
CHAPTER 1 PURPOSE AND NEED

The Colorado Bureau of Land Management (BLM), Little Snake Field Office (LSFO), has initiated the planning process to develop a revised resource management plan (RMP) for public lands within its administrative boundary, which includes portions of Moffat, Routt, and Rio Blanco Counties in northwest Colorado (Map 1-1). An environmental impact statement (EIS) will be prepared as part of this project.

The management of public lands and federal mineral estate administered by BLM within the LSFO boundaries (from this point forward referred to as the Little Snake Resource Management Plan Planning Area [RMPPA]) is the subject of this document. Planning decisions in this document do not apply to county- or privately-owned lands. Further, lands owned by the State of Colorado and managed by the State Board of Land Commissioners or other State agencies are not covered by this plan. All of these lands are subject to all valid and existing rights, including the right of reasonable access to surface and sub-surface parcels leased for the development of the mineral interest and any other lease agreements for grazing, recreation, and other use leases such as tower sites and rights-of way (ROW).

The LSFO has made open, public dialogue integral to this planning process to recognize the interests of a wide range of public, private, and governmental representatives in providing input for the management of the RMPPA. An independent group of open membership, the Northwest Colorado Stewardship (NWCOS), which includes representatives of many interests, has been meeting with the planning team to discuss possible consensus solutions to many of the resource issues associated with the RMP/EIS. BLM has agreed to participate in and provide information for these NWCOS discussions. The public process BLM is undertaking with NWCOS supplements all required public input opportunities; however, BLM has not abdicated its responsibility as the final decision maker.

1.1 BACKGROUND

In 1989, a record of decision (ROD) was signed implementing the current Little Snake RMP for management of resources and resource uses within the Little Snake RMPPA. Since the ROD was approved, the RMP has been amended three times—

- ❑ 1991—Amendment for Oil and Gas Leasing and Development
- ❑ 1996—Amendment for Black-Footed Ferret Reintroduction
- ❑ 1997—Amendment for Colorado Land Health Standards.

Because BLM identified wilderness characteristics through an inventory of Vermillion Basin in 2001, the LSFO initiated an RMP amendment for this area; however, while exploring the option of a plan amendment, BLM identified other issues outside of Vermillion Basin related to management of oil and gas resources and travel. BLM also received input from Moffat County and several environmental organizations requesting that it revise the RMP for the entire resource area to address these issues.

NWCOS, an independent community-centered stewardship group, was established in April 2003 with the mission of fostering a working relationship among diverse interests, and empowering the affected public to provide substantial input into the decisionmaking process for federal land management. In February 2004, the LSFO sent NWCOS a proposal for the RMP revision. In March 2004, NWCOS responded and expressed its interest in participating in the revision process. In response to NWCOS' willingness to participate in the process, BLM, with assistance from the U.S. Institute for Environmental Conflict Resolution (USIECR), developed a strategy to design ways in which NWCOS could assist BLM throughout the revision process in a collaborative manner, yet stay within the limits of existing laws and regulations.

The RMP revision was initiated in 2004.

1.2 DESCRIPTION OF PLANNING AREA

The Little Snake RMPPA includes within its administrative boundary approximately 4.2 million acres of federal, State, county, and private lands (Map 1-2). The area is bordered on the north by the State of Wyoming, on the west by the State of Utah, on the south by the BLM White River Field Office and Routt and White River National Forests, and on the east by Routt National Forest. Of the 4.2 million surface acres within the RMPPA, approximately 1.3 million acres (32 percent) are administered by BLM, 41 percent is privately owned, 6 percent is owned by the State of Colorado, and 21 percent is administered by other federal agencies (Table 1-1). Additionally, 1.1 million acres of the private and State lands are underlain by federally-owned minerals.

Table 1-1. LSFO-Managed Surface Ownership by County

County	Acres of County within RMPPA Boundary	Acres of Surface Ownership			
		BLM LSFO	Other Federal Agencies	State of Colorado	Private
Moffat	2,620,700	1,285,200	136,000	183,500	1,016,000
Routt	1,399,300	59,900	566,700	68,100	704,600
Rio Blanco	133,800	4,300	107,900	0	21,600
Garfield	36,300	0	36,100	0	200
Grand	30,000	0	29,800	100	100
Jackson	1,600	0	1,600	0	0
Total	4,221,700	1,349,400	878,100	251,700	1,742,500

According to the Federal Land Policy and Management Act of 1976 (FLPMA), BLM is responsible for planning for and managing “public lands.” As defined by the act, “public lands” are those federally-owned lands and any federal interest in lands (e.g., federally-owned mineral estate) that are administered by the Secretary of the Interior through BLM. Within the RMPPA, there are intermingled land surface and subsurface ownerships, and the accompanying administrative jurisdictions for land use planning for these ownerships are also intermingled and overlapping. Because of this situation, it is important to reiterate that the Little Snake RMP will not include planning and management decisions for lands or minerals that are owned by private individuals, the State of Colorado, other federal agencies, or local governments. Because of the long history of public land management, there are numerous rights and privileges that have been established on public lands under law, regulation, or planning decisions. A few examples of these rights and privileges include land grants to the states, road ROWs, oil and gas leases, communication sites, and grazing permits. It is important to note that planning decisions in the new RMP will be subject to valid existing rights established on public lands. The RMP decisions will be applied to future decisions made by BLM.

