planning Area is a failure that will threaten sense of place and future remunerative and recreational pursuits throughout the Lander Planning Area for decades.

Final

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APPENDIX A

Confidential Draft

June 9, 2011

Mr. Rubel Vigil, Jr.
Field Manager
Bureau of Land Management
1335 Main Street
Lander, WY 82520

Dear Rubel:

Fremont County is in the process of contracting with a consulting company to do technical analysis on the Lander Resource Management Plan revision. As a result, we would like to have the information on the attached Memorandum so we can begin to do our analysis.

Thank you for your assistance in this matter.

Sincerely,

Board of Fremont County Commissioners

By: _____
Douglas L. Thompson, Chairman

enclosure

MEMORANDUM

To: Bureau of Land Management Lander Field Office

From: Fremont County Commissioners

Date: April 5, 2011

Re: Geographic Information Systems Complete Data Library Request

The purpose of this memorandum is to formally request from the Lander Field Office a complete Geographic Information Systems (GIS) data library. We have provided an external hard drive to facilitate the transfer of GIS datasets.

The following list is the GIS datasets that will be needed by Fremont County:

- RMP Alternatives:
 - All RMP Alternative analysis files from all of the following data categories:
- Boundaries:
 - Lander RMP Planning Area
 - Lander Field Office District
 - Counties
 - Public Land Survey System (PLSS) or Geographic Coordinate Data Base (GCDB)
- Cultural
 - Historical Trails
 - Cultural sites
 - Paleontological classes
 - Backcountry byways
- Demographics:
 - Cities in the planning area
- Energy Development
 - Renewable energy potentials
 - Non-renewable energy potentials
 - Locatable/salable mineral areas
 - Oil and Gas wells
 - Oil and gas fields
 - Oil and gas leases
 - Oil and gas management areas.
 - Oil and gas pipelines
 - Reasonably Foreseeable Development (RFD)
 - Oil and gas constraints
 - Renewable/non-renewable constraints
 - Master Lease Plan areas
 - Rights of Ways (ROW)
 - Withdrawals
 - Power and transmission lines

- Geology
 - Surface geology
 - Bedrock geology
 - Mines/tailings
 - Natural hazards/landslide areas
- Hydrography
 - Major rivers
 - Detailed rivers and streams
 - Lakes
 - Reservoirs (may be part of range improvements)
- Imagery
 - Digital Elevation Models (DEM)
 - Digital Raster Graphs (DRG) of USGS topographic quads
 - 2009 National Agricultural Imagery Program (NAIP) color aerial photos for planning area
- Ownership
 - Statewide ownership
 - Planning area ownership
 - Subsurface mineral ownership
- Range
 - Range improvements; fences, guzzlers, reservoirs, spring boxes, etc.
 - Allotment boundaries
 - Permittee names associated with allotments
 - Allotment maintenance categories
 - Actual use records (AUM)
- Recreation
 - Recreation sites
 - Recreation Opportunity Spectrum (ROS)
 - Visual Resource Management (VRM)
 - ATV play areas
- Special Management Areas (SMA)
 - Areas of Critical Environmental Concern (ACEC)
 - Special Recreation Management Areas (SRMA)
 - Extensive Recreation Management Area (ERMA)
 - Lands with Wilderness Characteristics (LWC)
 - Citizen's proposed wilderness and LWCs
 - Wilderness Study Areas (WSA)
 - National Recreation Areas (NRA)
 - Habitat Management Plans (HMP)
 - Wild Horse Herd Areas
 - Wild Horse Herd Management Areas
- Transportation
 - Complete roads information
 - Detailed roads (paved down to trail designations)
 - Travel management
- Vegetation
 - GAP, SILC, LANDFIRE, or any BLM specific vegetation layer used for RMP process
 - Threatened and Endangered/sensitive species

- Noxious weeds
- Wildlife
 - Elk habitat
 - Mule deer habitat
 - White-tailed deer habitat
 - Pronghorn antelope habitat
 - Lynx habitat
 - Lynx Analysis Units (LAU)
 - Grizzly Bear Habitat
 - Black Bear habitat
 - Bighorn Sheep habitat
 - Mountain Goat habitat
 - Moose habitat
 - Wolverine habitat
 - Fisheries habitats
 - Raptor habitat/nest locations
 - Threatened and Endangered/sensitive species
 - Prairie dog towns/black footed ferret habitat
 - Sage grouse leks
 - Sage grouse key areas
 - Sage grouse core areas

Fremont County is looking forward to continuing our work in the RMP revision process and working closely with the Lander Field Office. Thank you for your help and cooperation in providing the GIS layers requested.



