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wilderness  
alliance

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July 31, 2006

Henri Bisson – Acting State Director  
Utah State Director, Bureau of Land Management  
440 West 200 South, 5<sup>th</sup> Floor  
P.O. Box 45155  
Salt Lake City, Utah 84145-0155

*Re: Protest of Bureau of Land Management's Notice of Competitive Oil and Gas Lease Sale Concerning 31 Parcels in Emery, Wayne, Garfield, Box Elder, Piute, Grand, and San Juan Counties*

Greetings,

In accordance with 43 C.F.R. §§ 4.450-2 and 3120.1-3, the Southern Utah Wilderness Alliance, Natural Resources Defense Council, The Wilderness Society, the Grand Canyon Trust, and the Coalition of National Park Service Retirees (collectively referred to as "SUWA") hereby timely protest the August 15, 2006 offering, in Salt Lake City, Utah, of the following 31 parcels in the Monticello, Moab, Richfield, Salt Lake, and Price field offices:

**Monticello field office: UT 0806-351 (1 parcel)**

**Salt Lake field office: UT 0806-004, UT 0806-005, UT 0806-009 (3 parcels)**

**Richfield field office: UT 0806-022, UT 0806-035, UT 0806-036, UT 0806-247, UT 0806-248 (5 parcels)**

**Price field office: UT 0806-264, UT 0806-267, UT 0806-269 (3 parcels)**

**Moab field office: UT 0806-272, UT 0806-273, UT 0806-277, UT 0806-278, UT 0806-282, UT 0806-283, UT 0806-284, UT 0806-285, UT 0806-294, UT 0806-295, UT 0806-296, UT 0806-297, UT 0806-301, UT 0806-302, UT 0806-306, UT 0806-348, UT 0806-350, UT 0806-378, UT 0806-379 (19 parcels)**

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As explained below, the Bureau of Land Management's (BLM's) decision to sell the 31 parcels at issue in this protest violates the National Environmental Policy Act, 42 U.S.C. §§ 4321 et seq. (NEPA), the National Historic Preservation Act, 16 U.S.C. §§ 470 et seq. (NHPA), and the regulations and policies that implement these laws.

In sum, SUWA requests that BLM withdraw these 31 lease parcels from sale until the agency has fully complied with NEPA and the NHPA.

The grounds of this Protest are as follows:

**A. Leasing the Contested Parcels Violates NEPA**

**1. Inadequate Pre-Leasing NEPA Analysis**

NEPA requires that the BLM prepare a pre-leasing NEPA document that fully considers and analyzes the no-leasing alternative before the agency engages in an irretrievable commitment of resources, i.e., the sale of non-no surface occupancy oil and gas leases. Bob Marshall Alliance v. Hodel, 852 F.2d 1223, 1228-30 (9<sup>th</sup> Cir. 1988) (requiring full analysis of no-leasing alternative even if EIS not required). See Southern Utah Wilderness Alliance, 164 IBLA 118, 124 (2004) (quoting Pennaco Energy, Inc. v. U.S. Dep't of the Interior, 377 F.3d 1147, 1162 (10<sup>th</sup> Cir. 2004)) (reversing and remanding Utah BLM decision to lease seven parcels in Kanab field office because of inadequate pre-leasing NEPA analysis). Importantly, BLM's pre-leasing analysis must be contained in its already completed NEPA analyses because, as the IBLA recognized in Southern Utah Wilderness Alliance, "DNAs are not themselves documents that may be tiered to NEPA documents, but are used to determine the sufficiency of previously issued NEPA documents." 164 IBLA at 123 (citing Pennaco, 377 F.3d at 1162).

*a. Richfield Field Office – Parcels UT 0806-022, UT 0806-035, UT 0806-036,  
UT 0806-247, UT 0806-248*

The Richfield DNA states that the 1975 Richfield Oil and Gas Environmental Analysis Record (Richfield EAR) and 1975 Fillmore Oil and Gas Environmental Analysis Record (Fillmore EAR) adequately considered the “no-leasing alternative.” Richfield DNA at 5 (citing Richfield EAR at 26; Fillmore EAR at 11). See Richfield EAR at 128-29 (discussion of “do not allow leasing” alternative”). A review of the EARs, however, reveals that the “no-lease” alternative was summarily dismissed and was not, in fact, analyzed, considered, and evaluated. Moreover, when BLM prepared the 1982 Mountain Valley MFP and 1982 Parker Mountain MFP, also cited in the Richfield DNA, it was not accompanied by a separate environmental impact statement or other similar NEPA analysis and thus the current leasing categories and alternatives were not considered in the land use planning context. Southern Utah Wilderness Alliance, 164 IBLA at 123-24 (noting that BLM did not consider MFPs “major federal actions” and thus agency did not prepare EIS to accompany MFP). The subsequent oil and gas NEPA analyses cited to in the Richfield DNA – the Utah Combined Hydrocarbon Leasing Regional EIS (1984) and the Oil and Gas Leasing Implementation EA for Henry Mountain and Sevier River Resources Areas (1988) – did not analyze the no-leasing alternative, but simply carried forward the decisions made in the EARs that lands were available for leasing. BLM should thus defer leasing parcel UT 0806-022, UT 0806-035, and UT 0806-036 until the agency prepares an adequate pre-leasing NEPA analysis.

*b. Price Field Office – UT 0806-264, UT 0806-267, UT 0806-269*

The Price DNA states that the 1975 Price EAR, the 1982 Price River Management Framework Plan, and the 1988 EA Supplement on Cumulative Impacts of Oil and Gas

Leasing Categories adequately considered the “no-leasing alternative.” Price DNA at 3 (citing Price River MFP Supplement). To the contrary, none of these documents contain the required NEPA no-leasing alternative analysis. As described above, the Price EAR did not adequately analyze the no-leasing alternative. The Price River MFP was not accompanied by a NEPA analysis and thus cannot be relied upon for an analysis of the no-lease alternative. In addition, the Price River MFP Supplement did not analyze the no-leasing alternative for lands managed by the Price River MFP, but simply carried forward the decisions made in the Price EAR and Price River MFP that lands were available for leasing.

**2. BLM Failed to Take the Required “Hard Look” at Whether its Existing Analyses are Valid in Light of New Information or Circumstances.**

NEPA requires federal agencies to take a hard look at new information or circumstances concerning the environmental effects of a federal action even after an environmental assessment (EA) or an environmental impact statement (EIS) has been prepared, and to supplement the existing environmental analyses if the new circumstances “raise[] significant new information relevant to environmental concerns.” Portland Audubon Soc’y v. Babbitt, 998 F.2d 705, 708-09 (9<sup>th</sup> Cir. 1993). Specifically, an “agency must be alert to new information that may alter the results of its original environmental analysis, and continue to take a ‘hard look’ at the environmental effects of [its] planned actions.” Friends of the Clearwater v. Dombeck, 222 F.3d 552, 557 (9<sup>th</sup> Cir. 2000). NEPA’s implementing regulations further underscore an agency’s duty to be alert to, and to fully analyze, potentially significant new information. The regulations declare that an agency “shall prepare supplements to either draft or final environmental

impact statements if . . . there are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts.” 40 C.F.R. § 1502.9(c)(1)(ii) (emphasis added).

As explained below, the Price, Richfield, Salt Lake, and Moab field offices failed to take a hard look at new information and new circumstances that have come to light since BLM finalized the 1975 Price EAR, Box Elder EIS/RMP, Richfield EAR, Fillmore EAR, Grand EIS/RMP as well as subsequent oil and gas EAs. See also Pennaco Energy, 377 F.3d at 1162 (explaining that DNAs determine whether “previously issued NEPA documents were sufficient to satisfy the ‘hard look’ standard,” and are not independent NEPA analyses). In addition, to the extent that the Price field office took the required hard look, its conclusion that it need not prepare a supplemental NEPA analysis was arbitrary and capricious.

*a. Wilderness Inventory Areas (WIA)*

BLM has arbitrarily determined that the sale of the following 3 lease parcels located in whole or in-part within the Labyrinth Canyon WIA and Desolation Canyon WIA is appropriate – despite acknowledging that there is “significant new information” about the area’s wilderness characteristics that is not considered in current NEPA analyses: **Labyrinth Canyon WIA: UT 0806-273; Desolation Canyon WIA: UT 0806-267, UT 0806-269.** The Labyrinth Canyon WIA and Desolation Canyon WIA were inventoried between 1996-99 by the BLM as part of the agency’s larger Utah wilderness inventory and determined to contain the necessary wilderness characteristics as defined in the Wilderness Act, 16 U.S.C. §§ 1131 et seq., for potential entry into the National Wilderness Preservation System. See Utah Wilderness Inventory, at vii-ix (1999)

(excerpts attached as Exhibit 1). As the BLM's wilderness inventory documentation explained,

The Secretary's instructions to the BLM were to "focus on the conditions on the disputed ground today, and to obtain the most professional, objective, and accurate report possible so we can put the inventory questions to rest and move on." [The Secretary] asked the BLM to assemble a team of experienced, career professionals and directed them to apply the same legal criteria used in the earlier inventory and the same definition of wilderness contained in the 1964 Wilderness Act.

Utah Wilderness Inventory, at vii (emphasis added). As the result of this review, the BLM determined that its earlier wilderness inventories had failed to recognize 2.6 million acres of lands that met the applicable criteria in its prior reviews, including the Labyrinth Canyon, Desolation Canyon, and Beaver Creek WIAs. See State of Utah v. Babbitt, 137 F.3d 1193, 1198-99 (10<sup>th</sup> Cir. 1998) (discussing history of BLM's Utah wilderness inventories). Importantly, the Grand EIS/RMP – prepared after the 1978-80 wilderness inventory – did not reanalyze the wilderness characteristics of lands that were passed over for wilderness study area status. Rather, that plan and its accompanying NEPA analysis merely adopted the conclusion that lands not identified as WSAs did not contain wilderness characteristics. In addition, the Price EAR – prepared before the passage of FLPMA and before BLM's 1978-80 wilderness inventory – did not analyze the wilderness characteristics of the subject lands. Indeed, it was not until FLPMA was passed in 1976 that the Wilderness Act applied to BLM managed lands. The 1982 Price River MFP – which is not a NEPA analysis – did not analyze wilderness values.

As part of its 1996-98 wilderness inventory, BLM compiled comprehensive case files to support its findings that these two WIAs have wilderness characteristics, including numerous aerial and on-the-ground photographs, as well as a detailed narrative.

with accompanying source materials and SUWA incorporates these documents, located in the Utah State office, by reference to this protest. See also Utah Wilderness Inventory, at 79 (Labyrinth Canyon WIA); id. at 127 (Desolation Canyon WIA) (attached as Exhibit 1). Based on the candid statements in these wilderness files that the 1998 Wilderness Inventory provided significant new information that has not been analyzed in existing NEPA documentation, it is clear that these 3 parcels must be removed from the August 2006 sale list. BLM's failure to do so is a clear violation of NEPA because: (a) the 1996-98 wilderness inventory is undeniably new information, as BLM itself admits; (b) these wilderness inventories meet the textbook definition of what constitutes "significant" information; and (c) the sale of non-NSO leases constitutes an irreversible and irretrievable commitment of resources and thus requires a pre-leasing EIS.

Moreover, BLM cannot credibly claim that it has ever taken a hard look at the impact that oil and gas development would have on the wilderness characteristics of the WIAs because the wilderness case files post-date all the NEPA analyses and accompanying land use plans relied upon by BLM here. At the time that those documents were prepared, the BLM did not know that these areas contained wilderness quality lands. Hence, those NEPA analyses (and land use plans) do not contain the type of site specific information about the wilderness characteristics of the Labyrinth Canyon and Desolation Canyon WIAs that was provided in the BLM's own 1998 (and subsequent) wilderness inventory evaluation, nor could it analyze the impacts of energy development on those characteristics. That BLM's earlier land use plans and NEPA analyses may have discussed in general terms the values of these lands, is no substitute for the required hard look at the impacts of oil and gas development on wilderness

characteristics. See Pennaco Energy, 377 F.3d at 1162 (explaining that DNAs determine whether “previously issued NEPA documents were sufficient to satisfy the ‘hard look’ standard,” and are not independent NEPA analyses). In sum, BLM’s own wilderness inventory evaluations and comprehensive case files constitute precisely the type of significant new information that requires additional environmental analysis before BLM approves the irreversible commitment of resources – the August 2006 lease sale.

b. Areas Likely to Have Wilderness Characteristics<sup>1</sup>

SUWA has provided new and significant information to the BLM regarding the wilderness characteristics of the Phonolite Hills, Rocky Ford, Kingston Ridge, Dome Plateau proposed wilderness units and BLM has determined that these areas are “likely to have wilderness characteristics.” See Richfield DNA at 7; Moab DNA – Wilderness Characteristics Evaluation, at 3 (explaining that the Moab field office has inventoried the Dome Plateau proposed wilderness unit and determined that “some of the acreage . . . was likely to possess wilderness characteristics.”). But see Moab DNA at 3 (describing wilderness characteristics in proposed lease parcels; not mentioning Dome Plateau). See also Map – Sevier River Area Lease Parcels (attached as Exhibit 2); Map - Moab Area Lease Parcels (attached as Exhibit 3).

The same concerns identified supra regarding BLM’s outdated Grand RMP/EIS and Richfield and Fillmore EARs (and Mountain Valley MFP) applies to these lands that BLM determined are likely to contain wilderness characteristics. The information that

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<sup>1</sup> During the Price DRMP/DEIS comment period, SUWA provided BLM with significant new information regarding the wilderness characteristics found in the greater Price River proposed wilderness unit, including parcel UT 0806-264. To the best of SUWA’s knowledge, BLM has never evaluated this information, but must do so before the agency offers this parcel for sale.



SUWA has supplied to BLM – and that BLM has reviewed and confirmed – is undeniably new, significant information about the on-the-ground conditions of these lands. Thus, BLM must prepare a supplemental NEPA analysis to evaluate this information before leasing these parcels.

**3. BLM Should Defer 9 Parcels in the Monticello, Richfield, and Moab Field Offices Pursuant to Instruction Memorandum No. 2004-110 (Change 1) and 40 C.F.R. § 1506.1**

BLM Instruction Memorandum No. 2004-100 (Change 1) “re-emphasizes the importance of considering temporary deferral of oil, gas, and geothermal leasing in those areas with active land use planning activities” such as the Monticello, Richfield, and Moab field offices. This IM further directs BLM “to consider temporarily deferring oil, gas, and geothermal leasing on federal lands with land use plans that are currently being revised.” The IM provides non-exclusive examples of when deferral may be appropriate –including instances where the preferred alternative would designate lands in leasing categories 2-4. The IM does not, however, in any way restrict BLM from deferring oil and gas leasing decisions to those examples. NEPA implementing regulation 40 C.F.R. § 1506.1 is consistent with this interpretation as it provides that while BLM is in the midst of an environmental analysis, such as the Monticello, Richfield, and Moab land use planning/NEPA process, the agency must not take any action “which would . . . [l]imit the choice of reasonable alternatives.” See also 40 C.F.R. § 1502.2(f) (while preparing environmental impact statements, federal “[a]gencies shall not commit resources prejudicing selection of alternatives before making a final decision (§ 1506.1).”).<sup>2</sup>

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<sup>2</sup> BLM’s historic interpretation of this regulation – found most recently in Section VII.E of the agency’s land use planning handbook –confirmed this interpretation of 40 C.F.R. § 1506.1.

Another section of that same regulation directs that while BLM is preparing a required EIS “and the [proposed] action is not covered by an existing program statement,” that BLM must not take actions that may “prejudice the ultimate decision on the program.” 40 C.F.R. § 1506.1(c). The regulation further states that “[i]nterim action prejudices the ultimate decision on the program when it tends to determine subsequent development or limit alternatives.” *Id.* (emphasis added). While BLM has a land use plan and NEPA analysis in place for the lands at issue in the Monticello field office (the San Juan RMP/EIS), Moab field office (Grand RMP/EIS), and Richfield field office (Richfield and Fillmore EARs and Mountain Valley MFP, the agency’s own February 2000 Report to Congress – Land Use Planning for Sustainable Resource Decisions made clear that existing land use plans such as the San Rafael RMP/EIS do not accurately reflect current, unanticipated levels of interest and attention. See BLM Report to Congress – Land Use Planning for Sustainable Development (Feb. 2000), at 4, 7 (attached hereto as Exhibit 4).