1.3 PURPOSE AND NEED FOR THE RMP REVISION

1.3.1 Purpose

The purpose of the Little Snake RMP revision is to ensure that public lands are managed according to the principles of multiple use and sustained yield. This RMP revision will meet the mandate of FLPMA that

public lands be managed according to land use plans and will follow the planning principles outlined in Section 202(c) of FLPMA (43 USC 1712). This will be accomplished through the establishment of desired resource conditions identified through goals and objectives, special management needs, allowable public land uses, and actions needed to achieve objectives. Comprehensive in nature, the RMP will address resource management issues identified through public, agency, and interagency scoping efforts as well as resource management according to BLM policies. Decisions in the RMP, including management actions that address the major issues identified, will guide future land management actions and subsequent site-specific implementation decisions. These land use plan decisions establish goals and objectives for resource management (desired outcomes) and the measures needed to achieve these goals and objectives (management actions and allowable uses).

1.3.2 Need

The Little Snake RMP that was approved in April 1989 was amended three times to address oil and gas leasing and development (1991), the black-footed ferret reintroduction (1996), and the Colorado Land Health Standards (1997). In 2004, an additional RMP amendment to address Vermillion Basin was needed. However, after consultation with Moffat County and several environmental organizations, BLM determined that an RMP revision for the entire resource area to address other issues outside of Vermillion Basin was necessary.

An RMP is a set of comprehensive long-range decisions concerning the use and management of resources administered by BLM. In general, an RMP accomplishes two objectives—

- ❑ Provides an overview of goals, objectives, and needs associated with public lands management
- ❑ Resolves multiple use conflicts or issues associated with those requirements that drive the preparation of the RMP.

FLPMA requires that BLM “develop, maintain, and, when appropriate, revise land use plans” (43 United States Code [U.S.C.] 1712 (a)). BLM has determined it necessary to revise the existing RMP based on a number of new issues that have arisen since preparation of the earlier RMP in 1989. A comprehensive list of issues is detailed in Section 1.5. Major issues contributing to the revision of the current RMP include—

- ❑ Management of lands with wilderness characteristics outside of existing WSAs
- ❑ Consideration of new data
- ❑ Management of energy and mineral resources, particularly in sensitive or unique areas
- ❑ Management of increased off-highway vehicle (OHV) use and non-motorized visitation
- ❑ Involvement of local levels of government and citizens in determining traditional and emerging uses of public land.

Other changes have occurred since the last plans were developed that could result in impacts not previously analyzed. The RMP revision will allow for updating management decisions to align with changes in federal law and BLM policies. The RMP revision is also needed to address discrepancies that have occurred because of changes in BLM policy (OHV route designation policy, consideration of areas of critical environmental concern [ACEC], Energy Policy and Conservation Act Reauthorization of 2000 [EPCA], change in listed species, etc.). The planning criteria and issues described in Section 1.5 provide constraints and ground rules that further define the need for this plan revision.

1.4 BLM PLANNING PROCESS

The revision of the Little Snake RMP was initiated under the authority of Section 202(f) of FLPMA and is subject to Section 202(c) of the National Environmental Policy Act of 1969 (NEPA). The process is guided by BLM planning regulations in Title 43 of the Code of Federal Regulations (CFR), Part 1600 (43 CFR 1600) and the Council on Environmental Quality (CEQ) regulations in 40 CFR 1500.

Development of the RMP represents the first of the two-tiered BLM planning process—the land use planning tier. As such, the RMP prescribes the allocation of and general future management direction for the resource and land uses of BLM-administered public lands in the RMP planning area. In turn, the RMP guides the second tier of the planning process—the more site-specific activity or implementation planning tier and daily operations.

Activity or implementation planning applies the RMP resource and land use decisions to site-specific management decisions for smaller geographic units of public lands within the RMPPA. Activity planning includes elements such as allotment management plans, habitat management plans, and interdisciplinary or coordinated activity plans issuing various land and resource use authorizations, identification of specific mitigation needs, and development and implementation of other similar plans and actions.