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Wind River/Bighorn Basin District

Lander Field Office

P.O. Box 589 (1335 Main Street)

Lander, Wyoming 82520-0589

LFO_RMP_10111



June 20, 2011

Office of the Fremont County Commissioners
450 No. 2nd Street, Room 205
Lander, WY 82520

Dear Mr. Chairman:

The Bureau of Land Management's Lander Field Office is in receipt of your letter dated June 9, 2011 requesting GIS information and datasets for your consultant to analyze. We are agreeable to releasing the information you have requested, however not until after the draft plan is released in late July or early August.

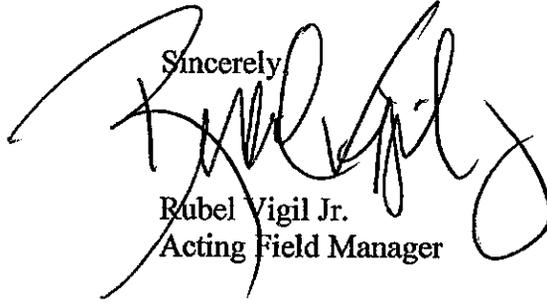
The Lander Field Office is still gathering information and updating the plan prior to its release. Not all of our data has been formatted and finalized. Further, our plan revision is at the BLM Washington Office going through the approval process and has not been released back to us at this time; it is common for the Washington Office to require changes. Finally, there are some programs that are currently in an updating status.

Again, we would be happy to process your request when our draft revision is released. This will provide Fremont County information that is the most current and accurate for your analysis which will avoid the county paying for incomplete data that may vary from the GIS for the draft that is released to the public.

Some of the data you requested is from other agencies, such as the Wyoming Game and Fish Department. Attached is a list of other agencies from which we obtained information for use in our RMP revision. You can contact these agencies directly and they will determine which information can be released. Other information is available online, such as the boundaries of the field office, location of cities, county lines, and roads.

Thank you for your letter and we look forward in releasing the draft soon. Fremont County can then review the plan revision in its entirety. If you have any questions you may contact myself or Kristin Yannone, RMP Project Manager at 307-332-8400.

Sincerely

A handwritten signature in black ink, appearing to read 'Rubel Vigil Jr.', written over the printed name and title.

Rubel Vigil Jr.
Acting Field Manager

Attachment:

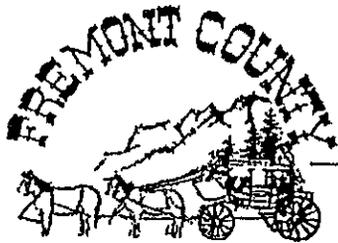
GIS File Sources for Lander RMP Revision