A decision by BLM to restrict the application of IM 2004-100 (Change 1) and 40 C.F.R. § 1506.1 to instances where there is a potential conflict with only the preferred alternative would indicate that BLM had prejudged the outcome of the land use planning and NEPA process, in violation of NEPA. In other words, when BLM is in the midst of a land use planning process and considering alternate land uses and protections for certain tracts recently nominated for oil and gas leasing, it is entirely appropriate – and indeed mandated by NEPA – for BLM to defer leasing those lands pending completion of the land use plan. This is particularly true here, where oil and gas leasing under the San Juan RMP/EIS, Grand RMP/EIS, and Richfield/Fillmore EARs and Mountain Valley MFP

would limit or eliminate from consideration alternatives in the Monticello, Moab, and Richfield DRMPs/DEISs.<sup>3</sup>

The numbered points below identify instances where BLM should defer leasing until the Monticello, Moab, and Richfield DRMPs/DEISs is finalized, in accordance with IM 2004-110 (Change 1) and 40 C.F.R § 1506.1:

1. San Juan River – UT 0806-351: The Monticello field office is currently considering designating the San Juan River as a “recreational” river pursuant to the Wild and Scenic Rivers Act and as an area of critical environmental concern (ACEC). The special management prescriptions for these designations include no-surface occupancy lease stipulations and visual resource management class II. The current management regime – pursuant to the San Juan RMP/EIS – does not provide for these protections.
2. Beaver Creek/Dolores River – UT 0806-378 and UT 0806-379: The Moab field office is currently considering designating the Dolores River (Segment 1) as “scenic” pursuant to the Wild and Scenic Rivers Act; the Grand RMP/EIS does not protect these resources.
3. Labyrinth Canyon – UT 0806-272 and UT 0806-273<sup>4</sup>: Both of these parcels are located in close proximity to the Green River, Labyrinth Canyon in stretches currently proposed in the Price DRMP/DEIS preferred alternative for special designation as “recreational” (UT 0806-272) and “scenic” (UT 0806-273) pursuant to the Wild and Scenic Rivers Act and as an ACEC.<sup>5</sup>
4. Kingston Canyon ACEC – UT 0806-022 and UT 0806-036: The Richfield field office has evaluated this proposed ACEC and determined that it contains the

<sup>3</sup> As IM 2004-110 (Change 1) makes clear, “[t]his policy [of deferral] may delay, but will not, in and of itself, reduce the production of energy.”

<sup>4</sup> The legal coordinates for parcel UT 0806-273 (T24S, R16E Section 13 NE) seem to place it west of the Green River on lands managed by the Price field office, though it is mapped by BLM as occurring east of the River on lands managed by the Moab field office.

<sup>5</sup> SUWA notes the discrepancy between the Price and Moab field offices in their treatment of Labyrinth Canyon. While the Price field office DRMP/DEIS is considering special management prescriptions – including at least a ¼ mile set-back from the River for all oil and gas leasing, the Moab DRMP/DEIS has apparently not been as generous – as parcels UT 0806-272 and UT 0806-273 are located within an area that the Price office would close to leasing. Neither of these parcels contains the necessary stipulations to protect the outstanding and relevant values identified by both the Moab and Price field offices, nor the values associated with the River corridor itself.

relevant and important values necessary for ACEC designation. Proposed management prescriptions include special stipulations. In addition to the values considered by BLM (primary mule deer habitat), SUWA identified other values such as significant scenic and ecological values that require no-surface occupancy stipulations. The current management regime – pursuant to the EARs and the Parker Mountain MFP – does not provide for these protections and thus deferral is appropriate and necessary until the Richfield RMP/EIS is finalized.

5. Parker Mountain ACEC – UT 0806-247 and UT 0806-248: The Richfield field office has evaluated this U.S. Fish and Wildlife Service nominated ACEC and determined that it contains necessary relevant and important values necessary for ACEC designation. The current management regime – pursuant to the EARs and the Parker Mountain MFP – does not provide for these protections and thus deferral is appropriate and necessary until the Richfield RMP/EIS is finalized.
4. **Failure to Analyze Impacts of Oil and Gas Leasing and Development to Golden Spike National Historic Site and Arches National Park.**

As noted above, BLM “must be alert to new information that may alter the results of its original environmental analysis, and continue to take a ‘hard look’ at the environmental effects of [its] planned actions.” Friends of the Clearwater v. Dombeck, 222 F.3d 552, 557 (9<sup>th</sup> Cir. 2000). In addition, to ensure that the effects of separate activities do not escape consideration, NEPA requires BLM to consider direct and indirect effects, as well as cumulative environmental impacts, in its environmental analyses. See Davis v. Mineta, 302 F.3d 1104, 1125 (10<sup>th</sup> Cir. 2002); see also Grand Canyon Trust v. Federal Aviation Admin., 290 F.3d 339, 345-47 (D.C. Cir. 2002). NEPA’s regulations provide that “effects” includes ecological, aesthetic, and historic impacts, “whether direct, indirect, or cumulative.” 40 C.F.R. § 1508.8. “Cumulative impact,” in turn, is defined as:

the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.

Id. § 1508.7.

Based on these regulations, NEPA documents must provide useful analysis of past, present, and future actions. City of Carmel-By-The-Sea v. U.S. Dept. of Transp., 123 F.3d 1142, 1160 (9<sup>th</sup> Cir. 1997); Muckleshoot Indian Tribe v. U.S. Forest Serv., 177 F.3d 800, 809-810 (9<sup>th</sup> Cir. 1999). As the D.C. Circuit has held, the fact that a project may result in even a small incremental increase in the overall impacts to a resource is meaningless if “there is no way to determine . . . whether [this small increase] in addition to the other [impacts], will ‘significantly affect’ the quality of the human environment.” Grand Canyon Trust, 290 F.3d at 346.

Here, the Moab and Salt Lake field offices failed to analyze the potentially significant direct and indirect effects and cumulative impacts of the development of the following 10 parcels to Golden Spike National Historic Site and Arches National Park: UT 0806-009 (Golden Spike) and UT 0806-294 (Arches), UT 0806-295 (Arches), UT 0806-296 (Arches), UT 0806-297 (Arches), UT 0806-301 (Arches), UT 0806-302 (Arches), UT 0806-306 (Arches), UT 0806-348 (Arches), and UT 0806-350 (Arches).

*a. Golden Spike National Historic Site*

In a letter dated May 30, 2006, the Superintendent for Golden Spike National Historic Site wrote to the BLM’s Salt Lake field office expressing concerns about the potential significant impacts oil and gas development – authorized by the sale of parcel UT 0806-009 – would have to the “scenic, recreational, and cultural resources associated with the Transcontinental Railroad.” See Letter from Margaret A. Johnson, Superintendent Golden Spike National Historic Site to Salt Lake Field Office Manager, BLM (May 30, 2006) (attached hereto as Exhibit 5). Specifically, Superintendent

Johnson stated that oil and gas leasing and development would negatively impact this important National Register site:

Leasing and developing oil and gas resources in this open county would negatively affect the scenic cultural landscape and historic features associated with the National Register site. Resource specialists in the National Park Service describe this section of transcontinental railroad as looking much as it would have in 1869 when it was constructed.

Id. In response to these serious concerns, the associate Salt Lake field office manager wrote to the Park Service and indicated: (1) that lands within the viewshed of the Transcontinental Railroad Grade were designated as Class IV VRM – the lowest and least protective designation – which allows for major modification of the landscape, (2) that lands located on the Grade were designated as Class III VRM, which allows for moderate change to the landscape, and (3) that “BLM will employ oil and gas best management practices to reduce the visual impact of all oil and gas facilities.” Letter from David H. Murphy, Associate Field Manager, Salt Lake Field Office to Superintendent Margaret Johnson, Golden Spike National Historic Site (June 26, 2006) (attached hereto as Exhibit 6). Though the Salt Lake field office recently prepared a specific plan amendment for the Railroad Grade in 1998, that planning effort did not evaluate the current push for oil and gas leasing and development in these remote portions of the field office and thus did not analyze whether additional protective stipulations were necessary to protect the integrity of this National Historic site. Deferral of this parcel is entirely appropriate until such time that the Salt Lake office updates its NEPA analyses and reassesses what additional stipulations are necessary to protect this cultural landscape and associated historic features.

b. *Arches National Park*

In a letter dated May 31, 2006, the Superintendent of the National Park Service's Southern Utah Group (which includes Arches National Park) wrote to the Utah BLM Deputy State Director with grave concerns about the potential impacts of twenty oil and gas leases proposed for sale on lands close to Arches National Park to park resources and values. See Letter from Superintendent, Southeast Utah Group, National Park Service to Deputy State Director, Division of Land and Minerals, BLM (May 31, 2006) (attached hereto as Exhibit 7). In this letter, the Park Service highlighted its concerns that oil and gas leasing and development on any of these particular parcels would negatively impact park resources, including: air quality, visual resources, water quality, and water quantity. In response to this letter, BLM deferred a single parcel – UT 0806-323 – though the agency ultimately deferred an additional ten parcels based on unrelated resource issues. See Letter from Kent Hoffman, Deputy State Director Lands & Minerals, BLM to Laura Joss, Superintendent Arches National Park (July 27, 2006) (attached hereto as Exhibit 8). BLM is thus currently proposing to offer nine parcels within close proximity to Arches National Park, over the Park Service's specific objections.

i. Visual Resources

In its letter, the Park Service specifically highlighted its concerns about the negative impacts of oil and gas leasing and subsequent development to Arches National Park's night skies, among other visual impairments:

Visual analysis of parcels generally closer than 5 miles to the park (294, 295, 296, 297, [], 299, [], 301, [], 306, [], 348,[] and, 350) shows that all or portions of these parcels are visible from multiple vista points in the park. Potential impacts include light pollution from flaring and lighting of drill rigs or production facilities which dilutes night skies, an important park value . . . Currently, the parcels listed with "viewshed concerns" (see

attachment – “Impact Concerns”) have no stipulations to mitigate those impacts. For this reason we recommend that parcels with viewshed concerns be deferred from this lease sale until such time as the Resource Management Plan (RMP) for the Bureau of Land Management’s Moab Field Area is complete and appropriate Visual Resource Management stipulations applied.

Park Service Letter, at 1 (emphasis added). As noted above, the BLM only deferred one parcel of the 18 requested by the Park Service on visual resource grounds, though BLM did defer other parcels on various resource grounds. Of the nine parcels that the Park Service requested to be deferred, but that BLM proposes to sell at the August 2006 lease sale, BLM asserted in its letter to the Park Service that it was BLM’s opinion that the impacts to Park Resources could be addressed by “topography and the loss of visual acuity” at distances over four miles.

Hoffman Letter, at 1. BLM’s response does not address the Park Service’s specific concerns about impacts to night skies, and the Moab field office’s VRM Staff Report indicates that the impact of development to night skies was never given the requisite “hard look” by BLM:<sup>6</sup>

The Moab Field Office has undertaken a view shed analysis of BLM areas visible from six Key Observation Points within Arches National Park. Areas that are visible and are within four miles of these Key Observation Points are considered to be important to the Arches National Park view shed. Of the parcels offered for lease in the August 2006 sale, Parcel UT0806-323 is wholly within this viewshed, as it [sic] less than four miles from the Delicate Arch Key Observation Point.

Parcels UT0806-301, 306, 307, 321, 322, 347, 348, 349, 350 all contain areas visible from Key Observation Points within Arches National

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<sup>6</sup> The Park Service’s letter focused on lease parcels within five miles of the Arches National Park boundary. BLM’s response and the Moab field office DNA addressed parcels within four miles of the Park. There is no explanation in the DNA for this discrepancy, nor is there any explanation as to why the BLM did not defer to the Park Service regarding that agency’s concerns about oil and gas development impacts to park resources.



Park. However, since these parcels are further than four miles from these key points, park visitors' daytime visual enjoyment would not be impacted.

August 2006 Oil and Gas Lease Sale, VRM Staff Report, Katie Stevens (Moab field office) (May 30, 2006) (emphasis added) (attached hereto as Exhibit 9). BLM should thus defer leasing parcels UT 0806-294, UT 0806-295, UT 0806-296, UT 0806-297, UT 0806-299, UT 0806-301, UT 0806-306, UT 0806-348, and, UT 0806-350, as requested by the Park Service, until BLM finalizes its ongoing Moab RMP/EIS.

ii. Air Quality

The DNA (and its underlying NEPA analyses) also fail to address the direct, indirect, and cumulative impacts of oil and gas development – both at issue in this sale and from other BLM, state, and private actions in the vicinity – to Arches National Park's Class I airshed. As the Park Service noted in its letter to BLM:

Arches National Park is a Class I airshed under the Clean Air Act. As the number of oil and gas operations multiplies around Arches National Park, we have concerns about cumulative effects of increased nitrogen oxides, VOCs and other gases released from these operations. Changes in visibility may impair scenic vistas in this Class I airshed. Cumulative impacts on other air quality related values may include soil chemistry, water pollution/acidification, and associated impacts on plants and aquatic life.

Park Service Letter, at 2. BLM's response – essentially deferring any analysis of the direct, indirect, and cumulative impacts that oil and gas development is having to Arches National Park's Class I airshed – is insufficient under NEPA.

**B. Leasing the Contested Parcels Violates the NHPA**<sup>7</sup>

As described below, BLM's decision to sell and issue leases the 31 parcels at issue in this protest violates § 106 of the NHPA, 16 U.S.C. § 470(f) and its implementing regulations, 36 C.F.R. §§ 800 et seq.

As Utah BLM has recognized for some time, the sale of an oil and gas lease is the point of "irreversible and ir retrievable" commitment and is therefore an "undertaking" under the NHPA. See BLM Manual H-1624-1, Planning for Fluid Mineral Resources, Chapter I(B)(2); see also 36 C.F.R. § 800.16(y); Montana Wilderness Assoc. v. Fry, 310 F. Supp. 2d 1127, 1152-53 (D. Mont. 2004); Southern Utah Wilderness Alliance, 164 IBLA at 21-28. The NHPA's implementing regulations further confirm that the "[t]ransfer, lease, or sale of property out of federal ownership and control without adequate and legally enforceable restrictions or conditions to ensure long-term preservation of the property's historic significance" constitutes an "adverse effect" on historic properties. Id. § 800.5(a)(2)(vii) (emphasis added). See 65 Fed. Reg. 77689, 77720 (Dec. 12, 2000) (Protection of Historic Properties – Final Rule; Revision of Current Regulations) (discussing intent of § 800.5(a)(2)(iii)).

1. *Salt Lake Field Office*

The Salt Lake field office DNA and the office's cultural resources report both assert a "no historic properties affected" determination for the sale of UT 0806-009. This assertion is undercut by the field office archaeologists own statement that "[s]iting a well

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<sup>7</sup> To the extent that BLM's issued Instruction Memorandum 2005-003 Cultural Resources and Tribal Consultation for Fluid Mineral Leasing, Oct. 5, 2004, is inconsistent with the Interior Board of Land Appeals' decision in Southern Utah Wilderness Alliance, 164 IBLA 1 (2004), the BLM must comply with the IBLA's interpretation of the agency's duties under the NHPA. See 43 C.F.R. § 4.1(b)(3).

on any of the parcels or tracts in this grouping [including parcel UT 806-009] while avoiding archeological sites should be possible." See BLM Salt Lake Field Office Quarterly Oil and Gas Lease, August 2006, Laird P. Naylor II, at unnumbered 2 (June 5, 2006) (emphasis added). Mr. Naylor's candid statement that oil and gas development on parcel UT 0806-009 is possible undercuts his later assertion that the sale of this parcel will not affect historic properties. Compare 36 C.F.R. § 800.4(d)(1) with id. § 800.4(d)(2) (noting distinction between "no effect" and "may effect"). Indeed, because Mr. Naylor cannot rule out that adverse effects from leasing and subsequent development are possible, there is no support for his and the Salt Lake field offices "no historic properties affected" determination and a decision to proceed with the sale of this parcel would be arbitrary and capricious.

2. *Failure to Involve the Public – All Field Offices/All Parcels*

BLM is further violating the NHPA by failing to adequately consult with members of the interested public regarding the effects of leasing all the protested parcels. Such consultation must take place before the BLM makes an irreversible and irretrievable commitment of resources – in other words before the August 2006 lease sale. See Southern Utah Wilderness Alliance, 164 IBLA 1 (2004). The NHPA requires BLM to "determine and document the area of potential effects, as defined in [36 C.F.R.] § 800.16(d)," identify historic properties, and to affirmatively seek out information from the SHPO, Native American tribes, consulting parties, and other individuals and organizations likely to have information or concerns about the undertaking's potential effects on historic properties. 36 C.F.R. § 800.4(a). See Southern Utah Wilderness Alliance, 164 IBLA at 23-24 (quoting Montana Wilderness Assoc., 310 F. Supp. 2d at

1152-53). The NHPA further states that BLM shall utilize the information gathered from the source listed above and in consultation with at a minimum the SHPO, Native American tribes, and consulting parties “identify historic properties within the area of potential affect.” *Id.* § 800.4(b). *See id.* § 800.04(b)(1) (discussing the “level of effort” required in the identification process as a “reasonable and good faith effort to carry out appropriate identification efforts”).

The DNA process also violates the NHPA and Protocol § IV.C., which states that “BLM will seek and consider the views of the public when carrying out the actions under terms of this Protocol.”<sup>8</sup> As BLM’s DNA forms plainly state, the DNA process is an “internal decision process” and thus there is no opportunity for the public to participate in the identification of known eligible or potentially eligible historic properties. Permitting public participation only at the “protest stage,” or arguing that the time period for seeking public input ended when BLM completed its dated resource management plans, is not equivalent to encouraging participation in an open NEPA process, and BLM should withdraw the 31 parcels in the Price, Monticello, Salt Lake, Moab and Richfield field offices that are the subject of this protest.

#### **REQUEST FOR RELIEF**

SUWA requests the following appropriate relief: (1) the withdrawal of the 31 protested parcels from the August 15, 2006 Competitive Oil and Gas Lease Sale until such time as the agency has complied with NEPA and the NHPA or, in the alternative (2)

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<sup>8</sup> Because the National Programmatic Agreement – which the Protocol is tiered from – was signed in 1997, well before the current NHPA regulations were put in place, it is questionable whether either document remains valid. This further reinforces the need for BLM to fully comply with the NHPA’s Section 106 process.

withdrawal of the 31 protested parcels until such time as the BLM attaches unconditional no-surface occupancy stipulations to all protested parcels.