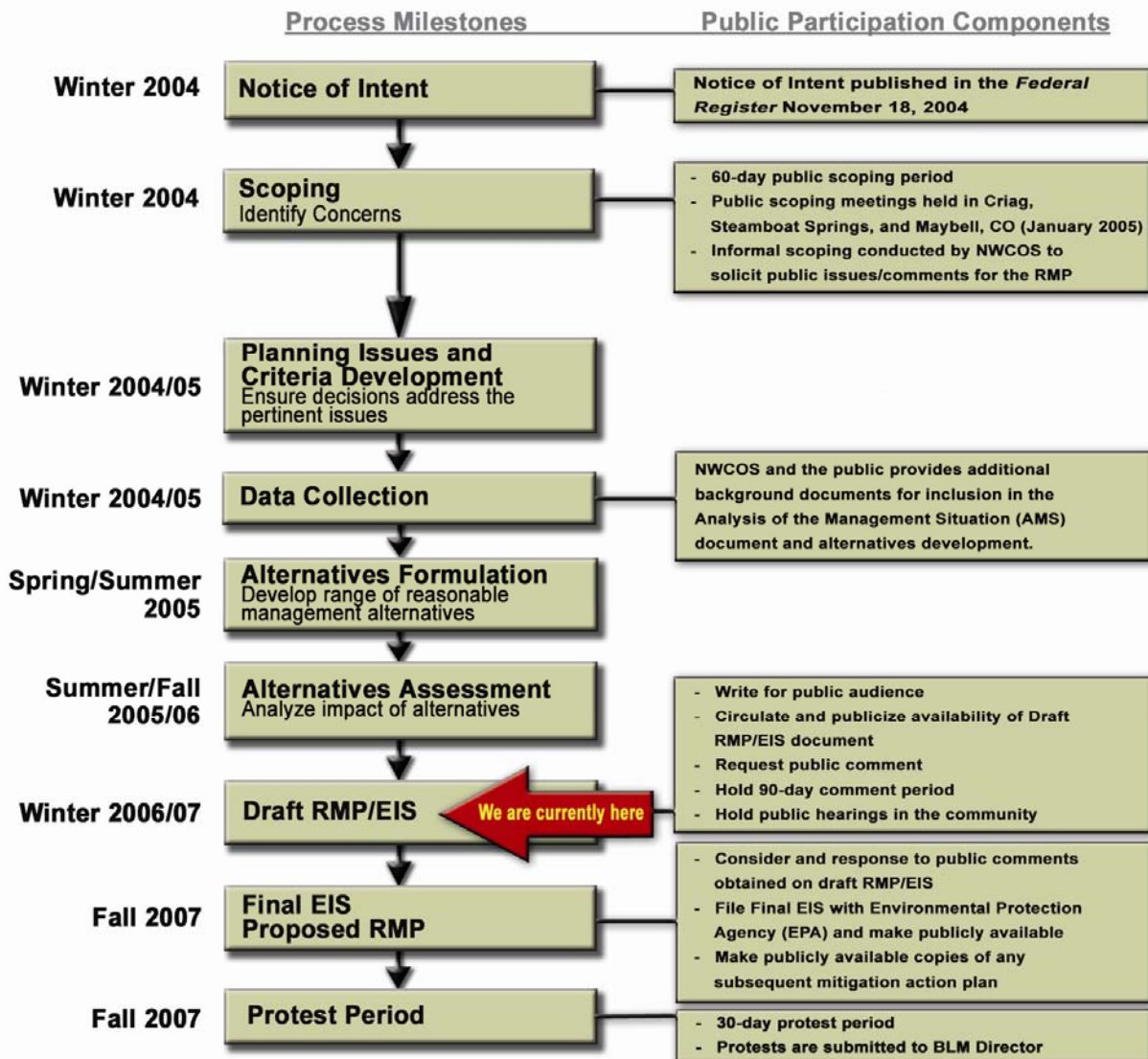
BLM's multistep planning process (described in 43 CFR 1600) was used to develop this plan.

Figure 1-1 presents the Little Snake planning process, including key timeframes for the completion of the RMP.

This Draft RMP/EIS represents the culmination of extensive public and cooperating agency involvement. BLM conducted an iterative alternatives development process with NWCOS and cooperating agencies. NWCOS and cooperating agencies also provided input on the adequacy of the alternatives analysis relative to their knowledge of the RMPPA. In addition, the independent community group NWCOS provided recommendations to BLM on the Draft RMP/EIS.

All input received on this Draft RMP/EIS during the 90-day comment period will be considered and incorporated, as appropriate, in the Final RMP/EIS document. Chapter 5, Consultation and Coordination, discusses the planning process in detail.

Figure 1-1. Little Snake Planning Process



1.5 PLANNING ISSUES AND CRITERIA

1.5.1 Planning Issues

The following planning issues were identified through public scoping and incorporate information from the analysis of the existing management situation in the RMPPA. Public scoping was conducted from November 18, 2004 to January 31, 2005, during which time three public open houses were held in Steamboat Springs, Craig, and Maybell, Colorado, to solicit public comment on the planning process. A total of 477 comments and issues were received during the scoping period. The Draft Analysis of the Management Situation (AMS) for the LSFO was made available for public comment in January 2005. Comments received were reviewed and incorporated, as appropriate, to develop the Final AMS, published in April 2005.

Planning issues identify demands, concerns, or conflicts regarding the use or management of public lands and resources. These issues typically express potential impacts that some land and resource values and uses have on other land and resource values and uses. They can be input from BLM, the public, government agencies, and private organizations.

Issue 1: Energy and Minerals

The RMPPA contains known deposits of coal, oil and gas, bituminous sandstone, gold, rare-earth elements, uranium, copper, lead, zinc, silver, sand, and gravel. Based on known occurrences and/or known favorable geologic relationships, the area has the potential for other considerable deposits of these commodities, as well as other mineral resources, including base and precious metals, oil shale and associated commodities, geothermal energy, zeolites, construction stone, and clays. Management of these resources, including identifying areas and conditions in which mineral development can occur, is crucial to the planning process. Issues regarding where and how mineral resources could be developed will be a principle focus of this plan.