Files Available from Other Sources

File	Source
Bridger_trail_Casper.shp	Casper Field Office, BLM
D7029_Cedar_Ridge_Periphery_CSU.shp	Casper Field Office, BLM
D7028_Cedar_Ridge_TCP_NSO.shp	Casper Field Office, BLM
D7030_Cedar_Ridge_TCP_Salables_Closed.shp	Casper Field Office, BLM
All LandFire vegetation and Fire datasets	www.landfire.gov
Fire history (bvbfirc_1283)	Intermountain Fire Sciences Lab
Aquifers (aquifrp025.shp)	http://www.nationalatlas.gov/maplayers.html
Bedrock geology (bedgeol.shp)	http://www.wygisc.uwyo.edu/atlas/
Quaternary faults (qfaulltl_25.shp)	http://www.nationalatlas.gov/maplayers.html
Seismic hazards (seihazp020.shp)	http://www.nationalatlas.gov/maplayers.html
Karsts (jarst0p075.shp)	http://www.nationalatlas.gov/maplayers.html
Landslides (LFO landslides_1283.shp)	http://www.wrds.uwyo.edu/wrds/wsgs/hazards/landslides/lshome.html
Satellite Imagery	http://www.wygisc.uwyo.edu/wyview/
DOQs, DRGs	http://wgiac2.state.wy.us/html/wsdc_index.asp
Casper FO ROWs and corridors	Casper Field Office, BLM
Fremont County Ownership	Proprietary - Sold by Fremont County government
Land status (surface & subsurface ownership)	http://www.blm.gov/wy/st/en/resources/public_rooms/gis/datagis.html
LR2000 ROWs, easements, etc.	www.geocommunicator.gov
FCC Towers	http://wireless.fcc.gov/geographic/fcc_db.html
TIGER data (from Census Bureau)	http://www.census.gov/geo/www/tiger/tigerua/ua2ktgr.pdf
Rawlins FO ROW corridors	Rawlins Field Office, BLM
Pipelines.shp	Proprietary, sensitive - Wyoming State Geological Survey
WyPA abridged 10092008.shp	Proprietary, sensitive -- Wyoming Pipeline Authority
Air quality suspended particles (air_qual.shp)	http://www.wygisc.uwyo.edu/atlas.html
Various temperature themes for US	http://science.nature.nps.gov/nrdata
Wind resource potential	http://sagemap.wr.usgs.gov
WY Monthly Precipitation	http://www.ftw.nrcs.usda.gov/prism/prismdata.html
Various solar, wind power data, biomass	National Resources Energy Lab
Storm events WY county	http://www.wygisc.uwyo.edu/atlas.html
Precipitation, snow, temperature data	Chris Daly and George Taylor of the Spatial Climate Analysis Service at Oregon State University.
CBM Discharge monitoring, WYPDES	Wyoming DEQ
CBM Wells, O&G wells, units, leases	Wyoming Oil and Gas Commission, LR2000
Phosphate geology	US Geological Survey
Various mineral potentials	http://www.wygisc.uwyo.edu/clearinghouse/mineral.ht

	ml
Surface and subsurface ownership	http://www.blm.gov/wy/st/en/resources/public_room/gis/datagis.html
Oil and gas basins data	http://energy.cr.usgs.gov/oilgas/noga/bybasingis.html
Shoshone NF ownership, allotments	http://www.sdvc.uwyo.edu/clearinghouse
Agricultural Land Use, fences in SW WY	http://www.sdvc.uwyo.edu/clearinghouse
Casper allotments and pastures	Casper Field Office, BLM
Rawlins allotments	Rawlins Field Office, BLM
Rock Springs allotments	Rock Springs Field Office, BLM
Worland Allotments, fences, pastures	Worland Field Office
Ecological Site Precipitation Zones	NRCS
SSURGO Soils for Fremont, Natrona Counties and queries from web, STATSGO	NRCS
DEM	USGS EROS Data Center
Ecoregions	http://www.nationalatlas.gov
Fremont Co. Weeds	Fremont County Weed and Pest
Roads from Fremont County	Fremont County Planning and Rural Addressing
WY DOT roads	WY Dept. of Transportation
Ecosystems	NatureServe
Ecoregions	The Nature Conservancy
GAP veg, wildlife, boundaries, etc.	http://www.sdvc.uwyo.edu/clearinghouse
Green Quadrangle Extracts for WY	Beartooth Mapping, Inc.
National Land Cover Database	http://www.mrlc.gov/index.asp
Developed habitat, sagebrush habitat	http://www.blm.gov/wy/st/en/resources/public_room/gis/datagis.html
Tree distribution files	http://climchange.cr.usgs.gov/info/veg-clim/
Natrona Co. weeds	Casper F.O., BLM
Rawlins F.O. Weeds	Rawlins F.O., BLM
Extract of plant and animal locations	Wyoming Natural Diversity Database
Water and fish data	Wyoming Game and Fish Department
Ground water vulnerability layers	http://www.sdvc.uwyo.edu/clearinghouse
HUC	http://www.sdvc.uwyo.edu/clearinghouse
National Hydrography Dataset	http://nhd.usgs.gov
National Wetlands Inventory	http://nwi.fws.gov
Wild and Scenic Rivers	http://www.nationalatlas.gov
Bat distribution	http://www.nationalatlas.gov
Bat habitat	http://www.icbemp.gov/spatial/min/
Breeding bird survey routes	http://www.nationalatlas.gov
Bird distribution data	http://www.natureserve.org/getData/birdMaps.jsp
Bird conservation regions	http://www.rmbo.org/pif/pifdb.html
Grizzly bear recovery area, distribution	Wyoming Game and Fish Department
Heart of the West data	Wild Utah Project
Bird Habitat Conservation Areas	Intermountain West Joint Venture
Important Bird Areas	Wyoming Audubon Society