This protest is brought by and through the undersigned legal counsel on behalf of the Southern Utah Wilderness Alliance, the Natural Resources Defense Council, The Wilderness Society, the Grand Canyon Trust, and the Coalition of National Park Service Retirees. Members and staff of these organizations reside, work, recreate, or regularly visit the areas to be impacted by the proposed lease sale and therefore have an interest in, and will be affected and impacted by, the proposed action.



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Attorney for Southern Utah Wilderness Alliance et al.

**Exhibit List**  
**Southern Utah Wilderness Alliance et al. Protest**  
**Utah BLM August 2006 Oil and Gas Lease Sale**

UTAH STATE OFFICE  
RECEIVED  
ACCOUNTS UNIT

2006 JUL 31 PM 4: 18

DEPT OF INTERIOR  
BUR OF LAND MGMT

- Exhibit 1: Utah Wilderness Inventory (1999) (excerpts)
- Exhibit 2: Map – Sevier River Area Lease Parcels
- Exhibit 3: Map – Moab Area Lease Parcels
- Exhibit 4: Bureau of Land Management, Report to Congress – Land Use Planning for Sustainable Resource Decisions (Feb. 2000)
- Exhibit 5: Letter from NPS, Golden Spike National Historic Site to BLM, Salt Lake Field Office (May 30, 2006)
- Exhibit 6: Letter from BLM, Salt Lake Field Office to NPS, Golden Spike National Historic Site (June 26, 2006)
- Exhibit 7: Letter from NPS, Southeast Utah Group to BLM, Utah State Office (May 31, 2006)
- Exhibit 8: Letter from BLM, Utah State Office to NPS, Arches National Park (July 27, 2006)
- Exhibit 9: Moab Field Office DNA, VRM Staff Report (May 30, 2006)

# EXHIBIT 1

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UTAH

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*Wilderness  
Inventory*

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1999





# Introduction

## History

For more than 20 years, debate has raged over the identification and management of certain public lands in the State of Utah, and whether some areas should have been designated for wilderness study as part of the original inventory process required by the 1976 Federal Land Policy and Management Policy Act (FLPMA).

FLPMA sets forth the basic principles and procedures the federal Bureau of Land Management (BLM) must follow in the management of public lands. Following its enactment, BLM initiated a westwide inventory of public lands to determine areas with wilderness characteristics, as defined by the 1964 Wilderness Act.

There were three stages in that process: an initial inventory to select lands for further consideration, the identification of lands with wilderness characteristics, and recommendations for Congressional designation or release based on "suitability" and "manageability", as judged by BLM and the Administration at the time.

Charges that the BLM improperly omitted qualifying areas in the original inventory led to protests and appeals, hearings before Congress, legislative proposals to protect the disputed areas, and the most intractable controversy over any resource inventory since the passage of FLPMA.

During this time, Utah wilderness became the subject of national debate, with members of both parties attempting to pass legislation to resolve the issue. Despite many years and numerous efforts, none have yet succeeded. In a June 1996 letter to Representative James Hansen of Utah, Chairman of the Public Lands Subcommittee of the House Resources Committee, Interior Secretary Bruce Babbitt observed that "an important reason for this stalemate is that the various interests involved are so far apart on the threshold, fundamental issue of how much BLM land has wilderness characteristics in the state".

Accordingly, the Secretary directed that a six-month administrative field review of the lands in question be conducted to assess conditions on the ground two decades after the first inventories began. In the same letter to Representative Hansen, the Secretary reported that the team undertaking the review was "explicitly instructed to apply the same legal criteria that were used in the original inventory, and to consider each area on its own merits, solely to determine whether it has wilderness characteristics. The team will have no particular acreage target to meet; the chips will fall where they may."

The inventory team began gathering information in July 1996, and field work was initiated in September 1996. In October 1996, the State of Utah, the Utah State Institutional Trust Lands Administration, and the Utah Association of Counties filed suit in federal district court in Utah, challenging the Secretary's authority to conduct the re-inventory. In November 1996, the federal district court issued a temporary restraining order barring further work on the inventory. The United States complied with the injunction but appealed the decision to the Tenth Circuit Court of Appeals. In March 1998, the Tenth Circuit reversed the district court on all counts relating to the inventory.

In deciding the case, the Court referred to the "plain language" of Section 201 of FLPMA, which says:

*"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. The preparation and maintenance of such inventory or the identification of such areas shall not, of itself, change or prevent change of the management or use of public lands."*

On June 19, 1998, the injunction was lifted and the inventory team was asked to reassemble, finish the field work and write the following report.

## Secretarial Direction

As Secretary Babbitt wrote to the Senate Appropriations Committee in 1996, "This is a narrowly focused exercise directed at a unique problem: the extraordinary 20-year-old Utah wilderness inventory controversy." The Secretary's instructions to the BLM were to "focus on the conditions on the disputed ground today, and to obtain the most professional, objective, and accurate report possible so we can put the inventory questions to rest and move on." He asked the BLM to assemble a team of experienced, career professionals and directed them to apply the same legal criteria used in the earlier inventory and the same definition of wilderness contained in the 1964 Wilderness Act.

The Secretary asked the team to review the written public record on the subject of Utah wilderness, including information and materials generated by both the state and federal government during the past 20 years. The team was then to undertake a comprehensive "ground-truthing" field review, using proposed legislation before

Congress (HR 1500 and HR 1745) to identify the areas for examination. Conditions on the ground would determine whether the boundary lines of the inventory unit exactly followed those specified in the proposed legislation, or were adjusted based on the presence or absence of wilderness characteristics.

From the outset, the Secretary gave clear instruction that the process would be strictly limited to the administrative identification of lands with wilderness characteristics based on established legal definitions. The team would not make recommendations regarding legislative designations of wilderness areas or the creation of new wilderness study areas. Because FLPMA provides that only Congress can abolish existing wilderness study areas created as a result of the initial inventory nearly two decades ago, the team was also instructed not to review lands within wilderness study areas.

No public hearings or meetings were held during this phase. The BLM was directed to complete the administrative document and field review and to report the results to the Secretary. Secretary Babbitt said that after the report was made public, he would consider initiating a Legislative Environmental Impact Statement and/or a FLPMA Section 202 planning process that could lead to recommendations to Congress or to changes in the status of certain lands studied during the inventory process.

If those steps are taken, the Secretary promised the opportunity for public input in any resulting process. Until then, the BLM was explicitly instructed not to change the management of any lands within the inventory areas based on the results of this survey. The Court of Appeals noted this clear direction when it ruled that the BLM could proceed with an internal staff inventory prior to any public hearings held as part of a section 202 planning process.

## Inventory Team

In keeping with the Secretary's determination that the inventory be a professional exercise with no preordained outcome about its findings, the BLM assembled a team of career professionals to conduct the review. Bob Abbey (Colorado Associate State Director at that time) was asked by the Director of the BLM to head the inventory effort.

At the request of the state BLM office in Utah, the team leader sought to draw on expertise throughout the Bureau, with approximately half of the team staffed with Utah BLM personnel and the other half with BLM team from other states.

The mix of Utah and non-Utah personnel was designed to minimize the impact of the review project on ongoing workloads in local BLM offices while providing a fresh, objective examination of the areas whose wilderness characteristics were in question.

The exercise brought together a combination of BLM's most experienced wilderness professionals (many from outside Utah) with those having extensive field experience in Utah (primarily from existing Utah BLM staff). Many of the team members had participated in the earlier Utah inventory and/or in earlier wilderness inventories in other states. All told, the inventory team had many decades of experience in wilderness issues throughout the West. Team members and contributors to this report are listed in the Appendix (see pages A2 and A3).

While a number of BLM personnel worked on the project between 1996 and 1998, team did task-specific work, such as historical document review, aerial photography analysis, field study, review of findings, and writing, editing, and publishing of the report. All team members served on a part-time basis, as needed; the inventory exercise had no full-time staff.

The team ceased all work when the district court issued the injunction in November 1996. In June 1998, when the court injunction against proceeding with the inventory was lifted, the Director appointed Larry Hamilton, State BLM Director in Montana, to oversee the resumption and conclusion of the report to the Secretary. He and Bob Abbey, who had since become State BLM Director in Nevada, worked closely together to assure a seamless transition and assure that both State Directors had confidence in the inventory team and the report.

## Methodology

The Wilderness Act defines wilderness as an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions, and which:

- (1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable;
- (2) has outstanding opportunities for solitude or a primitive and unconfined type of recreation;
- (3) has at least five thousand acres of land or is of sufficient size as to make practicable its preservation and use in an unimpaired condition; and
- (4) may also contain ecological, geological, or other features of scientific, educational, scenic, or historical value.

These criteria, commonly referred to as naturalness, outstanding opportunities, size, and supplemental values, directed this inventory as well as all previous BLM wilderness inventories. A more detailed description of these criteria is included in the Appendix (see page A1).

The BLM reviewed the 1978 wilderness inventory handbook and the three organic act directives that guided the earlier inventory, and combined them into a single guidance document. Because the purpose of this reinventory was limited simply to documenting on-the-ground conditions regarding the presence or absence of wilderness characteristics, it

was possible to eliminate several steps from the previous process.

For example, the earlier handbook included many planning steps, such as the public review and comment needed to amend land use plans. Because the reinventory did not determine whether any area should be recommended to Congress for wilderness designation, made into a wilderness study area, or subject to any other management regime, no procedures for these steps were needed and none were included.

Two other modifications to the earlier guidance were made, one of which tended to increase, and the other to decrease, the acreage inventoried. First, in the earlier inventory, boundaries were drawn to avoid state lands, which had the effect in some cases of eliminating intermingled public lands from wilderness inventory. Boundaries in the reinventory were not drawn to avoid state lands. This was done for several reasons, including the fact that recent Utah wilderness bills introduced by both parties have included state lands, and that the State of Utah has expressed its interest in exchanging any state lands included within designated wilderness. The decision to include, rather than avoid, state lands within the boundaries of inventory units had the effect of adding public land areas and acreage to the inventory units.

Second, the earlier inventory guidance allowed lands with a substantially noticeable human imprint to be identified as having wilderness characteristics where these imprints could be reduced either by natural processes or by hand labor to a level judged to be substantially unnoticeable. In this just-completed inventory, however, areas determined to have substantially noticeable human imprints were categorized as lacking wilderness characteristics, regardless of the potential



BULLFROG CREEK—Bullfrog Creek Canyon; Glen Canyon National Recreation Area in the background.

Jerry Siz

for reducing that imprint in the future. This had the effect of removing areas and acreage from consideration. For example, where impacts might be rehabilitated but did not appear natural in their current condition, the area with the impacts was excluded from the boundary of the inventory unit.

Beyond the comprehensive historical document review, the specific steps taken to conduct the inventory included the following:

- The boundaries of the areas proposed for wilderness designation in legislation before Congress (H.R. 1500 and H.R. 1745) and the BLM WSA boundaries were first transferred to aerial photographs.
- Trained aerial photography interpreters reviewed each photograph and marked them to identify any and all potential surface disturbances.
- Potential surface-disturbance information was transferred from the aerial photographs to large-scale (7.5-minute) orthophoto and topographic maps.
- The aerial photographs and orthophoto and topographic maps generated in the first three steps were gathered into individual inventory case files and given to an inventory team.
- Available information on each inventory unit was gathered and reviewed.
- Each inventory unit was visited and surveyed on the ground. Field checks were made using helicopter flights, driving boundary roads and ways within the units, and hiking to remote locations. All surface disturbances were examined. The inventory team was equipped with Global Positioning System (GPS) units, which use satellite technology to determine precise locations on the ground. The GPS equipment, in concert with current maps and aerial photographs, allowed the team to quickly and accurately document the location of all surface disturbances, roads and ways, and photo points.
- The presence of roads or ways associated with each inventory unit was documented on field maps, road/way analysis forms, and photographs. This documentation was placed in each case file.
- The presence or absence of other surface disturbances was documented on field maps and photographed. This documentation was placed in the case file.
- Each case file was reviewed by the field team, the team leader, and in some cases the project leader, and a preliminary finding of the presence and/or absence of wilderness characteristics was made.
- A draft Wilderness Inventory Evaluation was written for each inventory unit and the Permanent Documentation File was completed.

- The project leader reviewed Wilderness Inventory Evaluations and made a final decision on findings.

## Presentation of Findings

**Inventory Products.** This inventory produced two specific products: (1) this 1999 Utah Wilderness Inventory Report to the Secretary, and (2) a Permanent Documentation File for each inventory unit.

1. This Report to the Secretary contains overall results of the wilderness inventory and summaries of the data gathered for each inventory unit, including:

**Inventory Unit Acres**—Acreage totals for the area inventoried, acreage found to possess wilderness characteristics, and acreage found to lack wilderness characteristics. When an area contiguous to the inventory unit has wilderness characteristics (either an existing BLM Wilderness Study Area, other agency designated wilderness, or an area administratively endorsed for wilderness by another agency), this is noted on the acreage table.

**Unit Description**—A summary of the inventory unit, including its general location, major features, general topography and vegetation, and current and past uses.

**Wilderness Characteristics**—A general summary of the wilderness values found as defined by the Wilderness Act of 1964: size, naturalness, solitude or a primitive and unconfined type of recreation, and supplemental values.

**Inventory Unit Map**—A map showing the inventoried area(s). Wilderness Study Areas that are contiguous or within the general area are identified and shown, as are lands managed by other agencies. Areas with or without wilderness characteristics within the inventory units are also shown.

Maps in this document represent inventory unit and WSA boundaries to the degree of accuracy available at a small scale. For detailed information, official maps at a larger scale are filed in each Permanent Documentation File.

2. The Permanent Documentation File is a case file established for each inventory unit. These case files contain the information gathered in the inventory, including a 7-30 page Wilderness Inventory Evaluation, road/way forms, various topographic maps, photographs and photo logs, aerial photographs, and miscellaneous information.

**Organization of this Report.** This report groups inventory units into seven geographic regions.

1. Northwest Region: includes the northern portion of Utah's West Desert.
2. West Central Region: includes the southern portion of Utah's West Desert.
3. Southwest Region: includes the vicinities of Zion National Park, Cedar City, and St. George.
4. South Central Region: includes the Grand Staircase-Escalante National Monument and areas west of Capitol Reef National Park.
5. East Central Region: includes the San Rafael Swell and Henry Mountains areas.
6. Southeast Region: includes the Canyonlands country.
7. Northeast Region: includes the Book Cliffs and Dinosaur National Monument areas.

The general location and extent of these regions in relation to the entire State of Utah are shown on the accompanying Regional Groups map. Individual inventory units within each region are listed in the Table of Contents and are also grouped within the document by regions.



STUDHORSE PEAKS—View of the inventory unit in the foreground to the rim of North Escalante Canyons ISA; Boulder Mountain on the far horizon.

# Desolation Canyon

## Findings

INVENTORY UNIT ACRES		
Federal	State	Total
<b>With Wilderness Characteristics</b>		
182,320	28,900	211,220 (97%)
<b>Without Wilderness Characteristics</b>		
5,700	0	5,700 (3%)
<b>Inventory Unit Total</b>		
188,020	28,900	216,920
<b>Contiguous Area-Wilderness Characteristics</b>		
Desolation Canyon WSA (UT-060-068A)		290,845
Floy Canyon WSA (UT-060-068B)		72,605

About 211,220 acres of the nine Desolation Canyon inventory units have wilderness characteristics. These units are a continuation of the many features and landforms found throughout the contiguous Desolation Canyon Wilderness Study Area (WSA) and enhance its magnificent wilderness qualities. In combination with the WSA, the nine units represent one of the largest blocks of roadless BLM public lands within the continental United States. This is a place where a visitor can experience true solitude—where the forces of nature continue to shape the colorful, rugged landscape.

Approximately 5,700 acres in three places along the fringe of the inventory units are unnatural and do not have wilderness characteristics.

The Floy Canyon and Desolation Canyon inventory units are physically connected at the end of the Right Hand Tusher Canyon Road within the state section.

## Unit Description

Desolation Canyon is located in Grand, Emery, Carbon, Duchesne, and Uintah Counties. The southern boundary of the inventory unit is five miles north of Green River, Utah, while the northern boundary is located some 38 miles southwest of Vernal. The Green River bisects the unit on the north. The Uintah and Ouray Indian Reservation forms a part of the boundary

of the north end of the unit. Various roads, pipelines, and private lands form the boundaries of the remainder of the unit.

The terrain varies dramatically, from river bottoms and flood plains at about 4,200 feet elevation to the high ridges of the Tavaputs Plateau at 9,500 feet. Numerous mesas, ridges, plateaus, canyons, and deep remote drainages intersect with the Green River. The south and southwest portion of the inventory unit is defined by a 32-mile portion of the Book Cliffs. The units contain a wide diversity of vegetation, ranging from riparian zones along the river, to piñon and juniper woodlands; areas dominated by saltbush/sagebrush/ shadscale plant communities; and high ridges and plateaus forested with aspen, spruce, and fir.