Issue 2: Special Management Areas

Colorado conservationists have presented BLM with a Statewide Citizens' Wilderness Proposal (CWP) that includes the compilation of numerous citizen wilderness inventories and area-by-area justification for areas conservationists consider eligible for wilderness protection. Seven of these areas fall within the RMPPA (Cold Spring Mountain, Cross Mountain, Diamond Breaks, Dinosaur Adjacent [which includes six units and is also referred to as Dinosaur Wilderness Additions], Pinyon Ridge, Vermillion Basin, and Yampa River). BLM conducted an inventory of Vermillion Basin in 2001 and determined that more than 77,000 acres contained wilderness character. Many of the proposed wilderness characteristic areas also have oil and gas potential and support other uses, which could affect how BLM determines appropriate management.

BLM resource specialists conducted a Wild and Scenic River (WSR) technical analysis in 1991, in which 172 stream segments in the RMPPA were inventoried and analyzed for potential eligibility. Seven stream segments on the Yampa River and one stream segment on the Little Snake River were found to be potentially eligible. Currently, there are no river segments within the RMPPA that have been through the entire WSR review process. The WSR analysis will be completed as part of this RMP revision process.

Issue 3: Transportation and Travel Management:

BLM often connects travel management with recreation, as recreation is the primary activity associated with travel management. Recreational activities occur throughout the area and include motorized and non-motorized vehicle touring; big and small game hunting; backpacking; horseback riding; hiking; mountain bike use; sightseeing; pleasure driving; and OHV use, including motorcycles, all-terrain vehicles (ATV), and full-size, four-wheel drive vehicles such as jeeps and sport utility vehicles (SUV). Increased OHV use and non-motorized visitation over the years in areas such as Sand Wash Basin have led to increased concerns regarding resource protection and conflicting uses.

Other land management activities, such as oil and gas exploration and range management, are also associated with travel management. Use and proliferation of roads greatly contribute to resource impacts and user conflicts.

Another issue related to travel management is Revised Statute (R.S.) 2477, which states in its entirety, "The right-of-way for the construction of highways over public lands not reserved for public uses, is hereby granted" (Act of July 26, 1866, Chapter 262, § 8, 14 statute 251, 253 codified in 1873 as Section

2477 of Revised Statutes, recodified in 1938 as 43 U.S.C. § 932). Sec. 706 of FLPMA repealed R.S. 2477, but also stated that ROW existing when the Act was approved are not affected; however, FLPMA did not address the procedures to be followed with respect to recognition of pre-1976 R.S. 2477 ROW. When the Department of the Interior (DOI) proposed regulations that would address recognition of such rights-of-way, Congress enacted a moratorium, which DOI recognized in January 1997.

On January 10, 2003 the Moffat County Commissioners identified ROW across federal lands into the county's road system. A map of Moffat County's assertions is provided on Map 3-41.

BLM recognizes that R.S. 2477 assertions are made by Moffat County and that many of these routes existed before 1976 on public lands that were unreserved. The authorizing authority for many of these roads may well be R.S. 2477; however, until recently the 1997 DOI policy moratorium limits BLM's ability to process R.S. 2477 ROW claims.

On September 8, 2005, the United States Court of Appeals for the Tenth Circuit in *Southern Utah Wilderness Alliance v. Bureau of Land Management (SUWA v. BLM)*, 425 F.3d 735 (10th Cir. 2005) expressly authorized BLM to make non-binding determinations concerning the validity of R.S. 2477 claims for its own planning purposes. In *SUWA v. BLM*, the Tenth Circuit stated that BLM does not have authority to adjudicate an R.S. 2477 ROW nor can BLM impose federal rather than state law criteria when evaluating an R.S. 2477 ROW claim. The Tenth Circuit concluded that, "Federal law governs the interpretation of R.S. 2477, but that in determining what is required for acceptance of a right-of-way under the statute, federal law 'borrows' from long-established principals of state law, to the extent that state law provides convenient and appropriate principals for effectuating congressional intent" (*SUWA v. BLM*, 25 F.3d at 768).

On March 22, 2006 Interior Secretary Gale Norton issued a policy statement that, among other things, revoked the 1997 DOI policy moratorium and confirmed DOI's recognition of the Tenth Circuit's ruling. The March 22, 2006 DOI policy encourages communication and cooperation in the administration of R.S. 2477. It also reiterates the Tenth Circuit finding that binding determinations of R.S. 2477 rights is a judicial, not an executive function.

As such, the RMP is not the venue to definitively resolve the R.S. 2477 issue, but the RMP/EIS will address transportation and access issues and will disclose impacts of travel management decisions on resource uses and motorized access. Potential conflicts may exist between BLM planning decisions and R.S. 2477 assertions to different degrees in the different management alternatives. Chapter 4 provides an analysis of which R.S. 2477 assertions would not be available for vehicle use under each alternative, unless later recognized as valid existing ROW. The RMP/EIS does not constitute a non-binding determination.