Lynx linkage map	Forest Service Northern Regional Office
Lynx habitat Shoshone National Forest	Shoshone National Forest
WYNDD lynx mapping	Wyoming Natural Diversity Database
Nature Serve LUP data	NatureServe
Platte River water Depletion Area	Wyoming State Engineers Office
Distribution of Sage grouse in NA	Washington Dept. of Fish and Wildlife
Sage grouse working group boundaries	Wyoming Dept. of Game and Fish
Sage grouse Management Zones	Western Association of Fish and Wildlife Agencies
WY Governor's sage grouse core areas	Wyoming Dept. of Game and Fish
Strongholds for breeding sagegrouse	Western Association of Fish and Wildlife Agencies
Sage-grouse hunt areas, leks	Wyoming Dept. of Game and Fish
Sage grouse male density	Wyoming Dept. of Game and Fish
Big game, mountain lion, turkey, black bear hunt/herd areas, seasonal habitat, parturition if applicable	Wyoming Dept. of Game and Fish
Priority habitats	Wyoming Dept. of Game and Fish
Prairie dog complexes	Wyoming Dept. of Game and Fish
Dubois Forest Service Projects	Forest Service
Wildland Urban Interface data	Stevens County CWPP\AHMP Planning Committee
Elk, big horn sheep locations, study locations	Wyoming Dept. of Game and Fish
Crucial habitats for various non-game species	Wyoming Dept. of Game and Fish
Migration corridors and barriers	Wyoming Dept. of Game and Fish
Wildlife Observation System	Wyoming Dept. of Game and Fish
Canada Lynx Critical Habitat	US Fish and Wildlife Service

**OFFICE OF THE FREMONT COUNTY COMMISSIONERS**

Fremont County Government: Working To Best Serve You.

1884

450 No. 2nd Street, Room 205

LANDER, WYOMING

82520

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(in county)

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commissioners

@fremontcountygovernment.org

June 28, 2011

Jeremiah Reiman
Policy Analyst
122 West 25th Street
2nd Floor East
Cheyenne, WY 82002

DOUGLAS L. THOMPSON*Chairman*378 Graham Road
Lander, WY 82520**PAT HICKERSON***Vice-Chairman*#2 Sugar Pine
Lander, WY 82520**KEJA WHITEMAN**P O Box 210
Riverton, WY 82501**DENNIS CHRISTENSEN**92 Two Mile Road
Riverton, WY 82501**TRAVIS BECKER**525 Westchester Circle
Riverton, WY 82501

Dear Jeremiah:

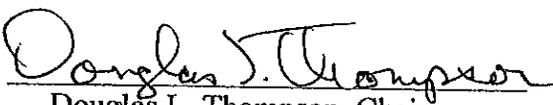
Enclosed is the copy of the BLM's response to our request for information to guide our technical analysis of the RMP revision. It is problematic because by the time we contact all of the suggested agencies and hopefully receive the information from the BLM, our 90 day comment period may very easily have expired.

It is my understanding that all of the submitted technical information, no matter what agency, is public record and can be released even now. Please review the enclosed response and see if we can expedite the receipt of the requested information.

Thank you for your assistance in this matter.