Recreation is a dominant use with some 7,000 boaters a year floating the Green River through Desolation Canyon. Many more recreationists utilize the accessible lower stretch of Gray Canyon for camping, fishing, hiking, and water sports. Hunting and sightseeing occur in outlying areas along the boundaries. Some cattle grazing takes place, and remnants of past oil and gas exploration are also present.

## Wilderness Characteristics

### Naturalness

Nearly all of the inventory units appear natural. While there are many scattered human imprints, their individual and cumulative impact on the natural character of most of the inventory units is minor. The imprints are in various stages of rehabilitation, with most being substantially unnoticeable in the area as a whole. The expansive landscape, diverse topography, and vegetation screens the scattered human intrusions within the units. Minor remnants of past oil and gas exploration, livestock grazing, and recreation pursuits remain, but most disturbance has been erased over time by the forces of wind, water and vegetation regrowth. Most of the significant or noticeable intrusions are located outside the boundaries.

Three areas do lack natural character. A small area in Unit 1 on the northern boundary near Fourmile Wash and Fourmile Bottom on the Green River lacks naturalness because of roads, old seismic lines, and reclaimed drill pads. Two small areas in Unit 8 also lack naturalness because of extensive off-highway vehicle use.

## Outstanding Opportunities

### Solitude

All nine units are contiguous to Desolation Canyon WSA and enhance the outstanding opportunities found in the WSA. Units 1 and 7 are of sufficient size and configuration to provide outstanding opportunities for solitude on their own. All of the units, together with the Desolation Canyon WSA, comprise a large, remote area where a visitor is truly isolated from the outside world. The vast size, configuration, numerous scenic vistas, diversity of vegetation, and rugged topography provide the visitor with numerous places and opportunities to become isolated from others. Most of the units are remote, accessible only by foot, horseback, or boat.

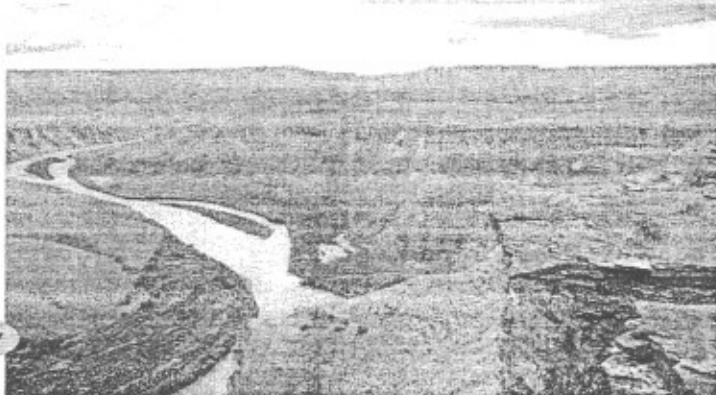
### Primitive and Unconfined Recreation

The inventory units are contiguous to and are an extension of the Desolation Canyon WSA. They enhance the outstanding opportunities provided by the WSA, including multiple-day river float-boating trips in a primitive setting, hiking, hunting, horseback riding, backpacking, back-country camping, climbing, fishing, swimming, photography, viewing of cultural and historic sites as well as a diversity of wildlife, nature study, and viewing of scenic landscapes. The large size and configuration of this vast, wild area enhances the variety and extent of activities available.

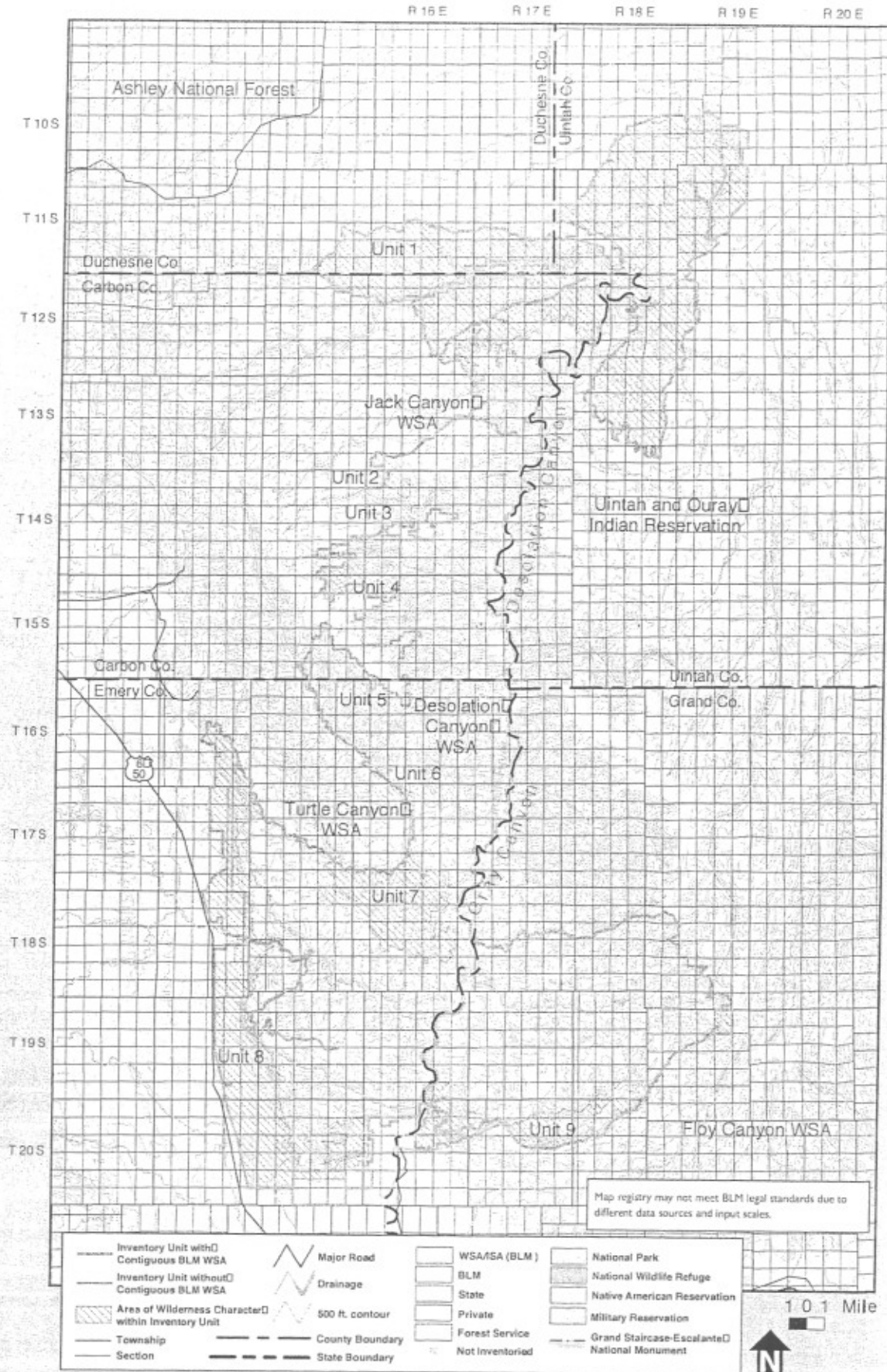
## Supplemental Values

The inventory unit contains cultural, scenic, geologic, botanical, and wildlife values. Elevations and topography in the units vary from desert canyons to high mountain environments. Vegetation and wildlife habitats and species also vary greatly because of the diversity of terrain. Six endangered animal species occur or may occur in the units, including the peregrine falcon, black-footed ferret, bald eagle, Colorado squawfish, humpback chub, and bonytail chub. Ten special status animal species and six special status plant species also occur or may occur in some of the units.

**DESOLATION CANYON—**  
The Green River flows by Nutters Hole through Desolation Canyon; the inventory unit is on the right side of the river.

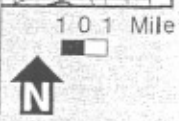


# Desolation Canyon



Map registry may not meet BLM legal standards due to different data sources and input scales.

Inventory Unit with Contiguous BLM WSA	Major Road	WSA/ISA (BLM)	National Park
Inventory Unit without Contiguous BLM WSA	Drainage	BLM	National Wildlife Refuge
Area of Wilderness Character within Inventory Unit	500 ft. contour	State	Native American Reservation
Township	County Boundary	Private	Military Reservation
Section	State Boundary	Forest Service	Grand Staircase-Escalante National Monument
		Not Inventoried	



NORTHEAST REGION—Desolation Canyon

# Labyrinth Canyon

## Findings

### INVENTORY UNIT ACRES

Federal	State	Total
<b>With Wilderness Characteristics</b>		
84,300	8,000	92,300 (71%)
<b>Without Wilderness Characteristics</b>		
33,600	4,000	37,600 (29%)
<b>Inventory Unit Total</b>		
117,900	12,000	129,900
<b>Contiguous Area-Wilderness Characteristics</b>		
Horseshoe Canyon (North) WSA (UT-060-045)	20,500	
Canyonlands National Park— Horseshoe Canyon Unit		3,000

Most of the four Labyrinth Canyon inventory units (92,300 acres) have wilderness characteristics. However, the natural character of some portions (37,600 acres) is impacted by vehicle routes, livestock facilities, and mineral exploration; therefore, these portions lack wilderness characteristics. The units have a diverse combination of incised sandstone canyons and rugged benchlands that provide outstanding opportunities for both solitude and primitive and unconfined recreation. Straddling both sides of the spectacular Labyrinth Canyon of the Green River, the units are contiguous to the Horseshoe Canyon (North) Wilderness Study Area (WSA) and to the culturally significant Canyonlands National Park's Horseshoe Canyon Unit, which has been endorsed for wilderness designation. The inventory units encompass the natural characteristics and values of these remarkable areas.

## Unit Description

The four inventory units are contiguous to Horseshoe Canyon (North) WSA, Glen Canyon National Recreation Area, and Canyonlands National Park. They are located in southeastern Emery County, northeastern Wayne County, and southwestern Grand County (about 15 miles south of Green River and 15 miles west of Moab). The units comprise the benches, rims, and side canyons straddling Labyrinth Canyon of the Green River and incorporate lands surrounding the north end of Horseshoe Canyon (Barrier Creek). The Green River winds through steep-walled sandstone canyons past numerous side canyons. The units provide exceptionally diverse habitats, including the extensive

riparian areas along the river and in major side canyons that support a large number of animal and plant species. Vegetation above the canyon bottoms is predominantly sagebrush and blackbrush, with scattered stands of piñon and juniper woodlands at the higher elevations.

Recreational opportunities abound, including hiking, mountain biking, off-highway vehicle (OHV) exploring, climbing, camping, hunting, river floating, photography, and the study of the region's natural and cultural history. Grazing, while not extensive, occurs on some river bottoms and benches. Mineral exploration has occurred within the area in the past.

## Wilderness Characteristics

### Naturalness

Most of the Labyrinth Canyon units are natural, wild, and remote. Most of Unit 1 retains its naturalness, which is enhanced by topographic screening from deep canyons and rugged terrain as well as from the natural re-vegetation of disturbed areas, which obscures most intrusions. However, the cumulative impact of intrusions in the form of old seismograph lines, drill holes, abandoned airstrips, and vehicle ways crisscrossing the flats and benchlands has resulted in loss of natural character in two places. Three frequently traveled routes have been cherry-stemmed from Unit 1.

Most of Unit 2 is natural; although old seismic lines, remnants of mineral exploration activity, and minor vehicle ways cross the uplands, most have little effect on the area's overall natural character. The expansive rolling topography minimizes the impact of these intrusions. However, the cumulative disturbance from OHV use, range developments, and mineral exploration has impacted the natural character of portions of the unit. Several roads and intrusions have been cherry-stemmed out of Unit 2.

Unit 3 generally retains its naturalness. In some locations on the upper benchlands in the eastern portion of the unit, intrusions cumulatively detract from the natural character of these benchlands. Several routes have been cherry-stemmed out of Unit 3. Except for evidence of old mining exploration in an isolated portion of the upper reaches of Hell Roaring Canyon, the canyons retain their natural

character. Unit 4 appears natural overall. A road has been cherry-stemmed from the unit. Other intrusions include old seismic lines and a single small, unusable landing strip. These are revegetating naturally and are not substantially noticeable.

## Outstanding Opportunities

### Solitude

The inventory units are contiguous to and are extensions of the Horseshoe Canyon (North) WSA, which provides outstanding opportunities for solitude. The inventory units have the same topographic diversity that provides opportunities for solitude within the WSA. The extensive side canyons, cliffs, and other topographical features that have worked to maintain the units' natural character also provide outstanding opportunities for solitude. The area is wild, remote, expansive, and rugged.

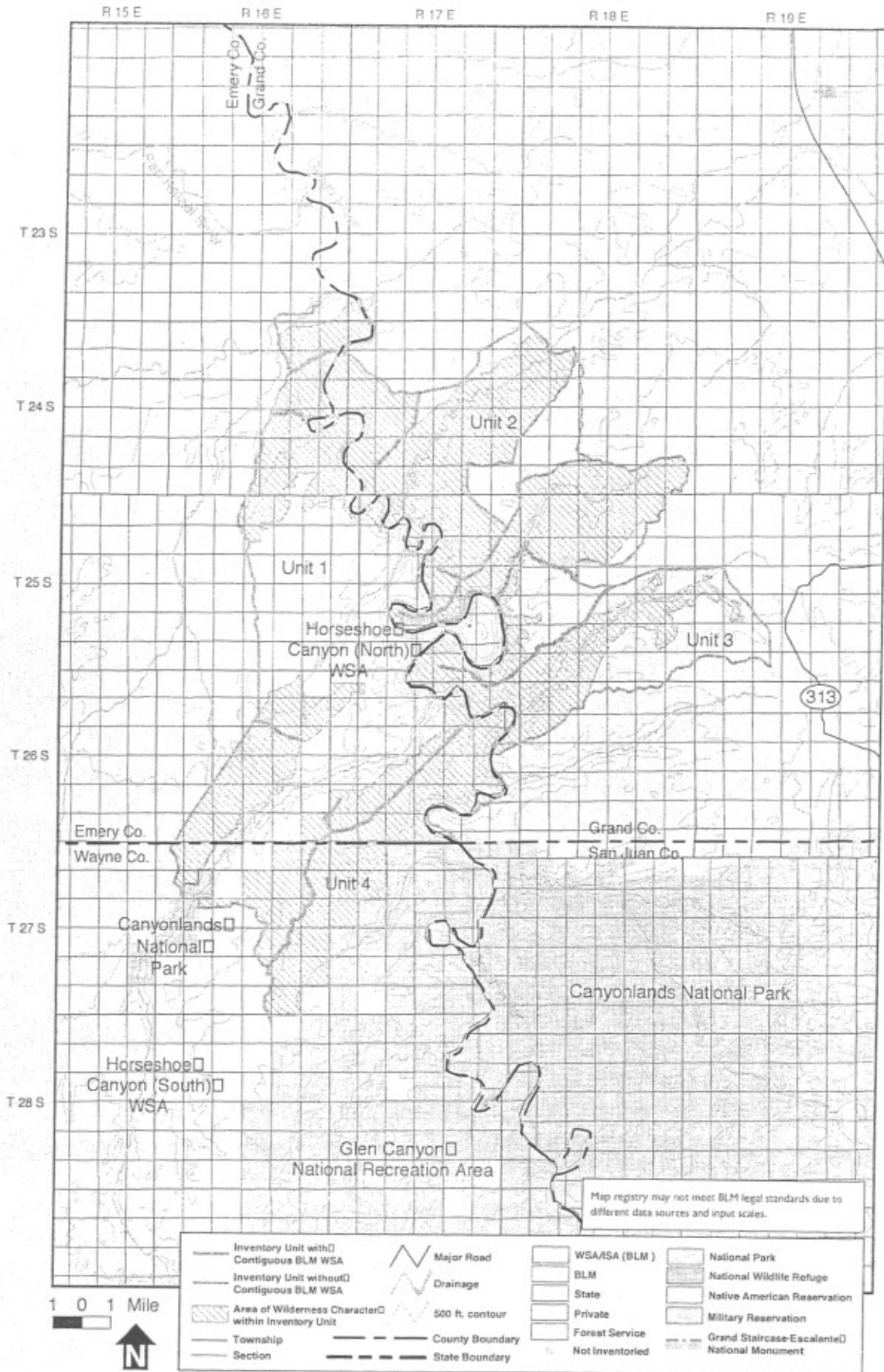
### Primitive and Unconfined Recreation

The inventory units are contiguous to and are extensions of the Horseshoe Canyon (North) WSA, which provides outstanding opportunities for primitive and unconfined recreation. The units augment the primitive recreation opportunities found within the WSA, providing excellent opportunities for dispersed, undeveloped recreation. There are interesting geologic features, rugged and varied terrain, extensive vistas, hidden and remote grottos, incised canyons, river floating opportunities, numerous cultural sites, a number of trails, and opportunities to climb exposed rock faces.

## Supplemental Values

There are several historical features, including two old hand-built sheep access trails, the remains of homesteads, and signatures of early steamboat passengers. The units contain the same type of nationally significant prehistoric cultural sites and rock art found within the contiguous National Park area. The endangered Colorado squawfish is found in the Green River, and the humpbacked chub and bonytail chub may also be present. The units provide habitat for bighorn sheep, peregrine falcons, bald eagles, and ferruginous hawks.