The LSFO has assured the Moffat County Commissioners that the RMP/EIS will acknowledge the existence of the R.S. 2477 assertions, and that the RMP/EIS decisions are subject to valid existing rights. Valid existing county ROW are not subject to BLM closures; therefore, should some or all of the R.S. 2477 assertions be recognized as valid, routes that were closed in the RMP would become open to vehicle travel. Such use could change the character of the area, including but not limited to the recreation experience, and ultimately could result in a change in management if vehicle use were inconsistent with the management objectives described in the RMP for that area. Alternative B provides the least potential conflict with Moffat County's R.S. 2477 assertions, while Alternative D offers the most potential conflict, and thus the most potential for change in recreation experience and other features of an area.

Transportation planning is not part of the RMP but will take place subsequent to the signing of the ROD. Close cooperation with Moffat County during transportation planning will be required to address any

specific issues that might arise. Discussions will focus on resolving issues about individual routes in the planning area.

Issue 4: Wildlife

Public lands within the RMPPA provide habitat for a variety of wildlife species. Special management attention might be needed to restore, maintain, or enhance priority species and their habitats. Increased uses throughout the RMPPA, including recreational use, grazing, and motorized and mechanized vehicle use, have the potential to critically affect wildlife populations and their habitat if not properly managed. Integrating habitat management with other resource programs requires careful planning to minimize impacts on wildlife species and their habitats, while still providing for other uses on the public lands. Special attention will be given to many species, including but not limited to big game, white-tailed prairie dog, black-footed ferret, Canadian lynx, Greater sage grouse, raptors, migratory birds, and native fish.

Issue 5: Socioeconomic Values

People value northwest Colorado for a variety of reasons—it is a source of livelihood, has scenic qualities and open spaces, and is a place to recreate. Local levels of government and citizens have and will continue to provide input on an array of issues regarding both traditional and emerging uses of public land and their potential social and economic effects on local communities and values. This RMP will describe the social and economic values associated with public lands in the area and the potential impact of planning decisions on them.

Issue 6: Lands and Realty

BLM regularly receives ROW applications for pipelines, roads, legal access, and communication sites. This plan will provide some direction for these uses.

BLM is interested in consolidating its lands to benefit public access, use, and resource management. The planning process will include developing guidance for how and when BLM may consider sale or exchange of public land.

BLM also anticipates an increasing need to consider the sale or exchange of mineral rights, particularly for split-estate lands, to simplify land management and mineral leasing throughout the RMPPA. BLM has seen a steady annual increase in mineral leases over the past several years and since the last RMP decision document; however, the 1989 RMP does not contain language for the sale or exchange of mineral rights.

1.5.2 Planning Criteria

Planning criteria are the constraints, conditions, and guidelines for conducting the BLM planning process. Planning criteria are based on standards prescribed by laws and regulations; guidance provided by the BLM Colorado State Director, input from the public, and government and tribal agency consultation and coordination; analysis of information relevant to the RMPPA; and professional judgment. The following general planning criteria were developed to guide planning, development of management alternatives, impacts analysis, and selection of the Little Snake RMP. Additional planning criteria may be identified throughout the planning process.

The currently identified planning criteria include the following:

- ❑ The Little Snake RMP will be completed in compliance with the FLPMA (43 U.S.C. 1701 et seq.).
- ❑ The planning process will include an EIS that will comply with NEPA standards.
- ❑ Planning work will be completed on time and on budget.
- ❑ The collaborative effort will be focused to allow the collaborators to understand how they make a difference and within a timeframe that is reasonable and achievable.
- ❑ A strategy will be provided for reaching desired conditions and outcomes and meeting objectives.
- ❑ The Little Snake RMP will recognize valid existing rights.
- ❑ The Little Snake RMP will recognize the specific niche that federal lands provide both to the nation and to the surrounding community. A successful plan will be one that is responsive to both national and local needs.
- ❑ Public participation will be encouraged throughout the process as per the Public Participation Plan. BLM will collaborate and build relationships with tribes, State and local governments, federal agencies, local stakeholders, and others in the community who might be affected by the plan. Collaborators will be regularly informed and offered timely and meaningful opportunities to participate in the planning process. The NWCOS will participate in the collaborative process to contribute to finding a common vision and strategy for the Little Snake RMP.
- ❑ Decisions in the Little Snake RMP will strive to be compatible with the existing plans and policies of adjacent local, State, and federal agencies, provided the decisions comply with federal laws and regulations that direct resource management on the public lands.
- ❑ Road and trail access guidance (and OHV management) will be incorporated into the Little Snake RMP to ensure public and resource needs are met. At a minimum, the Little Snake RMP will divide the RMPPA into OHV area designations that are open, limited, or closed. The Little Snake RMP will include a map of area designations and address travel over snow. Specific criteria and definitions for open, limited, and closed designations can be found in 43 CFR 8340.0-5 (f), (g) and (h). Additional criteria are provided by existing law, proclamation, Executive Order, regulation, or policy.
- ❑ EPCA inventory results will be integrated into land use planning and energy use authorizations.
- ❑ Environmental protection and energy production are both desirable and necessary objectives of sound land management practices and are not to be considered mutually exclusive priorities.
- ❑ For all stipulations developed in new land use plans, and to further improve consistency and understanding of lease stipulations, BLM will use the Uniform Format for Oil and Gas Lease Stipulations prepared by the Rocky Mountain Regional Coordinating Committee in March 1989. Lease stipulations will be reviewed for consistency with neighboring BLM Field Offices and States, and where there are discrepancies, efforts will be undertaken to achieve consistency or to explain any differences.
- ❑ The Little Snake RMP will take into consideration the lifestyles and concerns of area residents.
- ❑ A qualified organization or individual will prepare a socioeconomic assessment of the RMPPA that will identify, analyze, and review the social and economic considerations of the Little Snake RMP. BLM will also facilitate community discussions on resolving community issues generated by agency land use plans.
- ❑ The Little Snake RMP will incorporate the Colorado Rangeland Health Standards and Guidelines. It will include a strategy for ensuring that proper grazing practices are followed. Grazing will be managed to maintain or improve the health of the public lands by incorporating conditions to enhance resource conditions into permitted operations.
- ❑ The Little Snake RMP will contain an adaptive framework that incorporates regular monitoring and evaluation to adjust management within the direction of the existing plan, or when that is not possible, with a focused plan amendment process.
- ❑ The Little Snake RMP will have realistic desired conditions and achievable objectives consistent with likely budgets and the design criteria.