Sincerely,

BOARD OF FREMONT COUNTY COMMISSIONERS

By: 
Douglas L. Thompson, Chairman

JULIE A. FREESE

County Clerk

and

Clerk of the Board

MARGY IRVINE

Deputy Clerk

xc: Cindy Delancey, WCCA

BRIAN T. VARN
COUNTY AND PROSECUTING ATTORNEY
FREMONT COUNTY, WYOMING

Robert A. Bundy
Jodi Darrough
Adam Phillips
Rachelle Fontaine

Fremont County Courthouse
450 North 2nd St., Room 170
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Kathy Kavanagh
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Ember Oakley

Fremont County Office Bldg.
818 South Federal Blvd. Ste.700
Riverton, WY 82501
(307) 857-3653
FAX (307) 857-3652

July 7, 2011

Mr. Rubel Vigil Jr.
Acting Field Manager
Lander Field Office
PO Box 589
Lander, WY 82520-0589

RE: Fremont County's request for GIS data base for RMP revision

Dear Mr. Vigil:

Fremont County is in receipt of your letter dated June 20, 2001 wherein your agency office memorializes it's decision to withhold the requested data from Fremont County until after the release of the draft plan.

This decision is inconsistent with the coordination requirements placed upon your agency regarding its planning activities by the Congress of the United States of America and your agency's own resource management planning guidance. I refer you to 42 USC §1712(c)(9) which requires your agency, among other things to provide for both meaningful public involvement of State and local governments in the **development** of land use plans, land use regulations, and land use decisions for public lands, **including early public notice of proposed decisions** and requires your agency to **assist** in resolving, to the extent practical, inconsistencies between Federal and non-Federal Government plans. Your agency's own planning guidance mirrors these requirements at 43 C.F.R §1610.3-1(a) and (d).

Furthermore, your guidance places some burden on Fremont County to identify inconsistencies and notify your agency, in writing, of those inconsistencies and finally your agency is required to include in the resource management plan documentation how those inconsistencies were addressed and, if possible, resolved. *See* 43 C.F.R §1610.3-1(f).

Importantly a review of the MOU proposed by your agency at paragraph 8(g) clearly provides that "Parties to this MOU will have access to all information relevant to the fulfillment of their responsibilities under this agreement."

All this leaves Fremont County wondering, rhetorically, how can we fulfill our obligations to provide notice to your agency of our concerns regarding the revised RMP if your Agency refuses to provide the requested data early enough for any analysis beyond the most cursory.

Fremont County is simply requesting the information your agency is required to provide under FLPMA, NEPA, your own planning guidance and your proposed MOU. Because it is your Agency's obligation to resolve, if possible, inconsistencies between your proposed plan and our non-federal plans and include in your resource management plan documentation a showing of how these inconsistencies were addressed and resolved, your refusal to provide this information could be construed as obstructionist.

From the perspective of Fremont County, this process of coordination would be much more efficient and certainly more meaningful if your Agency would recognize the status conferred upon our local government by the Congress of the United States and your Agency. And in doing so, provide us the information we need in order to satisfy ourselves that no inconsistencies exist or recognize and address any possible inconsistencies so that such information can be included in the resource management plan documentation. Again, we refer you to 43 C.F.R. 1610.3-1(f)

After all, that is exactly what is required by law.

We thank you for your anticipated cooperation in this matter and of course, if you have any questions or concerns, please do not hesitate to write or call.

Sincerely,

Douglas L. Thompson,
Commissioner, Fremont County, Wyoming

Robert A. Bundy
Deputy Fremont County and Prosecuting Attorney

cc: State Director, BLM

APPENDIX B

Confidential Draft



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

High Desert District
Rock Springs Field Office
280 Highway 191 North
Rock Springs, Wyoming 82901

LFO_RMP_10111



In Reply Refer To:
1610 (WYD04)

DEC 20 2011

The Bureau of Land Management (BLM), Rock Springs Field Office will be hosting an economic strategies workshop as part of the initial stages, and continued outreach effort, of our resource management planning (RMP) process. The objectives of this workshop include:

1. Reviewing and discussing historical and current local and regional economic and social conditions and trends and identifying any existing factors that may impact these conditions in the future;
2. Reviewing and discussing the influence of BLM-administered lands on local and regional economic activity and discussing the dependency of the local/regional economy on BLM lands and minerals management;
3. Assisting community members to identify desired economic and social conditions; and
4. Collaborating to identify opportunities to advance local economic and social goals through planning and policy decisions within the authority of BLM, cooperating agencies, or other partners.

Successful resource management must involve those communities close to public lands. This workshop is an excellent way to promote understanding of how the social and economic analysis fits into the BLM RMP process. We feel you would be a valuable participant at this workshop and would like to directly extend an invitation to you.