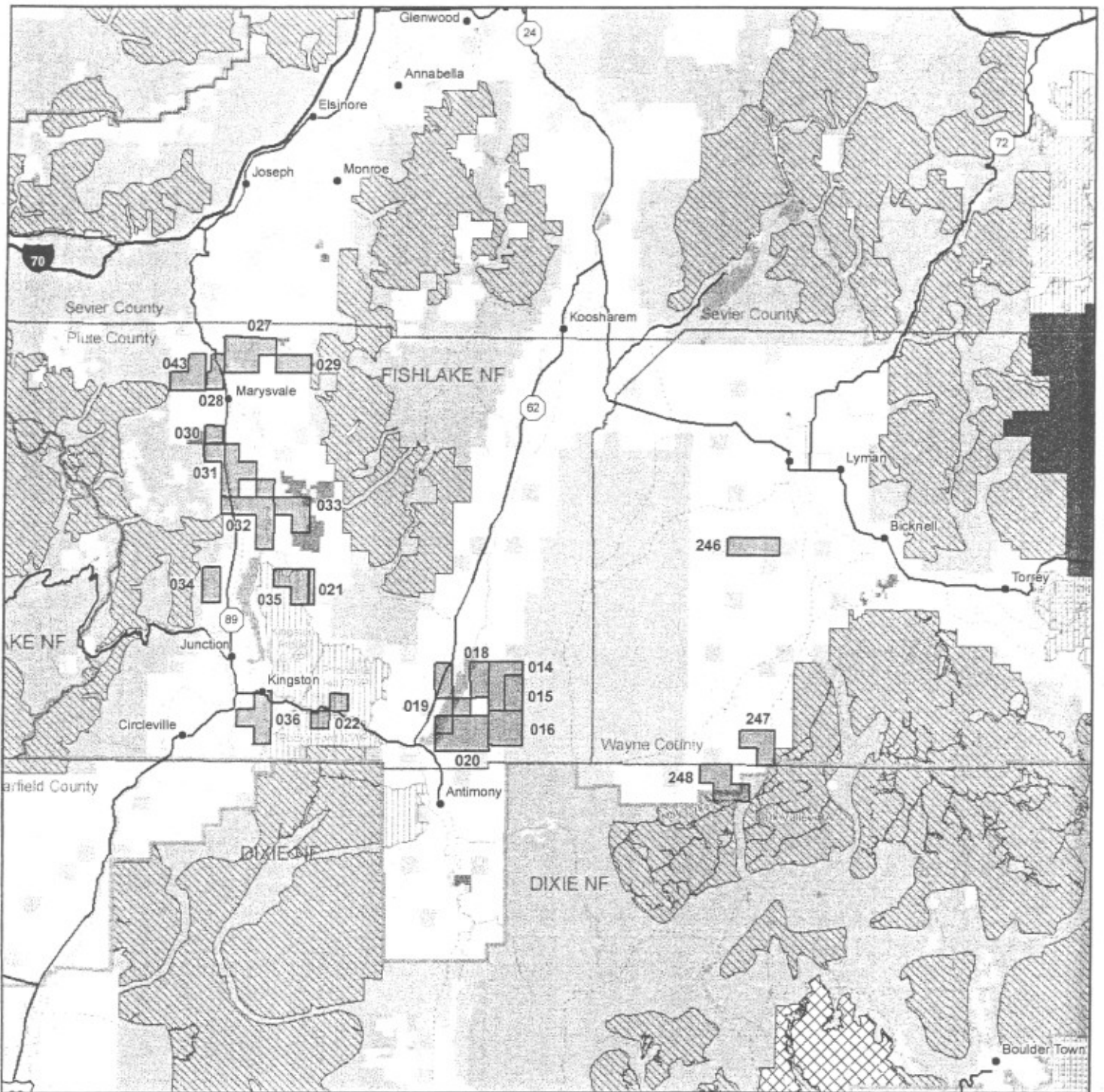
# Labyrinth Canyon



EAST CENTRAL REGION—Labyrinth Canyon

# **EXHIBIT 2**





## Sevier River Area Lease Parcels

Federal Lease Sale - Utah BLM, August 15, 2006

Lease Parcels (generalized to PLSS section)

### Land Management & Administration

- |       |                         |
|-------|-------------------------|
| BLM   | USFS                    |
| BIA   | State Parks & Rec Areas |
| DOD   | State                   |
| NPS   | Private                 |
| USFWS |                         |

- |  |   |
|--|---|
|  | Wilderness (BLM & USFS)                   |
|  | BLM Wilderness Study Area                 |
|  | Citizens' Wilderness Proposal             |
|  | Area w/ Wilderness Character <sup>^</sup> |
|  | USFS Roadless Area                        |

<sup>^</sup> 1998 BLM Wilderness Characteristics Inventory

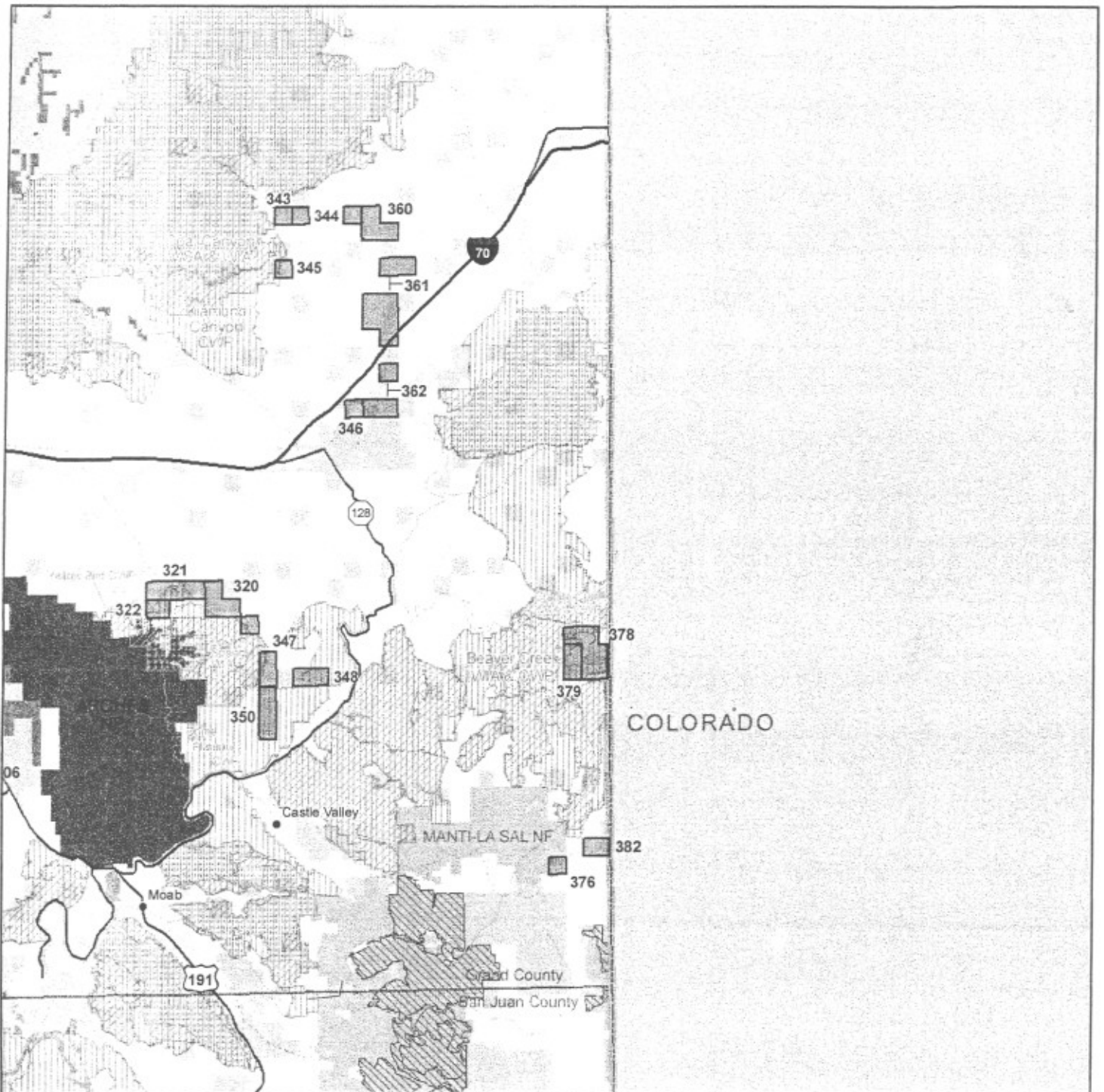


NAD 1983 UTM Zone 12N  
 Data Sources: BLM, NRDC, SITLA,  
 USDA-FS, UT-AGRC, WUP  
 Sara Watterson, July 10, 2006



**EARTHJUSTICE**

# **EXHIBIT 3**



## Moab Area Lease Parcels

Federal Lease Sale - Utah BLM, August 15, 2006

□ Lease Parcels (generalized to PLSS section)

### Land Management & Administration

- |       |                         |
|-------|-------------------------|
| BLM   | USFS                    |
| BIA   | State Parks & Rec Areas |
| DOD   | State                   |
| NPS   | Private                 |
| USFWS |                         |

- |   |
|---|
| Wilderness (BLM & USFS)                   |
| BLM Wilderness Study Area                 |
| Citizens' Wilderness Proposal             |
| Area w/ Wilderness Character <sup>A</sup> |
| USFS Roadless Area                        |

<sup>A</sup> 1998 BLM Wilderness Characteristics Inventory



NAD 1983 UTM Zone 12N  
 Data Sources: BLM, NRDC, SITLA,  
 USDA-FS, UT-AGRC, WWUP  
 Sara Watterson, July 10, 2006



# **EXHIBIT 4**



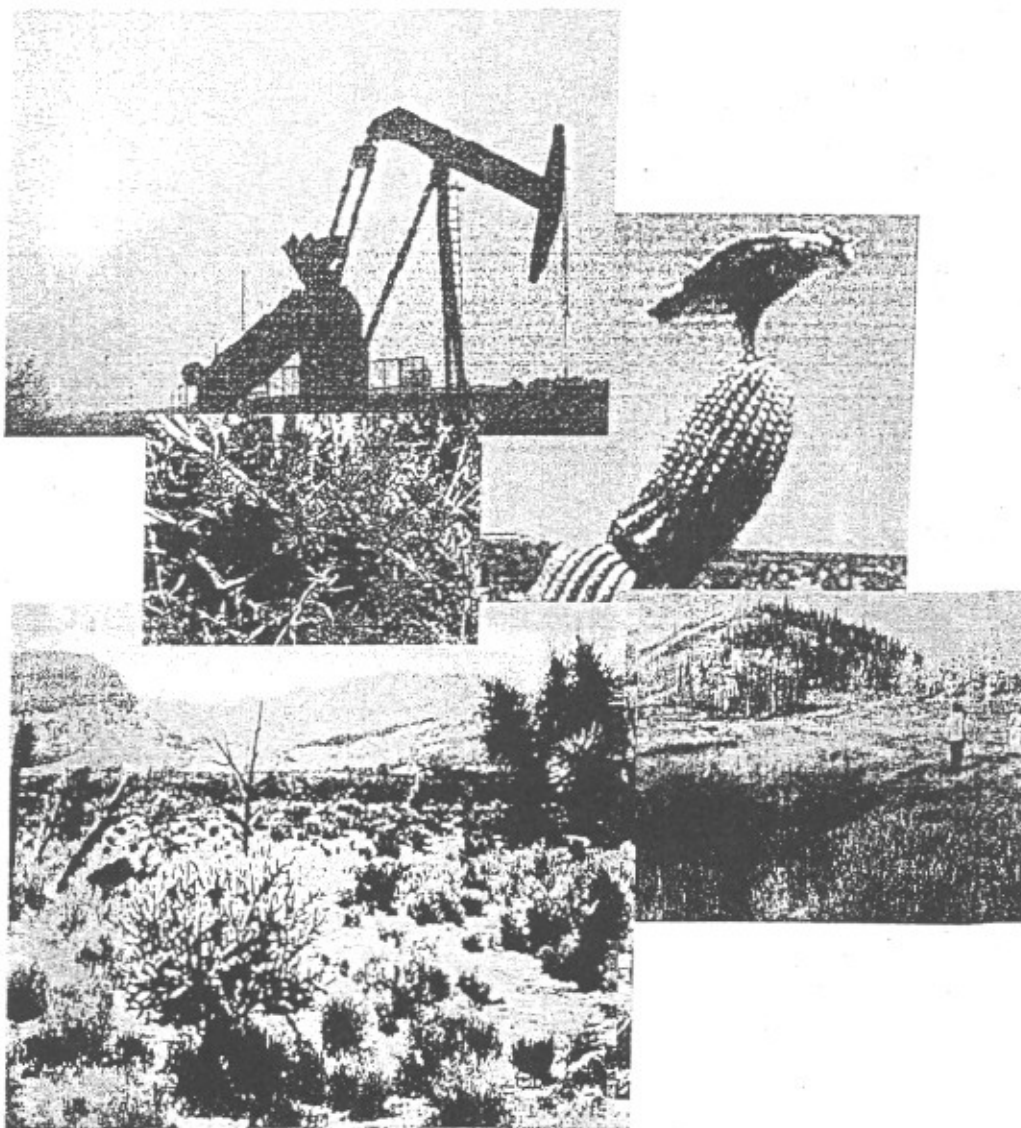
U.S. Department of the Interior  
Bureau of Land Management

## Report to the Congress

February 2000



## Land Use Planning for Sustainable Resource Decisions



## *Land Use Planning for Sustainable Resource Decisions*

*This report responds to a request in the House Report from the Committee on Appropriations on the 2000 DOI Appropriations Bill. The Committee specifically requested that the Bureau "submit as part of its fiscal year 2001 budget request the results of its ongoing analysis and review into the required level of land use planning and NEPA review actions the Bureau will have to undertake in order to correct identified deficiencies in these areas". The Committee also requested the Bureau to "include in its request the level*

### Executive Summary

Land Use Plans (LUPs) and planning decisions are the basis for every action the Bureau of Land Management (BLM) takes and serve as its primary tool for building consensus and providing the public a voice in BLM's land and resource management programs. Without adequate and up-to-date plans, the BLM's planning decisions cannot ensure the integrity and sustainability of the lands nor assure their use and enjoyment by the public in an environment of increasing legal and public scrutiny.

BLM has been preparing land use plans since the 1960s and today has 162 plans covering most of the 264 million acres of public lands, (see attachment A). Some of the BLM's plans are current, but others date as far back as the mid-1970s and do not adequately meet the requirements of the National Environmental Policy Act (NEPA) or current BLM program requirements. Most LUPs lie in the mid-range category of "aging" plans that are in need of updating to reflect current conditions and statutory requirements. In addition, many of the BLM's NEPA documents also must be updated.

The inadequacy of the BLM's aging and outdated LUPs and NEPA documents has left the Bureau ill-prepared to address areas with vulnerable, sensitive or at-risk resource values and increasingly exposed to litigation. Many of the BLM's LUPs and associated NEPA documents do not address critical habitats for threatened or endangered species or noxious weed invasions revealed in recent science and resource assessments, nor do they address new or amended mandates, such as those providing new point source water quality standards. The effects of these deficiencies are also being felt in BLM's energy and minerals programs that make a significant contribution to the Nation's critical needs for coal and oil and gas, while providing the States and the U.S. Treasury with over one billion dollars annually in royalties, rentals, and bonus payments.

On a broader scale, the unprecedented expansion of urban areas, urban encroachment into previously rural areas, and the wildland-urban interface have resulted from dramatic demographics changes in the Western U.S. These changes have led to conflicting land uses and cultural values as well as increased risk to humans and public property from natural events, such as fire, that were not anticipated or addressed in the BLM's aging plans. Most plans were developed with the intent to guide management for a 10 to 15 year period, and did not forecast the dramatic and accelerated changes occurring in the West. Clearly, what is needed are updated plans that are adaptable to changing conditions and demands.

Beginning in the mid-1990s, dramatic reductions were made in funding for land use planning. Actual and threatened litigation, the new mandates, changing sentiment about public land management, changing uses and demands, and new science are driving the BLM to confront

the challenges posed by its many older planning and NEPA documents. An ongoing analysis and review is being conducted into the required level of land use planning and NEPA review actions the Bureau will have to undertake in order to correct identified deficiencies in these areas. Based on this analysis, the BLM is requesting an additional \$19,000,000 and 108 FTE in the FY 2001 budget request to the Congress. This will help provide the start-up capability to address land use planning and NEPA deficiencies. With these additional funds, the BLM would accomplish the following:

- By 2004, prepare 11 new RMPs to replace 19 MFPs, which are between 16 to 28 years old. (Beyond this, there will still be an additional 33 MFPs needing revision to RMPs.) An additional 6 new or revised plans will be prepared which will not result in the replacement of MFPs.
- By 2003, amend 21 land use plans through 12 separate plan amendment efforts to address a wide variety of issues. In addition, BLM will prepare plan amendments to address Canadian Lynx management, recently proposed listing as a Threatened species, which could affect as many as 56 land use plans.
- By 2004, have RMP-level plans in place for three new National Monuments (California Coastal, and Agua Fria and Grand Canyon - Parashant in Arizona), 9 existing NCAs (Steese, Alaska; San Pedro and Gila Box, Arizona; California Desert and King Range, California; Gunnison Gorge, Colorado; Birds of Prey, Idaho; and El Malpais, New Mexico) and the Otay Mountain special conservation unit.
- By 2002, prepare management plans for 6 military ranges, as required by the Military Withdrawal Act of 1999 (P.L. 106-65). These military ranges are the Fort Wainwright and Fort Greely Ranges in Alaska, the Nellis and Fallon Ranges in Nevada, the Barry M. Goldwater Range in Arizona, and the McGregor Range in New Mexico.
- By the end of 2001, have comprehensive evaluations completed on 65 of our 162 land use plans. Our goal is to have comprehensive evaluations completed for all land use plans by 2002.