- ❑ Lands with wilderness characteristics would be managed to protect and/or preserve some or all of those characteristics. This could include protecting certain lands in their natural condition and/or providing opportunities for solitude or primitive and unconfined types of recreation.
- ❑ The Little Snake RMP will identify existing and potential corridors (potential corridors include existing ROWs that can be considered for additional facilities, and thus be considered a corridor if not already so designated).
- ❑ The Little Snake RMP will identify existing and potential ROW development sites such as energy development areas (e.g., wind energy sites) and communication sites.
- ❑ The Little Snake RMP will describe likely development of potential corridors and other ROW sites as a basis for impact assessment.

1.6 RELEVANT STATUTES, LIMITATIONS, AND GUIDELINES

The following provides a description of the federal authorities that apply to the selection and implementation of the management actions for the Little Snake RMP.

1.6.1 Environmental Policy

NEPA (42 U.S.C. 4321, et seq.) requires the preparation of EISs for federal projects that could have a significant effect on the environment. An EIS requires systematic, interdisciplinary planning to ensure the natural and social sciences, and the environmental design arts are incorporated into the decisionmaking for major federal actions that may have a significant effect on the environment. The procedures required under NEPA are implemented through the CEQ regulations at 40 CFR 1500.

The Endangered Species Act of 1973 (ESA), as amended (16 U.S.C. 1531, et seq.), directs federal agencies to ensure that their actions do not jeopardize threatened and endangered species, and that through their authority, they help bring about the recovery of such species.

Federal Compliance with Pollution Control Standards (Executive Order 12088) states that federal agencies must comply with applicable pollution control standards.

Protection and Enhancement of Environmental Quality (Executive Order 11514, as amended by Executive Order 11991) establishes the policy for federal agencies to provide leadership in environmental protection and enhancement.

1.6.2 Land Use and Natural Resources Management

FLPMA, as amended (43 U.S.C. 1701, et seq.), provides for public lands to be generally retained in federal ownership for periodic and systematic inventory of the public lands and their resources; for a review of existing withdrawals and classifications; for establishment of comprehensive rules and regulations for administering public lands statutes; for multiple use management on a sustained yield basis; for protection of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archaeological values; for receipt of fair market value for the use of the public lands and their resources; for establishment of uniform procedures for any disposal, acquisition, or exchange; for identification and protection of ACECs; for recognition of the nation's need for domestic sources of minerals, food, timber, and fiber from the public lands, including implementation of the Mining and Mineral Policy Act of 1970; and for payments to compensate State and local governments for burdens created as a result of the immunity of federal lands from State and local taxation. The general land management regulations are provided in 43 CFR 2000, Subchapter B.

The General Mining Law of 1872, as amended (30 U.S.C. 22, et seq.), provides for locating and patenting mining claims where a discovery has been made for locatable minerals on public lands in specified states. Regulations for staking and maintenance of claims on BLM-administered lands are listed in 43 CFR 3800.

The Mineral Leasing Act of 1920, as amended (30 U.S.C. 181, et seq.), provides for the leasing of deposits of coal; phosphate; sodium; potassium; oil; oil shale; native asphalt; solid and semisolid bitumen; bituminous rock or gas; and lands owned by the United States containing such deposits, including those in national forests, but excluding those acquired under other acts subsequent to February 25, 1920, and those lands within the national petroleum and oil shale reserves. Regulations for onshore oil and gas leasing are provided in 43 CFR 3100.

The Federal Coal Leasing Amendments Act of 1976 (30 U.S.C. 201, et seq.) requires competitive leasing of coal on public lands and mandates a broad spectrum of coal operations requirements for lease management. Coal leasing regulations for BLM-administered lands are provided in 43 CFR 3400.

The Materials Act of 1947, as amended (30 U.S.C. 601–604, et seq.), provides for the sale of common variety materials for personal, commercial, or industrial uses and for free use for local, State, and federal governmental entities. The sales of mineral materials are controlled by the regulations listed in 43 CFR 3600.