The workshop will be held January 9, 2012 at the Holiday Inn in Rock Springs, Wyoming. It will begin promptly at 6:00 PM and conclude at 8:30 PM. BLM will be available following the workshop to answer any additional questions.

If you are interested in attending the workshop, please contact Darren Cook at (307)352-0241 or decook@blm.gov. If you have any questions specific to the Rock Springs RMP Revision, please contact Lynn Harrison, RMP Team Leader at (307) 352-0259 or vharrison@blm.gov.

Sincerely,

Lance C. Porter
Field Manager

Attachment

Agenda

Socioeconomic Strategies Workshop

**January 9th
2012**

- 6:00 **Welcome, Introductions and Expectations**
- Brief introduction to the workshop and its purpose.
 - Explanation of where we are in the planning process and how this workshop will be part of that process.
- 6:20 **Overview of land use decisions to be made**
- Overview of land use decisions to be made in the Rock Springs FO RMP.
- 6:30 **Area Social and Economic Conditions and trends**
- What trends have you observed? What questions, issues, or concerns do you have about the county's economy? What's the relationship to public lands?
 - Proposals, initiatives, and trends that the audience foresees influencing land use decisions to be made.
- 7:00 **BLM Land Uses that Influence Local Economic Activity**
- Brief overview of current BLM management and dependency of local economy on those activities
- 7:20 **Break**
- 7:30 **Group Discussion**
- How are you (and the interests you represent) being affected now by activities that occur on BLM managed lands (either positively or negatively)?
 - What are your and your community's economic or community development aspirations for the future? How does the management of BLM lands relate to those aspirations?
 - What works well, or not so well, in terms of how these lands are currently being managed?
 - What are your hopes or concerns in looking forward in regards to future activities on BLM lands and/or the management of those lands?
- 8:25 **Information Request & Evaluation**
- Please help us identify and provide us with contact information for local leaders, stakeholders and industry representatives who we can contact to discuss topics applicable to this RMP.
 - Evaluation of the workshop
- 8:30 **Closure and Thanks**

BLM staff will be available after the workshop to answer questions

APPENDIX C

Confidential Draft

PINEDALE FIELD OFFICE OIL AND GAS DEVELOPMENT
SOCIAL AND ECONOMIC MONITORING PLAN
(Draft 1a – 6/24/08)

Western Wyoming is currently experiencing rapid economic growth, strongly associated with the development of oil and gas resources. This document proposes a set of indicators through which to track social and economic change generated by oil and gas development in the Pinedale Field Office of the Bureau of Land Management (BLM), particularly in the Pinedale Anticline and the Jonah Field. The plan is intended to provide an annual update to inform county and municipal planning and budgeting, community participation, and federal agency resource management.

This draft has been prepared to facilitate discussion by citizens, local and state government officials, operators, BLM managers and staff, and other interested parties. It does not represent BLM policy, nor does it imply a commitment by the BLM to provide funds or staffing to a monitoring effort.

Oil and gas activities in the Pinedale planning area form part of a larger region of energy development that also includes Sweetwater and Lincoln Counties. In addition, while BLM's Pinedale planning area falls largely within Sublette County, oil and gas activities in that field office generate social and economic impacts in communities outside the county, for example in Rock Springs (Sweetwater County). For these reasons, the monitoring program outlined below is proposed for use across Sublette, Sweetwater, and Lincoln Counties.

The indicators are prioritized in three tiers. Priority 1 provides the most limited monitoring program, Priority 3 the most extensive and most costly. Priorities 2 and 3 include indicators listed under Priority 1 and Priorities 1 and 2, respectively.

The indicators were selected using several criteria.

- **Balanced.** The indicators should reflect both the benefits and the challenges of oil and gas development, as well as other drivers of economic change.
- **Consistent.** The indicators selected should be broadly consistent with the monitoring objectives proposed by the Pinedale Anticline Working Group (PAWG), though not necessarily with the data sets used by the PAWG.
- **Comparable.** At least some of the indicators should be applicable to any area of the country, to facilitate the implementation of a consistent social and economic monitoring strategy across the lands administered by the Bureau of Land Management. Economic and demographic indicators should use readily available Federal or state data, to the extent feasible. Federal data sources provided through the BLM's Economic Profile System are particularly useful.¹

Issues needing further consideration.