### Backlog of Planning Needs - Keeping Pace with a Changing Nation

The BLM's LUPs establish management direction for areas that typically contain 1,000,000 to 2,000,000 acres of public lands. They normally identify land and resources for public uses and also limit or restrict selected uses on lands within the planning area. In addition, these plans identify related levels of use, resource condition goals and objectives, and constraints and management practices to achieve these conditions and protect identified resources. LUPs are developed with considerable public involvement, and in close consultation with local communities.

Over the past two decades, the magnitude of resource issues relating to management of public lands has grown at a rate which exceeds the BLM's current capacity to resolve existing land use conflicts, much less correct deficiencies in older planning and NEPA documentation or complete systematic and comprehensive planning for the expected demands coming over the next several decades. Since the completion of the BLM's first land use plans and associated EISs, many new demands and mandates have emerged. The most important include: 1) rapid population growth in the West; 2) listing of many species under the Endangered Species Act; 3) development of new standards in implementing the Clean Water and Clean Air Acts; and 4) increasing designations and public use of special areas on America's public lands needing protection of unique values. As a result, the BLM is increasingly finding its land use plans and NEPA documents out of date and not reflecting current natural resource and socio-economic conditions. The Bureau must update its planning and NEPA base to address these issues, provide cumulative impacts analysis, and meet new environmental standards. Absent such a planning update, the BLM will be forced to continue to rely on aging documentation to support its core programs and resource allocation permitting activities.

#### Understanding BLM's Planning and NEPA Base:

The BLM relies on a variety of land use planning and NEPA documents as the basis for its decisions governing the management of public lands. These documents are often referred to as BLM's "planning and NEPA base". This planning and NEPA base has changed over time as a result of several factors, including:

1. Evolving legal interpretations of basic statutory requirements, including NEPA, FLPMA, the Endangered Species Act, the Clean Air and Water Acts, and the Wild and Scenic Rivers Act.
2. Changing demands and resource conditions, such as coal bed methane development, fragmentation of wildlife habitat, deteriorating water quality (State-identified non-attainment areas), changing demographics and unprecedented urban growth throughout the West.
3. An improved scientific understanding of what is required to manage natural resources, including the need to consider many issues on a landscape or regional basis, which has precipitated the need to conduct broad-scale resource assessments to identify resource conditions and to tailor appropriate decisions. There is also a need to establish clear resource objectives and standards and to work collaboratively across jurisdictional boundaries. Over the past several years BLM has been working with Resource Advisory Councils to develop land health standards.

BLM makes resource allocations through a land use planning process defined in the regulations under 43 CFR 1600. The regulations implement Sections 201 and 202 of FLPMA. BLM planning and decision-making processes use the public involvement and environmental analysis process mandated under the National Environmental Policy Act (NEPA - 42 USC 4321- 4347). Before the passage of FLPMA and the promulgation of regulations in 1983, BLM developed its first land use plans, called Management Framework Plans (MFPs), starting in the late 1960s. The BLM's current planning base is composed of 52 MFPs, 110 RMPs, and numerous amendments. The MFPs date from the mid-1970s to the mid-1980s and generally predate the BLM's current planning regulations at 43 CFR Part 1600. The dates these plans and plan amendments were completed is portrayed in Attachment 1 on a state-by-state basis. BLM's ability to maintain a current and legally defensible planning base, including replacing MFPs with RMPs, is hampered by budget and staffing cutbacks. Between fiscal years 1981 and 1989, the Bureau's planning staff was reduced by 50 percent. In FY 1995, BLM experienced an additional 30 percent reduction in base funding for planning, leading to further declines in its key planning and resource staff positions.



This may cause unforeseen environmental damage, in turn increasingly exposing the BLM to litigation and further hampering the BLM's ability to address its planning and NEPA work by diverting staff and resources from pro-active land management efforts.

To avoid this situation, and as an alternative to relying on decisions in existing plans, the BLM has initiated LUP amendments for specific requested actions not adequately addressed in the older plans. This approach has been very inefficient, providing only short-term, piecemeal decisions and delaying any decisions until the planning and NEPA process can be completed.

A direct factor that has contributed to the failure to update planning and NEPA documents is the reduction in funding for BLM's Resource Management Planning budget line item, down from a high of \$10,474,000 in 1994 (current dollars) to the 1999 level of \$6,444,000. At the same time, increased scientific complexity and the intensity of public interest have caused planning costs to escalate while limiting the number of planning efforts the BLM has been able to complete. Funding in other programs which benefit from planning efforts (depending on the specific issues within the planning areas) have been contributing funding, but this has not met the overall need.

### Planning and NEPA Deficiencies

Several prevailing themes have emerged from BLM's assessment of its planning deficiencies. First, a rapid expansion in the population in the Western U.S. and increased urbanization of traditionally rural areas have significantly changed the face of the land over the last decade. Second, changing demographics have led to conflicting values, dramatically increasing public controversy over the management of public lands. Third, plant and wildlife communities have become fragmented and many new species are being listed under the Endangered Species Act. Fourth, demand for commodities has continued to grow and is beginning to exceed the development scenarios addressed in older planning documents. Correcting these deficiencies would prevent costly litigation and delays in authorizing uses. Fifth, highly flammable, invasive exotic weeds and build-ups of hazardous fuels, both resulting from past land uses and fire suppression, are placing plant and animal communities at risk, increasing soil erosion, and decreasing water quality and the safety of the public and their personal property.

BLM's capacity for managing the public lands and their resources must by necessity keep pace with these rapidly changing circumstances. Without adequate LUPs, the Bureau's ability to continue to make timely decisions will be adversely affected. Outdated plans result in curtailment of many uses and the inability to take corrective restorative actions. This will result in serious consequences both to local communities and economies and to the Nation itself.

The following details some of the program areas where there are critical planning and NEPA deficiencies:

- **Wildland/Urban Interface**

The last decade has seen an unprecedented growth in many cities and towns in the west, and this growth is projected to continue. This has changed the way communities relate to surrounding public

lands and has changed their expectations as well. The BLM manages significant acreage both within and near urban areas and rapidly growing rural communities. This is called the "wildland/urban interface." These areas have become the focus of interest for many city and county governments, land developers, and the environmental community. Changing values about public land management and more and different demands for public land resources have exacerbated environmental concerns, such as maintaining healthy air standards, preventing water source depletion, maintaining water quality, and preventing fragmentation of critical wildlife habitat. As growth in the wildland/urban interface continues, issues such as development patterns, the need for transportation and utility corridors, and demand for increasing and varied recreational uses and open space will all contribute to heightened interest in, and conflicts on, these lands. Specific issues include:

- Land Tenure - Rapid community expansion significantly changes the nature of use on the lands and the expectations and values of communities. Land acquisition, retention of public lands, and disposal criteria must be re-evaluated and updated to reflect current needs of communities and their environment.
- Use Authorizations - Changing demographics result in more new rights-of-way for power lines and pipelines to support and create new community infrastructures. Rapidly changing telecommunications technology is resulting in expansion of telephone and fiber optic systems and wireless communication sites to provide optimum grids and infrastructure coverage in many areas previously inaccessible to these types of technology.
- Public Safety - BLM, in partnership with local communities, must update land use plans for fire protection and hazardous fuels reduction near homes, subdivisions, and public utility infrastructures. Inadequate planning has resulted in catastrophic natural events, such as fire and landslides. These natural disasters have wiped out billions of dollars of private and public investment and have taken a toll in human life. As more development occurs, natural disasters from major storms, seismic events, and catastrophic wildfire and subsequent floods from denuded areas will have more of an impact in terms of property damage. Associated with these costs are more incidences of search and rescue and human caused wildfires, disaster relief, and increased fire suppression and rehabilitation activities to protect life and property. Planning for the wildland/urban interface will lessen the risk that BLM's permitting for developments, facilities and recreational opportunities occurs in areas inappropriate for their intended use and places the public at unnecessary risk.

- **Special Areas**

In recent years, the BLM has seen a growing demand to acknowledge significant and special resources on Public Lands. This demand reflects statutory mandates such as the Congressional designations for highly visible resource protection actions, or by identification of areas for specific uses. Only rarely have these special designations or specific use requests come attached with funding. As a result of Congressional and Administration initiatives there are a significant number of special management areas on the public lands. These include designations for Wild and Scenic Rivers, Wilderness Areas, National Conservation Areas, National Monuments, and Areas of Critical Environmental Concern. Areas designated for specific purposes also require new land use plans including military withdrawals and special designations such as the National Petroleum Reserve - Alaska (NPR-A). In 1997, the BLM responded to the need for the nation's sustained supply of energy resources and engaged in an unscheduled planning effort for the NPR-A that led to a lease sale in 1999 that generated over \$104,000,000 of bonus bids. Because of their special nature and the critical resource values these designations strive to protect or manage, these areas become the agency's top priorities. The limited BLM base infrastructure and its associated funding often must be directed to complete the planning needs for these critical areas. This has often come at the expense of BLM's ability to meet other legal requirements.



Gunnison Gorge National Conservation Area

- **Oil and Gas**

The Department of Energy expects domestic drilling to continue its growth begun in 1997, especially for natural gas. Increasing industry interest in public oil and gas resources first manifested itself in demand for leasing, starting in 1992 and continuing through the present. Leasing requires significant new planning, use authorizations, and NEPA compliance. Wyoming, Montana, New Mexico, Utah, and Colorado are all experiencing very rapid growth in the development of coalbed methane on public lands. The BLM estimates that over 8,600 new applications for coalbed methane wells will be filed between 1999 and 2003. This demand exceeds the reasonable foreseeable development scenarios used for analysis in the existing land use plans and associated EISs for these areas. When this happens, BLM must revise or amend its planning and NEPA documents to address the capability to meet this need. By law and regulation, the BLM cannot process actions or permits beyond the scope of the existing planning/NEPA analysis. This situation inevitably leads to delays on oil and gas leasing authorizations, which further postpones approvals of drilling permits.

BLM is also facing increased demands on its workforce costs for post-lease processing of APDs and

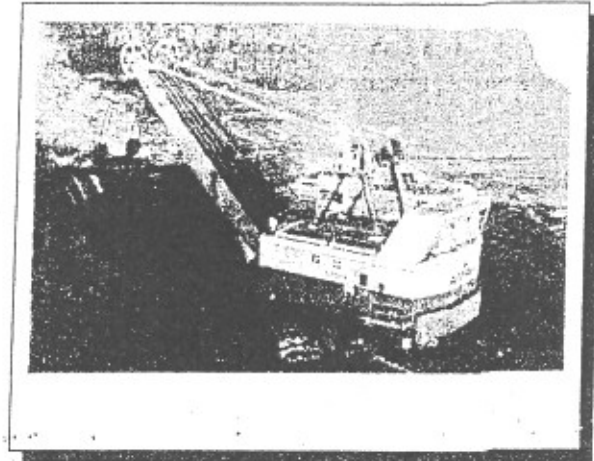
related NEPA compliance, and for long term inspection, compliance reviews and monitoring. Drilling permits cannot be approved without adequate environmental analysis, nor sustained without a corresponding increase in inspection and enforcement and monitoring to ensure environmental stipulations are being followed. The lack of a planning and NEPA infrastructure to handle this workload is expected to only worsen in the future unless BLM takes proactive measures to address its planning/NEPA deficiency.

- **Coal**

Wyoming contributed approximately 26 percent of the nation's coal output in 1997. About 90 percent of Wyoming's coal is produced from Federal coal leases. The BLM prepared four regional EISs in the 1970s and early 1980s to address the impacts of regional leasing in the Powder River Basin. Another 12 environmental documents have been prepared to address coal leasing in the Powder River Basin since 1991.

The BLM has identified several emerging issues within the Basin:

- ▶ There has been significant non-coal energy (coalbed methane) and associated development in the Powder River Basin that has exceeded prediction scenarios in LUPs and EISs.
- ▶ Coal production has exceeded predictions for the southern group of mines.
- ▶ Both ground water and surface water impacts are areas of concern.
- ▶ The extent of air quality impacts was not anticipated in the existing (outdated) regional environmental documents and has become an issue.



Successfully planning for future coal and noncoal development on a regional basis means addressing new environmental standards and cumulative impacts for mineral development in the Powder River Basin. Failure to address these concerns could result in litigation over future leasing decisions and significant delays in leasing coal reserves. These delays, particularly for current coal operators who are short on reserves, could lead to mine closures or financial losses which impact royalty income to the Federal and State Government, as well as coal availability nationally. A fresh and comprehensive analysis of all activities within the Basin will allow for innovative solutions and mitigation measures to provide for the environmentally sound energy production on which the nation depends.

- **Special Status Species Management**

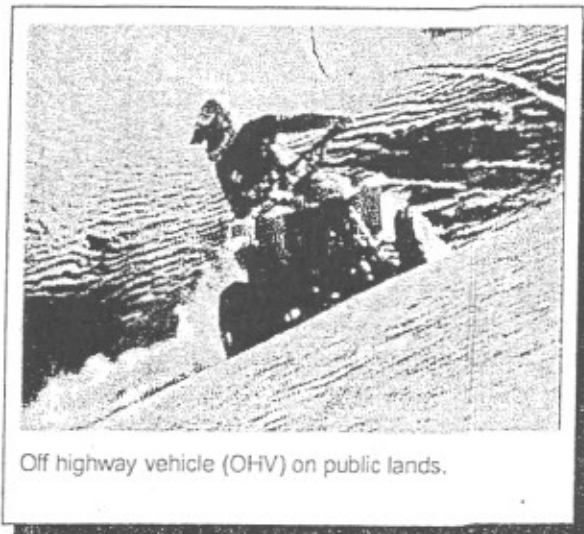
More than 400 species of plants and animals afforded protection ("listed") under the Endangered Species Act inhabit the 264 million acres of public lands in the 11 western states, including Alaska. This number has grown by more than 300% within the last 15 years. An additional 1,500 species are

considered sensitive because they have declined in abundance and distribution to a point which warrants concern. All this has occurred since completion of many of the BLM's planning documents and, as a result, many of the conservation needs of Special Status Species (listed and sensitive) have not been addressed. Many older LUPs lack cumulative impacts assessments for wide-ranging species. Similarly, the BLM did not always consult with the U.S. Fish and Wildlife Service (FWS) under Section 7 of the Endangered Species Act until required to do so in Pacific Rivers Council v. Thomas (1994).

The BLM is increasingly faced with endangered species litigation arising from its outdated land use plans. In Arizona and New Mexico, BLM has recently settled several endangered species related lawsuits. These settlements have required BLM to consult more extensively with the FWS, prepare biological assessments, re-initiate consultation on land use plans and associated EISs, and implement additional monitoring and planning actions. In California, BLM recently received a Notice of Intent to File Suit on Endangered Species Act compliance issues related to their Resource Management Plans and Management Framework Plans. If pursued, a lawsuit would draw personnel away from on-the-ground work and direct financial resources to cover litigation costs. Without sustained additional funds and resources, the BLM cannot develop comprehensive LUPs addressing the needs of threatened, endangered and sensitive species in high priority areas such as these. The Bureau needs to be more pro-active in its land management by writing or revising LUPs to address the habitat needs before listings occur.

- **Off Highway Vehicle (OHV) Designations**

By Executive Order, all BLM lands are to be designated through the land use planning process as open, closed, or limited to OHV use. In the last decade, the popularity of Off Highway Vehicles, such as all terrain vehicles, has increased dramatically. The BLM needs to complete route inventory and mapping on millions of acres in order to document and understand management needs and prepare OHV implementation plans. Environmental interests have expressed concern about the encroachment of OHVs into wilderness study areas. Conversely, OHV interest groups are concerned that BLM is excluding them from public land and that OHV recreational opportunities will diminish in the future. Intensified controversy over OHV use is inevitable unless the BLM can revise or amend existing LUPs to reflect changes in regulations and public expectations. New planning efforts would allow BLM to revisit priority LUP's, evaluate OHV designations, and modify them, as needed, in a public forum. Examples of areas where this kind of planning is needed are the Owyhee Front in Idaho, Five Mile Pass in Utah, and the Ord Mountains and Imperial Sand Dunes in California.



Off highway vehicle (OHV) on public lands.

As human populations increase in western cities and towns, the need to find recreation opportunities

close to these locations also grows. The dramatic increase and subsequent environmental impacts from these popular recreation vehicles was not anticipated. Therefore, most of BLM's plans do not adequately establish designations for use and other requirements that provide an adequate basis for OHV recreation. Consequently, proliferation of OHV trails, continued widespread resource damage affecting other uses such as grazing and wildlife, fragmentation of T&E habitats, a reduction in air and water quality, and visitor use conflicts between motorized and non-motorized users has led to a concerted campaign against OHV use by environmental groups, resulting in litigation and court orders. Encroachment by OHVs into Wilderness Study Areas has also exacerbated both the loss of wilderness character and the RS 2477 road issue.