The Taylor Grazing Act of 1934, as amended (43 U.S.C. 315), provides authorization to the Secretary of the Interior to establish grazing districts from any part of the public domain of the United States (exclusive of Alaska) which, in the Secretary's opinion, are chiefly valuable for grazing and raising forage crops; to regulate and administer grazing use of the public lands; and to improve the public rangelands. Regulations for grazing permits are provided in 43 CFR 4100.

The Public Rangelands Improvement Act of 1978 (43 U.S.C. 1901, et seq.) provides for the improvement of range conditions on public rangelands, research on wild horse and burro population dynamics, and other range management practices.

The Federal Noxious Weed Act of 1974, as amended (7 U.S.C. 2814), provides for the designation of a lead office and a person trained in the management of undesirable plants, establishment and funding of an undesirable plant management program, completion and implementation of cooperative agreements with State agencies, and establishment of integrated management systems to control undesirable plant species.

The Wild Free Roaming Horse and Burro Act of 1971 provides for the management, protection, and control of wild horses and burros on public lands and authorizes "adoption" of wild horses and burros by private individuals. Regulations applicable to wild horse and burro management on BLM-administered lands are provided in 43 CFR 4700.

Executive Order 12548 provides for the establishment of appropriate fees for the grazing of domestic livestock on public rangelands and directs that the fee shall not be less than \$1.35 per animal unit month.

The Wilderness Act of 1964 (16 U.S.C. 1131, et seq.) provides for the designation and preservation of wilderness areas.

1.6.3 Public and Local Government Involvement

The Administrative Procedure Act (APA), 5 U.S.C. §553, requires notice and comment of proposed regulations.

The Intergovernmental Cooperation Act, 3 U.S.C. §301, 42 U.S.C. §4231(a), provides that federal agencies are to coordinate programs and plans with State and local governments. See Executive Order 12372 (July 14, 1982).

CFR, 40 CFR Sec. 1508.5 states, "A State or local agency of similar qualifications or, when the effects are on a reservation, and Indian Tribe, may by agreement with the lead agency become a cooperating agency."

FLPMA, 43 U.S.C. §1701, et seq., states, "The Secretary shall allow an opportunity for public involvement and by regulation shall establish procedures, including public hearings where appropriate, to give federal, State and local governments and the public adequate notice and opportunity to comment upon and participate in the formulation of plans and programs relating to the management of the public lands." 43 U.S.C. §1712(f).

FLPMA also requires coordination with local government, in addition to public involvement by regulation, for development of land use plans, guidance, and revision or amendment of plans. 43 C.F.R. §1610.3.

Finally, FLPMA specifies that, "In exercising his authorities under this Act, the Secretary by regulation shall establish procedures, including public hearings where appropriate, to give the federal, State, and local governments and the public adequate notice and an opportunity to comment upon the formulation of standards and criteria for, and to participate in, the preparation and execution of plans and programs for, and the management of, the public lands." 43 U.S.C. §1739(e).

1.6.4 Air Quality

The Clean Air Act of 1990, as amended (42 U.S.C. 7401, 7642), requires BLM to protect air quality, maintain federal- and State-designated air quality standards, and abide by the requirements of the State implementation plans.

The State of Colorado Ambient Air Quality Standards (March 2005) specify the requirements for air permitting and monitoring to implement Clean Air Act and State ambient air quality standards.

1.6.5 Water Quality

The Clean Water Act of 1987, as amended (33 U.S.C. 1251), establishes objectives to restore and maintain the chemical, physical, and biological integrity of the nation's water. The act also requires permits for point source discharges to navigable waters of the United States and the protection of wetlands and includes monitoring and research provisions for protection of ambient water quality.

Wyoming Water Quality Regulations implement permitting and monitoring requirements for the National Pollutant Discharge Elimination System, operation of injection wells, groundwater protection requirements, prevention and response requirements for spills, and salinity standards and criteria for the Colorado River Basin.

Protection of Wetlands (Executive Order 11990) requires federal agencies to take action to minimize the destruction, loss, or degradation of wetlands and to preserve and enhance the natural and beneficial values of wetlands.

Floodplain Management (Executive Order 11988) provides for the restoration and preservation of national and beneficial floodplain values, and enhancement of the natural and beneficial values of wetlands in carrying out programs affecting land use.

1.6.6 Cultural and Heritage Resources

The Antiquities Act of 1906 protects objects of historic and scientific interest on public lands. It authorizes the President to designate historic landmarks and structures as national monuments and provides penalties for people who damage these historic sites. The act has two main components: (1) a criminal enforcement component, which provides for the prosecution of persons who appropriate, excavate, injure, or destroy any historic or prehistoric ruin, monument, or any object of antiquity on lands owned or controlled by the United States, and (2) a component that authorizes a permit for the examination of ruins and archaeological sites and the gathering of objects of antiquity on lands owned or controlled by the United States.

The Historic Sites Act (16 U.S.C. 461) declares national policy to identify and preserve historic sites, buildings, objects, and antiquities of national significance, thereby providing a foundation for the National Register of Historic Places (NRHP).