(1) *Cumulative effects.* How should the monitoring effort consider (a) oil and gas development on non-BLM lands and (b) other industrial activities within the monitoring area, such as a proposed carbon sequestration project near Big Piney?

(2) *Sources of data.* If timeliness of data is important, federal data may need to be supplemented with other sources which may be more recent.²

(3) *Use of projections.* Most of the indicators listed below are retrospective: they estimate what has happened. To the extent that future oil and gas activity can be estimated, such data could be used to project many of these indicators forward, which would make the monitoring effort much more valuable as a basis for local planning for facilities and services.³

(4) *Staffing and coordination.* Given the commitment already made by Sublette County to track social and economic conditions and trends, it may be appropriate to request that the county's Socioeconomic Analyst assume certain responsibilities for conducting monitoring activities under this plan. Depending on the specifics of the final monitoring plan, available skills, and level of funding for the position, this role could involve providing data, analyzing data, coordinating monitoring activities, or preparing the monitoring report.

Benchmarking. Categories marked by (●) could also be compared with data for a benchmark county selected for minimal oil and gas activity. (Teton County?)

prior-ity	indicator	source	notes
<i>Oil and Gas Activity</i>			
1	oil and natural gas prices	oil: Wyoming Sweet; gas: prices at Opal Hub.	Price trends may provide an early indicator of shifts in exploration activity. Use a 3-year moving average?
1	rig months, oil and gas wells (1) in operation and (2) 10-year projected drilling activity	Operators	
1	10-year projected oil and gas production	Operators	R. Allen. This would provide the basis for estimating county mineral revenues. ⁴ To protect proprietary data, submissions could be aggregated by a third party.
<i>Demographics</i>			
1	Population: county trend compared with benchmark county and state ●	BEA – REIS, Table CA30?	
2	Oil and gas workers and dependents, by county	Operators	J. Jacquet: Have to estimate these numbers, using workforce requirements on a per-well or per-rig basis. Need to collaborate on a methodology to do so. ⁵

priority	indicator	source	notes
<i>Economic Activity</i> (by county, unless otherwise noted)			
1	estimated oil and gas industry employment, including subcontractors	Operators? BLS: NAICS sectors 211, 212, 213?	See note 5. Will Bureau of Labor Statistics capture out-of-state subcontractors' employees?
1	employment by sector ●	BEA, REIS, Table CA25N - NAICS	
1	personal income by sector; non-labor income ●	BEA, REIS, Table CA05N - NAICS	
2	income distribution ●		Are annual data available for this analysis? Can we use the Kuznets ratio or Gini coefficient? ⁶
1	unemployment rate compared with benchmark county, state, and nation ●	Bureau of Labor Statistics	
2	employment diversity/specialization		Are annual data available for this analysis? See index used in EPS. ⁷
2	recreation use: recreation days by category, Pinedale Field Office	BLM Recreation Management Information System	
3	tourism: visitor origin, recreational use, and spending	intercept survey	
<i>Revenues</i>			
1	Wyoming share of federal mineral revenues	Minerals Management Service	can this be tracked by project (Pinedale Anticline, etc.)?
1	Wyoming severance tax	Wyoming Dept. of Revenue	
1	county property tax revenues, by source, including ad valorem oil and gas production tax	county assessor	

priority	indicator	source	notes
<i>Demand on Public Services</i>			
1	value of proposed and current growth-related capital improvements, by jurisdiction (e.g., sewer, water, roads, public facilities)	provided by counties and municipalities	suggested by Pinedale council member
2	traffic accidents by county ●	Wyoming Dept. of Transportation	
<i>Housing</i> (by county, unless otherwise noted)			
1	Housing availability: rental occupancy rates by category of housing ●		
1	Housing availability: existing stock and new construction of housing units by category ●	county assessor	
1	Housing affordability ●		What sources can provide annual data?
2	Temporary (operator provided) housing: worker-months occupied	operators	
<i>Social Impacts</i> (by county, unless otherwise noted)			
1	Crimes charged, adult and juvenile ●	U.S. Dept. of Justice, Uniform Crime Report	
2	Circuit Court cases		Highlight categories of particular interest: drug offenses, domestic violence, etc. Could provide more detail than Uniform Crime Report.
3	Quality of life survey		A quality of life survey would be most useful if administered on a regular basis, annually or semi-annually, based on a random sample of residents. The questions should be closed-ended and limited in number. The attitudinal