- **Invasion by Non-Native Plant Species**

Since the last generation of land management plans, millions of acres of invasive weeds and grasses now infest BLM lands, and their populations are expanding at geometric rates. Words used to describe the current spread and infestations of noxious weeds and exotic annual grasses include "explosive", "devastating", and "disastrous". BLM lands have been impacted by this invasion of non-native species through unintentional introductions and past management practices and their interaction with natural wildland fires, exacerbating the situation. As a result there are more frequent and larger fires with ensuing increased fire suppression and rehabilitation costs, loss of habitat for native plant and animal species, forage and wildlife habitat losses, problems of stability of watersheds and soils, and fewer recreation opportunities. Addressing these needs piecemeal is inefficient and more expensive than addressing them comprehensively through revised land management plans which will facilitate decisions on restoration treatments and long term management practices to inhibit the return and expansion of the problem.

- **Support to communities**

The concern of many communities for dealing with the array of increasing demands for public services and the need to manage problems associated with growth have in many cases resulted in strategies that would involve public lands and collaborative actions by the BLM. These include, among others: providing lands for public use purposes; preservation of areas for open spaces; conservation of development rights; sharing of data; cooperative technical assistance, including survey and mapping; increased protection for cultural and heritage values; and cooperative law enforcement and fire protection. The BLM's emphasis on community-based planning requires enhanced planning and NEPA capabilities. Through community based planning the BLM and communities collaborate on conservation and other issues associated with public land resources.

- **Diminished Planning and NEPA Capabilities**

As budgets declined so has BLM's ability to maintain an adequate base infrastructure in all programs and operations. The BLM downsized its planning and environmental staff capability in the mid 1980s. By necessity, these positions were shifted to higher priorities. Consequently, the agency's capability to maintain NEPA compliance has become limited to those actions covered in existing planning

documents. Through the gradual attrition experienced during the last two decades, the BLM no longer has the infrastructure of trained staff needed to revise older plans or to develop new plans that address these emerging issues.

## STRATEGY TO ADDRESS IDENTIFIED PLANNING AND NEPA DEFICIENCIES

### The Near-Term:

This strategy outlines the near-term actions (up to 5 years out) that require immediate attention to provide BLM with the analytical planning and NEPA base it needs to insure decisions will stand the test of public and legal scrutiny. The near-term actions address the key components needed to 1) build an effective infrastructure for resolving the identified deficiencies and 2) provide a sustainable base for all BLM land use decisions into the future.

### On-going Base Funded Work

The BLM is currently engaged in ongoing planning and NEPA activities utilizing existing base funding, within the Land Use Planning subactivity and other program-specific subactivities, such as oil and gas, wildlife, rangeland management, and threatened and endangered species. This ongoing work includes the preparation of a limited number of new RMPs, RMP and MFP updates and activity-level plans. Examples of ongoing new RMPs include the Southeast Oregon RMP and the Grand Staircase-Escalante National Monument Management Plan in Utah, both of which are planned for completion this year. Examples of ongoing broad scale plan amendments include the amendments to the California Desert Conservation Area Plan to address threatened and endangered species and a Statewide plan amendment in Montana to address OHV management. Examples of site-specific plan amendments include the Safford RMP for the Ray Land Exchange in Arizona, and the White Sands RMP to address oil and gas leasing in Otero County, New Mexico.

Much of the planning/NEPA work currently being completed is funded by the benefitting sub-activities and when specific efforts are completed, funding is redirected to implementing actions outlined in the plan or the amendment. Approximately 20 to 30 new plan amendments, relating primarily to site-specific project or program needs, are anticipated to be completed annually with current funding levels. Many of these plan amendments on older plans are really not much more than a band-aid to a site-specific problem and fail to address the more serious comprehensive need of aging documents.

BLM will release its next generation planning manual this fiscal year (FY2000). This manual is designed to eliminate redundant and outdated guidance, encourage public participation in the planning process, reflect new legal requirements, clarify the relationship between FLPMA planning requirements and NEPA requirements, and encourage collaborative approaches to multi-jurisdictional planning that considers the social and economic needs of communities. It has been demonstrated that this type of collaborative planning leads to better plans that significantly reduce the appeals, protests, and litigation which continue to constrain BLM's ability to effectively manage resources

across the landscape.

### Results of Initial Plan and NEPA Evaluations

The BLM has initiated an effort to complete a comprehensive evaluation of all 162 existing land use plans by the end of FY 2002. This report is based on the preliminary results of this review. The Bureau has identified planning/NEPA needs and have prioritized planning efforts for the next several years but the necessary corrective action exceeds our current capability. The criteria being applied to prioritize these actions are: 1) new statutory or judicial mandates; 2) the need to address changed resource conditions, 3) anticipated changes in use (demand) not addressed in planning/NEPA documents, 4) program or administrative requirements the BLM has not fulfilled (such as new clean water standards), and 5) outside interest concerns as expressed by the public.

As part of the FY2001 Budget Request, BLM is requesting an additional \$19,000,000 and 108 FTE as a first phase for bringing its planning and NEPA capability up to date. This level of funding would address the highest priority needs that demand immediate attention. The deficiencies in planning and NEPA are serious and will require further increases in future years in order to comply with existing mandates, protect valuable resources and address the needs of our current and future customers. The workforce adjustments necessary to have the capability to update planning decisions will take more than one year to address but are necessary to sustain on-going activities and consider new use proposals now and into the future. The actions that BLM will take are directly related to, and dependent upon, increased base funding capabilities. BLM expects to use additional funds to redirect its existing workforce and to increase staff capability on a limited basis and to pursue opportunities to contract work to the private sector where appropriate. BLM is in the process of completing an organization-wide workforce planning effort. This effort will determine the skills necessary to address our current and anticipated needs, address adjustments that can be made within our existing organization, and prioritize what new skills need to be secured.

Projects and actions which would be initiated in FY 2001 with increased funding of \$19 million are described on Attachment 2. As indicated on the attachment, many of these projects will take several years to finish. The following would be initiated or completed with the requested funding:

- By 2004, prepare 11 new RMPs to replace 19 MFPs, which are between 16 to 28 years old. (Beyond this, there will still be an additional 33 MFPs needing revision to RMPs.) An additional 6 new or revised plans will be prepared which will not result in the replacement of MFPs.
- Address increased demand for oil and gas leasing by completing regional resource assessments and subsequent planning/NEPA actions in oil and gas and coal leasing areas in the Powder River Basin in Wyoming and Montana, the Southwest region of Wyoming, and in the Uintah Basin of Northeastern Utah. Several other land use plan updates will be undertaken, such those for the Farmington and Socorro RMPs to address oil and gas development and other issues.
- Address significant urban interface issues by updating land use planning decisions, such as the Upper Deschutes RMP amendment in Oregon which will respond to the Millican Valley OHV lawsuit, and the Phoenix RMP amendment to address burgeoning population growth and



resource impacts in the Bradshaw Foothills area.

- Address OHV management needs by accelerating plan evaluations for OHVs and implementing planning updates on areas with significant OHV issues, such as the Price River and San Juan RMPs in Utah and the Las Vegas RMP in Nevada.

- By 2004, have RMP-level plans in place for three new National Monuments (California Coastal, and Agua Fria and Grand Canyon - Parashant in Arizona), 9 existing NCAs (Steese, Alaska; San Pedro and Gila Box, Arizona; California Desert and King Range, California; Gunnison Gorge, Colorado; Birds of Prey, Idaho; and El Malpais, New Mexico) and the Otay Mountain special conservation unit.

- By 2002, prepare management plans for 6 military ranges, as required by the Military Withdrawal Act of 1999 (P.L. 106-65). These military ranges are the Fort Wainwright and Fort Greely Ranges in Alaska, the Nellis and Fallon Ranges in Nevada, the Barry M. Goldwater Range in Arizona, and the McGregor Range in New Mexico.

- By 2003, amend 21 land use plans through 12 separate plan amendment efforts to address a wide variety of issues. In addition, BLM will prepare plan amendments to address Canadian Lynx management, recently proposed listing as a Threatened species, which could affect as many as 56 land use plans.

- By the end of 2001, have comprehensive evaluations completed on 65 of our 162 land use plans. Our goal is to have comprehensive evaluations completed for all land use plans by 2002.

- Complete assessments of resource conditions in key areas, such as the Northeastern portions of California and Northwestern portions of Nevada, to identify resource needs, the adequacy of current planning decisions, and necessary planning actions to correct the deficiencies. Resource assessments in this and other areas will help determine if BLM land use plan decisions and actions are significant factors affecting resource conditions and in achieving legal requirements, such as clean water act standards.

- By 2003, BLM will provide up-to-date schedules of NEPA and planning activities for public lands on the Internet for each State, to encourage and facilitate public involvement in project planning to the fullest extent possible.

- Improve systematic monitoring and evaluation of plan adequacy by putting in place a consistent process to monitor, evaluate and maintain LUPs on a regular basis to better anticipate changing needs and provide accountability to the public. This process will be implemented across all field offices by 2001.

### Long-term

As the remaining land use plan evaluations are completed, the extent of additional deficiencies will be identified. The limiting factors that have led to the current unsatisfactory status in our planning and

NEPA base has been lack of funding and a limited workforce capability. This first year funding request reflects more on our capability to gear-up and mobilize our workforce by recruiting help, training existing employees and contracting work within the first year's implementation. Over the long-term, the success of this initial ramp up of the organization will be contingent upon additional increases in funding. The current intensive evaluation of our NEPA and planning base is in its second year. Full, detailed results will be available by FY 2002 at which time the Bureau expects to be able to provide an accurate picture of our long term need and identify the appropriate level of out-year funding needed to solve this long term problem. The Bureau's initial request of \$19,000,000 represents one year start-up costs needed to begin to address this long term problem. Current estimates to comprehensively address the entire effort would require additional increases until we reach an estimated \$50,000,000 total and then sustaining this \$50,000,000 increase for a ten year period.

Of the 162 plans BLM currently uses to guide resource management on over 264 million acres of public lands, only 13% can be considered current to today's needs. The other plans are in varying stages of decline and will continue to degenerate in usability as they continue to age. Although there are many factors that come into play when determining the status of a plan; as they age, the more suspect they become and the credibility of the BLMs management effort comes into question as well, opening the door for costly litigation.

In closing, BLM has only twenty-one plans that can be considered current, another eighty-one are quickly aging, and sixty plans are already over 20 years old and considerably out-of-date. While we correct the problem on some LUPs others will continue to age, resource conditions will continue to decline and issues will continue to grow. Without immediate and aggressive action the scenario presented in this report can quickly get much worse.

Attachment 1 - Land Use Plan Status				
State and Field Office *	Land Use Plan Name **	Date Initially Completed or Revised (CY)	Plan Amendments ***	Most Recent Comprehensive Plan Evaluation ****
<b>Alaska:</b>				
Northern	Steese National Conservation Area RMP	1986	None	None
Northern	White Mountains National Recreation Area RMP	1986	None	None
Northern	Fort Wainwright RMP	1994	None	None
Northern	Utility Corridor RMP	1991	None	None
Northern	Central Yukon RMP	1986	None	None
Northern	Fort Greely RMP	1994	None	None
Northern	Northwest MFP	1982	None	None
Glenn Allen	Southcentral MFP	1980	1985, 1998	None
Anchorage	Southwest MFP	1981	None	None
Northern	Forty Mile MFP	1982	None	None
<i>Alaska Totals: 6 RMPs, 4 MFPs = 10 Total Land Use Plans</i>				
<b>Arizona:</b>				
Yuma	Yuma RMP	1986	1988, 1992, 1994 (2), 1996 (2), 1997	1995
Phoenix	Lower Gila South RMP	1988	1988, 1990, 1996, 1997	1994
Arizona Strip	Arizona Strip RMP	1992	1996, 1997, 1998	None
Kingman	Kingman RMP	1995	1996, 1997, 1999	None
Phoenix	Phoenix RMP	1989	1995, 1996, 1997, 1998 (2)	None
Safford	Safford RMP	1992	1994, 1996, 1997	1994
Phoenix	Lower Gila North MFP	1983	1985, 1988, 1996, 1997	None
<i>Arizona Totals: 6 RMPs, 1 MFP = 7 Total Land Use Plans</i>				
<b>California:</b>				
Alturas	Alturas RMP	1984	1988, 1999	None
Alturas	Mt. Dome MFP	1972	1981	None
Alturas	Cinder Cone MFP	1973	None	None
Arcata	King Range NCA (RMP)	1974	None	None

Attachment 1 - Land Use Plan Status				
State and Field Office *	Land Use Plan Name **	Date Initially Completed or Revised (CY)	Plan Amendments ***	Most Recent Comprehensive Plan Evaluation ****
Arcata	Arcata RMP	1992	1995, 1996 (2), 1999	None
Eagle Lake	Cal-Neva MFP	1982	None	None
Eagle Lake	Willow Creek MFP	1983	None	None
Eagle Lake	Honey Lake Beckworth MFP	1984	1984, 1998, 1999	None
Redding	Redding RMP	1993	None	None
Surprise	Cowhead-Massacre MFP	1981	1983, 1990	None
Surprise	Tuledad-Home Camp MFP	1979	1989, 1991	None
Ukiah	Clear Lake (Ukiah) MFP	1984	None	None
Bishop	Bishop RMP	1993	1997 (2)	None
Bakersfield	Caliente RMP	1997	None	None
Folsom	Sierra MFP	1983	1988, 1991, 1995	None
Hollister	Hollister RMP	1984	1995, 1998	None
California Desert	California Desert Conservation Area (RMP)	1999	None	None
California Desert	Eastern San Diego MFP (McCain Valley)	1981	1984	None
California Desert	South Coast RMP	1994	None	None
Statewide Amendments		n/a	1990, 1999	n/a
<i>California Totals: 9 RMPs, 10 MFPs = 19 Total Land Use Plans</i>				
<b>Colorado:</b>				
Glenwood Springs	Glenwood Springs RMP	1984	1991, 1997, 1998, 1999 (2)	1988
Grand Junction	Grand Junction RMP	1987	1993 (2), 1995, 1997 (2), 1998, 1999	1994
Gunnison	Gunnison RMP	1993	1997	None
Kremmling	Kremmling RMP	1984	1991 (2), 1997	1990
Little Snake	Little Snake RMP	1989	1991, 1996, 1997	In progress
Royal Gorge	Northeast RMP	1986	1991, 1997	1992
Royal Gorge	Royal Gorge RMP	1996	1997	None
Saguache &	San Luis RMP	1991	1997	None

Attachment 1 - Land Use Plan Status				
State and Field Office *	Land Use Plan Name **	Date Initially Completed or Revised (CY)	Plan Amendments ***	Most Recent Comprehensive Plan Evaluation ****
LaJara				
San Juan & Uncompahgre	San Juan-San Miguel RMP	1985	1991, 1993, 1997	1993
Uncompahgre	Uncompahgre Basin RMP	1989	1992, 1994, 1997	None
White River	White River RMP	1997	None	None
<i>Colorado Totals: 11 RMPs, 0 MFPs = 11 Total Land Use Plans</i>				
<b>Eastern States:</b>				
Milwaukee	Wisconsin RMP	1985	None	1999
Milwaukee	Illinois RMP	1987	None	None
Milwaukee	Missouri RMP	1987	None	None
Milwaukee	Michigan RMP	1985	1997	None
Milwaukee	Minnesota MFP	1982	None	None
Jackson	Florida RMP	1994	1999	1999
<i>Eastern States Totals: 5 RMPs, 1 MFP = 6 Total Land Use Plans</i>				
<b>Idaho:</b>				
Cascade	Cascade RMP	1988	1993 (2), 1994, 1995	None
Jarbridge	Jarbridge RMP	1987	1990	None
Owhyee	Owhyee RMP	1999	None	None
Bruneau	Kuna MFP	1983	None	None
Bruneau	Bruneau MFP	1983	1992	None
Burley	Cassia RMP	1985	1988, 1992, 1998, 1999	None
Burley	Twin Falls MFP	1982	1988, 1989, 1990, 1992	None
Burley & Shoshone	Monument RMP	1986	1988, 1992	None
Shoshone	Sun Valley MFP	1982	None	None
Shoshone	Bennett Hills-Timmerman Hills MFP	1976	None	None
Shoshone	Magic MFP	1975	None	None
Malad	Malad Hills MFP	1980	1988, 1992	None
Pocatello	Pocatello RMP	1988	1996, 1999	None
Idaho Falls	Medicine Lodge RMP	1985	1992, 1994,	None