The National Historic Preservation Act of 1966 (NHPA), as amended (16 U.S.C. 470), expands protection of historic and archeological properties to include those of national, State, and local significance. The NHPA (in Section 106) requires federal agencies to take into account the potential effects of agency actions on properties listed on or eligible for the NRHP. Agencies are also required to consult with the State Historic Preservation Office (SHPO) and sometimes with the Advisory Council on Historic Preservation concerning those effects. The SHPO is also consulted concerning applicable methods for determining whether or not there are NRHP-eligible properties in the area of potential effect of an agency undertaking, whether properties are eligible, and if mitigation measures are appropriate. The NHPA (in Section 110) also requires federal agencies to identify properties that could qualify for listing on the NRHP, to nominate such places to the register and to develop plans for their management. Furthermore, both Section 110 and the Archeological Resources Protection Act of 1979 (ARPA) require federal agencies to develop proactive programs to interpret archeological resources for the benefit of the public.

ARPA, as amended (16 U.S.C. 470a, 470cc, 470ee), requires permits for the excavation or removal of federally-administered archaeological resources, encourages increased cooperation among federal agencies and private individuals, provides stringent criminal and civil penalties for violations, and requires federal agencies to identify important resources vulnerable to looting and to develop a tracking system for violations.

The American Indian Religious Freedom Act (AIRFA) clarifies U.S. policy pertaining to the protection of Native Americans' religious freedom. The special nature of Native American religions has frequently resulted in conflicts between federal laws and policies and religious freedom. AIRFA, passed in 1978, acknowledges prior infringement on the right of freedom of religion for Native Americans from other federal laws. Furthermore, it states in federal policy that laws passed for other purposes were not meant to restrict the rights of Native Americans. The act establishes a policy of protecting and preserving the inherent right of individual Native Americans (including American Indians, Eskimos, Aleuts, and Native Hawaiians) to believe, express, and exercise their traditional religions.

The Native American Graves Protection and Repatriation Act of 1990 (NAGPRA), updated in 2003 provides a process for museums and federal agencies to return certain Native American cultural items—human remains, funerary objects, sacred objects, or objects of cultural patrimony to lineal descendants, and culturally affiliated Indian tribes and Native Hawaiian organizations. NAGPRA includes provisions

for unclaimed and culturally unidentifiable Native American cultural items on federal and tribal lands, and penalties for noncompliance and illegal trafficking. NAGPRA also authorizes federal grants to Indian tribes, Native Hawaiian organizations, and museums to assist in the documentation and repatriation of Native American cultural items and establishes a review committee to monitor the NAGPRA process and facilitate the resolution of disputes that may arise.

Indian Sacred Sites (Executive Order 13007 of May 24, 1996) mandates that each executive branch agency with statutory or administrative responsibility for the management of federal lands shall, to the extent practicable, permitted by law, and not clearly inconsistent with essential agency functions (1) accommodate access to and ceremonial use of Indian sacred sites by Indian religious practitioners and (2) avoid adversely affecting the physical integrity of such sacred sites. Where appropriate, agencies shall maintain the confidentiality of sacred sites. The procedures established to implement these provisions must be communicated to the Assistant to the President for Domestic Policy. Agencies must also ensure reasonable notice is provided of proposed actions or land management policies that may restrict future access to or ceremonial use of, or adversely affect the physical integrity of, sacred sites.

Protection and Enhancement of the Cultural Environment (Executive Order 11593) directs federal agencies to locate, inventory, nominate, and protect federally-owned cultural resources eligible for the NRHP and to ensure that their plans and programs contribute to preservation and enhancement of non-federally-owned resources.

The National Trails System Act of 1968, as amended (16 U.S.C. 1241–1249), establishes a national trails system and requires that federal rights in abandoned railroads be retained for trail or recreation purposes or sold with the receipts to be deposited in the Land and Water Conservation Fund. The Act includes the establishment of National Historic Trails. The purpose of the act is to provide the means for outdoor recreation needs of an expanding population and to promote the preservation of and access to outdoor areas and historic resources of the United States by instituting a national system of recreation, scenic, and historic trails, designating the Appalachian Trail and the Pacific Crest Trail as the initial components of the system, and prescribing the methods and standards by which additional components may be added to the system.

Cultural and heritage resources would be managed according to existing legislation, regulations, executive orders, and BLM policy

1.6.7 Hazardous Materials

The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986 (42 U.S.C. 9601–9673), provides for liability, risk assessment, compensation, emergency response, and cleanup (including the cleanup of inactive sites) for hazardous substances. The act requires federal agencies to report sites where hazardous wastes are or have been stored, treated, or disposed of, and requires responsible parties, including federal agencies, to clean up releases of hazardous substances.

The Resource Conservation and Recovery Act (RCRA), as amended by the Federal Facility Compliance Act of 1992 (42 U.S.C. 6901–6992), authorizes the Environmental Protection Agency (EPA) to manage, by regulation, hazardous wastes on active disposal operations. The act waives sovereign immunity for federal agencies with respect to all federal, State, and local solid and hazardous waste laws and regulations. Federal agencies are subject to civil and administrative penalties for violations and to cost assessments for the administration of the enforcement.

The Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11001–11050) requires the private sector to inventory chemicals and chemical products, report those in excess of threshold planning quantities, inventory emergency response equipment, provide annual reports and support to local and State emergency response organizations, and maintain a liaison with the local and State emergency response organizations and the public.