priority	indicator	source	notes
			questions should be scaled (typically on a 5-point scale, “strongly agree” to “strongly disagree.”). An example: “Overall, energy development has benefited county residents.” These should be accompanied by demographic questions, including income, education, sector of employment, and years of county residence.
3	Focus groups to address particular issues related to energy development		A focus group is valuable for interpreting existing information (e.g., explaining changes in patterns of tourism and recreation) or eliciting suggestions for solving problems (e.g., how to accommodate growing housing demand by oil and gas workers). For issues related to energy development, focus groups should include both long-term residents and shorter-term oil and gas workers.

Document history. Draft 1 prepared by Rob Winthrop, Senior Social Scientist, BLM – Washington Office, Division of Decision Support, Planning, and NEPA (WO-210); 202-557-3587. Draft 1a reflects comments from Roy Allen, Regional Economist, BLM Wyoming State Office, and Jeffrey Jacquet, Sublette County Socioeconomic Analyst.

References.

Bureau of Land Management (2007), Revised Draft Supplemental Environmental Impact Statement for the Pinedale Anticline Oil and Gas Exploration and Development Project, Sublette County, Wyoming.

Collins Planning Associates (2008), Sublette County, Wyoming: An Assessment of Current Housing Conditions.

Ecosystem Research Group (2008), Sublette County Socioeconomic Impact Study: Phase I Final Report.

Headwaters Economics, Economic Profile System: Profile for Sublette County, Wyoming (2007). URL: www.headwaterseconomics.org/eps.

Pinedale Anticline Working Group – Socioeconomic Task Group (2005), Report and Monitoring Plan.

Sonoran Institute (n.d.), Recent Growth Trends & Future Growth Projections for Sublette County 2004 to 2014.

Notes.

¹ The Economic Profile System application and database as well as county-level reports can be downloaded free of charge at www.headwaterseconomics.org/eps.

² Jeffrey Jacquet suggests that because most federal data will be two to three years old, the monitoring program may need to rely more on state data.. “The Wyoming Department of Administration and Information -- Economic Analysis Division and the Wyoming Department of Employment -- Research and Planning offer similar statistics that are typically only 6 months to 1 year old.”

³ Jeffrey Jacquet: “The BLM is ‘supposed to be’ providing yearly 10-year development projections for both the Anticline and the Jonah field. Could the monitoring program take into account these development scenarios and then project the impacts to the selected indicators? As well as track the changes in field development and the changes in the development projections – such as when “the bust” is scheduled to hit, etc...”

⁴ Roy Allen: “By including [production projections] in the monitoring plan, the impacted counties and communities would be able to project earnings, employment and population by 10 year increments that would then be updated on an annual basis based on industry submissions. They would also be able to estimate taxes and royalties on the same 10 year basis as a function of industry provided production estimates and these projections would also be kept current by sending out an annual request to industry for this information.”..

⁵ Comment by Jeffrey Jacquet re estimating number of oil and gas workers and dependents, by county: “The operators do not have this information. The gas field organization and employment residency is too complex and decentralized for the operators to provide this information. The only so-far proven way of obtaining these numbers is to estimate them, using workforce requirements on a per-well or per-rig basis, et cetera. The operators do not have qualified staff to provide these numbers. The monitoring program will have to work with the operators and various subcontractors to put together a methodology to estimate the workers and dependents accurately.”

⁶ Debraj Ray, *Development Economics*, Oxford UP, 1998, pp. 187-190.

⁷ The specialization index used in the Economic Profile System is calculated as:

$$SPECIAL_{it} = \sum_{j=1}^n ((EMP_{ijt}/EMP_{it}) - (EMP_{usjt}/EMP_{ust}))^2$$

Where, $SPECIAL_{it}$ = specialization of economy in county i in year t

EMP_{ijt} = employment in industry j in county i in year t

EMP_{it} = total employment in county i in year t

EMP_{usjt} = employment in industry j in US in year t

EMP_{ust} = total employment in US in year t

n = number of industries

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