Attachment 1 - Land Use Plan Status				
State and Field Office *	Land Use Plan Name **	Date Initially Completed or Revised (CY)	Plan Amendments ***	Most Recent Comprehensive Plan Evaluation ****
			1996, 1997	
Idaho Falls	Big Lost MFP	1983	None	None
Idaho Falls	Little Lost Birch Creek MFP	1981	1989, 1991	None
Idaho Falls	Big Desert MFP	1981	1984, 1990	None
Coeur d'Alene	Emerald Empire MFP	1981	1984 (2), 1986, 1989 (2), 1997	1996
Cottonwood	Chief Joseph MFP	1981	1984 (2), 1985, 1989 (2), 1996, 1997	1996
Salmon	Lemhi RMP	1987	None	None
Challis	Challis RMP	1999	None	None
<i>Idaho Totals: 9 RMPs, 12 MFPs = 21 Total Land Use Plans</i>				
<b>Montana:</b>				
Dillon	Dillon MFP	1980	None	None
Butte	Garnet RMP	1986	1994	1991
Butte	Headwaters RMP	1984	1986, 1995	1989
Lewistown	West Hilline RMP	1988	1991 (2), 1993, 1995, 1997 (2)	1993
Lewistown	Judith-Valley-Phillips RMP	1994	1995, 1997, 1999	None
Miles City	Big Dry RMP	1996	1997	None
Miles City	Billings RMP	1984	1992, 1996, 1994, 1999	1990
Miles City	Powder River RMP	1985	1992, 1994, 1996, 1999	1990
South Dakota	South Dakota RMP	1986	1994, 1996, 1999	1991
North Dakota	North Dakota RMP	1988	1990, 1991	1993
<i>Montana Totals: 9 RMPS, 1 MFP = 10 Total Land Use Plans</i>				
<b>Nevada:</b>				
Battle Mountain	Shoshone-Eureka RMP	1986	1987	1993
Battle Mountain	Tonopah RMP	1997	None	None
Carson City	Lahontan RMP	1985	1996, 1997, 1998 (2)	1991

Attachment 1 - Land Use Plan Status				
State and Field Office *	Land Use Plan Name **	Date Initially Completed or Revised (CY)	Plan Amendments ***	Most Recent Comprehensive Plan Evaluation ****
Carson City	Walker RMP	1986	1996, 1998 (2)	1992
Elko	Elko RMP	1987	None	None
Elko	Wells RMP	1985	1993, 1996	1992
Ely	Egan RMP	1984	1994	None
Ely	Schell MFP	1983	None	1988
Ely	Caliente MFP	1982	1995, 1999	1994
Las Vegas	Las Vegas RMP	1998	None	None
Las Vegas	Nellis RMP	1992	None	1997
Winnemucca	Sonoma-Gerlach MFP	1982	1998, 1999	None
Winnemucca	Paradise-Denio MFP	1982	1999	None
<i>Nevada Totals: 9 RMPs, 4 MFPs = 13 Total Land Use Plans</i>				
<b>New Mexico:</b>				
Albuquerque	Rio Puerco RMP	1986	1992 (2), 1998	1996
Taos	Taos RMP	1988	1992 (2), 1994	1998
Farmington	Farmington RMP	1988	1992, 1995, 1996, 1998 (2)	1998
Las Cruces	Mimbres RMP	1993	1999	1999
Socorro	Socorro RMP	1989	1992, 1998	1999
Las Cruces	White Sands RMP	1986	1987, 1990, 1997	1996
Roswell	Roswell RMP	1997	None	None
Carlsbad	Carlsbad RMP	1988	1997	1998
Tulsa (OK)	Kansas RMP	1991	None	None
Tulsa (OK)	Oklahoma RMP	1994	1996	None
Tulsa (OK)	Texas RMP	1996	None	None
<i>New Mexico Totals: 11 RMPs, 0 MFPs = 11 Total Land Use Plans</i>				
<b>Oregon:</b>				
Lakeview	High Desert MFP +	1982 +	1996	1997
Lakeview	Lost River MFP +	1982 +	None	1997
Lakeview	Warner Lakes MFP +	1982 +	1989, 1998	1997
Lakeview	Upper Klamath Basin-Wood River Ranch RMP	1995	None	2000
Burns	Three Rivers RMP	1992	None	1998
Burns	Andrews MFP ++	1982 ++	1987, 1989, 1994	1990

Attachment 1 - Land Use Plan Status				
State and Field Office *	Land Use Plan Name **	Date Initially Completed or Revised (CY)	Plan Amendments ***	Most Recent Comprehensive Plan Evaluation ****
Maiheur	Northern Malheur MFP ++	1982 ++	1995	1986
Jordan	Southern Malheur MFP ++	1982 ++	None	1986
Baker	Baker RMP	1989	1992	1997
Central Oregon	John Day RMP	1985	1992	1997
Prineville	Two Rivers RMP	1986	None	1998
Prineville	Brothers-LaPine RMP	1989	None	1998
Salem	Salem RMP	1995	None	2000
Eugene	Eugene RMP	1995	1998	2000
Roseburg	Roseburg RMP	1995	None	2000
Medford	Medford RMP	1995	None	2000
Coos Bay	Coos Bay RMP	1995	None	2000
Klamath Falls	Klamath Falls RMP	1995	1999	2000
Spokane	Spokane RMP	1992	1993	1999
<i>Oregon Totals: 13 RMPs, 6 MFPs = 19 Total Land Use Plans</i>				
<b>Utah:</b>				
Fillmore	Warm Springs RMP	1987	1994	None
Fillmore	House Range RMP	1987	1994	None
Salt Lake	Randolph MFP	1980	1992, 1994, 1998	None
Salt Lake	Isolated Tracts MFP	1985	1994, 1998	None
Salt Lake	Park City MFP	1975	1982, 1985, 1994, 1996, 1998	None
Salt Lake	Box Elder RMP	1986	1988, 1998 (2)	None
Salt Lake	Pony Express RMP	1990	1990, 1991 (3), 1992, 1997, 1998	None
Cedar City	Escalante MFP †	1981 †	1997, 1999	None
Cedar City	Vermillion MFP	1981	1985, 1986, 1993	None
Cedar City	Pinyon MFP	1983	1997 (3)	None
Cedar City	Cedar-Beaver-Garfield-Antimony RMP	1986	1995 (4), 1997	None
St. George	St. George RMP (formerly Dixie RMP)	1999	None	None
Kanab	Zion MFP	1981	None	None



Attachment 1 - Land Use Plan Status				
State and Field Office *	Land Use Plan Name **	Date Initially Completed or Revised (CY)	Plan Amendments ***	Most Recent Comprehensive Plan Evaluation ****
Kanab	Paria MFP †	1981 †	1986, 1996 (2)	None
Richfield	Mountain Valley MFP	1982	1997 (2)	None
Richfield & Price	San Rafael RMP	1991	1996	None
Price	Price River MFP	1983	1984, 1989	1987
Henry Mt.	Parker Mt. MFP	1978	1984, 1997	None
Henry Mt.	Henry Mt. MFP	1982	1984, 1990, 1991, 1993, 1997, 1999	None
Moab	Grand RMP	1985	1986, 1987 (3), 1988, 1989, 1990, 1994, 1995, 1996	1989
Vernal	Book Cliffs RMP	1985	1998	None
Vernal	Diamond Mt. RMP	1994	1999 (3)	None
Monticello	San Juan RMP	1991	1993 (2), 1995	None
<i>Utah Totals: 11 RMPs, 12 MFPs = 23 Total Land Use Plans</i>				
<b>Wyoming:</b>				
Buffalo	Buffalo RMP	1985	1988	1999
Newcastle	Nebraska RMP	1992	None	None
Newcastle	Newcastle MFP †	1981 †	None	1997
Casper	Platte River RMP	1985	None	None
Rawlins	Great Divide RMP	1990	1998 (2)	1999
Lander	Lander RMP	1987	None	None
Rock Springs	Green River RMP	1997	None	None
Kemmerer	Kemmerer RMP	1986	None	1992
Pinedale	Pinedale RMP	1988	None	None
Cody	Cody RMP	1990	None	None
Worland	Grass Creek RMP	1998	None	None
Worland	Washakie RMP	1988	None	None
<i>Wyoming Totals: 11 RMPs, 1 MFP = 12 Total Land Use Plans</i>				
<i>BLM Totals: 110 RMPs, 52 MFPs = 162 Total Land Use Plans</i>				

Attachment 1 - Land Use Plan Status				
State and Field Office *	Land Use Plan Name **	Date Initially Completed or Revised (CY)	Plan Amendments ***	Most Recent Comprehensive Plan Evaluation ****
<p>* Plan location identifies the predominant field office. Some plans cover lands in several field offices.                      ** (RMP) Resource Management Plan, (MFP) Management Framework Plan                      *** Plan amendments vary from single to multiple issue                      **** Reflects the date of the most recent comprehensive land use plan evaluation.                      + The High Desert, Lost River, and Warner Lakes MFPs will be replaced by the ongoing Lakeview RMP, scheduled for completion in FY 2001.                      ++ The Andrews, Northern Malheur, and Southern Malheur MFPs will be replaced by new RMPs upon completion of the ongoing Southeast Oregon RMP effort, scheduled for completion in FY 2000.                      † Will be superseded by Grand Staircase-Escalante National Monument Management Plan, scheduled for completion in February 2000.                      ‡ Will be superseded by the Newcastle RMP later in FY2000</p>				

Attachment 2 - Proposed Planning/NEPA Actions - FY 2001				
Area or Field Office	Planning/NEPA Action	Program Area or Deficiency Addressed	FY 2001 Funding Level (\$000s)	Estimated Completion Date (FY)
<b>Special Management Areas</b>				
Alaska: Northern Field Office	Prepare management plan for Steese NCA	Recreation, mining, water quality, Wild and Scenic River management, transportation access	100	2004
Arizona: Phoenix Field Office	Resource assessment and subsequent preparation of a management plan for Agua Fria National Monument	OHV designations, recreation, vegetation, wildlife, special status species, cultural resources	610	2004
Arizona: Safford Field Office	Prepare management plan for Gila Box NCA	Recreation, OHV management, special status species, visual and cultural resources, and livestock grazing	100	2004
Arizona: Arizona Strip Field Office	Preparation of management plan for Grand Canyon-Parashant National Monument	OHV designations, recreation, vegetation, wildlife, special status species, cultural resources	600	2004
Arizona: Tucson Field Office	Prepare management plan for San Pedro NCA	Water, vegetation (riparian), fish and wildlife, recreation, special status species, land tenure	200	2004
California: Arcata Field Office	Evaluate King Range Management Plan and initiate planning update, if necessary, or initiate activity level planning	Recreation, wildlife, estuary and riparian management, wilderness, OHV management, special status species, access and private inholding	50	2004
California: California Coastline	Prepare California Coastal National Monument Management Plan in conjunction with participating partners	Tract identification, consistency with State and local management plans, access, recreation, fish and wildlife	100	2004
California: California Desert District	Prepare management plan for Otay Mountain area	Wilderness, border patrol activities, recreation, vegetation, special status species	150	2004
Colorado: Uncompahgre Field Office	Prepare Gunnison Gorge NCA Management Plan	Wilderness management, recreation use, and OHV designations	100	2004

Attachment 2 - Proposed Planning/NEPA Actions - FY 2001				
Area or Field Office	Planning/NEPA Action	Program Area or Deficiency Addressed	FY 2001 Funding Level (\$000s)	Estimated Completion Date (FY)
Idaho: Lower Snake River District Office	Prepare Birds of Prey NCA Management Plan	Wildlife, vegetation, livestock grazing, land use authorizations	100	2004
Nevada: Las Vegas Field Office	Finalize Red Rock NCA Management Plan and initiate any necessary activity plans	Recreation, transportation, wildlife, special status species	50	2002
New Mexico: Albuquerque	Finalize El Malpais NCA Management Plan and initiate any necessary activity plans	Recreation, transportation & OHV management, Indian uses, cultural resources, wildlife, vegetation, livestock grazing, boundary and land ownership adjustments	50	2002

#### All Planning and NEPA Actions, Including Special Management Areas

##### Alaska:

Northern Field Office	Amend Fort Greely RMP	Legislative requirement to complete plan for the Fort Greely Military Base. Primary issues: OHV, clean air & water, OHV, T/E species, fisheries	125	2002
Northern Field Office	Amend Fort Wainwright RMP	Legislative requirement to complete plan for the Fort Wainwright Military Base. Primary issues: OHV, clean air & water, OHV, T/E species, fisheries	125	2002
Northern Field Office	Prepare management plan for Steese NCA	Recreation, mining, water quality, Wild and Scenic River management, transportation access	100	2004

Attachment 2 - Proposed Planning/NEPA Actions - FY 2001				
Area or Field Office	Planning/NEPA Action	Program Area or Deficiency Addressed	FY 2001 Funding Level (\$000s)	Estimated Completion Date (FY)
Northern Field Office (National Petroleum Reserve-Alaska)	Prepare Colville River Implementation Plan	Subsistence management (particularly fisheries)	125	2002
Anchorage Field Office	Prepare Southwest RMP to replace Southwest MFP	Oil and gas leasing; OHV designations; land sales; easements; fire management; abandoned mine-water quality; recreation use; and wildlife and fisheries management	500	2002

## Arizona:

Phoenix Field Office	Resource assessment and subsequent amendment of Lower Gila RMP to address the Barry Goldwater Range	Legislative requirement to complete plan for the Barry Goldwater Range. Recreation/open space, OHV designations, livestock grazing, wilderness, visual resource protection, mineral materials.	150	2002
Phoenix Field Office	Resource assessment and subsequent preparation of a management plan for Agua Fria National Monument	OHV designations, recreation, vegetation, wildlife, special status species, cultural resources	610	2004
Phoenix Field Office	Amend Phoenix RMP (Bradshaw Foothills Area)	Urban interface issues, T&E species, OHV designations, air and water quality, cultural & paleontological resources, noxious weeds/invasive plants	250	2003
Safford Field Office	Prepare management plan for Gila Box NCA	Recreation, OHV management, special status species, visual and cultural resources, and livestock grazing	100	2004
Arizona Strip Field Office	Preparation of management plan for Grand Canyon-Parashant National Monument	OHV designations, recreation, vegetation, wildlife, special status species, cultural resources	600	2004

Attachment 2 - Proposed Planning/NEPA Actions - FY 2001				
Area or Field Office	Planning/NEPA Action	Program Area or Deficiency Addressed	FY 2001 Funding Level (\$000s)	Estimated Completion Date (FY)
Lake Havasu Field Office	New RMP-level plan to replace portions of Yuma RMP, Kingman RMP, Lower Gila North MFP, Lower Gila South RMP and Lake Havasu Coord. Management Plan	Management of Lake Havasu, wild burro AML and herd boundaries, livestock grazing, land tenure, utility and transportation corridors, OHV management, T/E species, special area designations, Native American and State agency coordination and consultation	350	2003
Tucson Field Office	Sonoran Desert Conservation Plan. Multi-jurisdictional effort to amend Phoenix and Safford RMPs.	Conservation needs of recently listed Pygmy owl, stabilization of ecosystem and plant communities, protection of natural and cultural resources, land tenure, livestock grazing.	100	2003
Tucson Field Office	Prepare management plan for San Pedro NCA	Water, vegetation (riparian), fish and wildlife, recreation, special status species, land tenure	200	2004

**California:**

Arcata Field Office	Evaluate King Range NCA Management Plan and initiate planning update, if necessary, or initiate activity level planning	Recreation, wildlife, estuary and riparian management, wilderness, OHV management, special status species, access and private inholding	50	2002
Surprise, Alturas, and Eagle Lake Field Offices	Resource assessment to evaluate planning action needed on 7 MFPs and 2 RMPs in NE California	Vegetation (including riparian), wildlife habitat, OHV use, livestock grazing, wild horses, water quality	500	Assessment - 2001, Planning actions - 2004
California Coastline National Monument	Prepare California Coastal National Monument Management Plan in conjunction with participating partners	Tract identification, consistency with State and local management plans, access, recreation, fish and wildlife	100	2004
California Desert District	Prepare management plan for Otay Mountain area	Wilderness, border patrol activities, recreation, vegetation, special status species	150	2004

Attachment 2 - Proposed Planning/NEPA Actions - FY 2001				
Area or Field Office	Planning/NEPA Action	Program Area or Deficiency Addressed	FY 2001 Funding Level (\$000s)	Estimated Completion Date (FY)
California Desert District (Eastern San Diego County)	Resource assessment and preparation of new RMP to replace Eastern San Diego Co. MFP (Mc Cain Valley)	T&E and sensitive species, recreation use, OHV designations, air and water quality, livestock grazing	450	2003

**Colorado:**

Uncompahgre Field Office	Prepare Gunnison Gorge NCA Management Plan	Wilderness management, recreation use, and OHV designations	100	2004
San Juan Field Office	San Juan/San Miguel RMP Amendment to address coal bed methane development	Reasonable foreseeable development for coal bed methane development, vegetation, water table	600	2002
Little Snake Field Office	Amend Little Snake RMP to address Vermillion Basin area	Wilderness recommendations, recreation, oil and gas leasing, OHV designations and travel management, T&E species management and consultation	150	2002
Grand Junction Field Office	Grand Junction RMP Amendment (Bangs Canyon-South Shale Ridge)	Wilderness recommendations, oil and gas leasing, recreation, T&E species management and consultation	150	2002

**Eastern States:**

Milwaukee Field Office	Michigan RMP Amendment	Oil and gas leasing, land tenure adjustments (particularly mineral estate)	20	2003
Milwaukee Field Office	Acquisition support and management planning for Douglas Point (located in Maryland)	Wildlife, recreation, water resources	40	2002
Jackson Field Office	Prepare Planning Analysis for mineral leasing of eight tracts	Oil and gas leasing	20	2001

**Idaho:**

Attachment 2 - Proposed Planning/NEPA Actions - FY 2001				
Area or Field Office	Planning/NEPA Action	Program Area or Deficiency Addressed	FY 2001 Funding Level (\$000s)	Estimated Completion Date (FY)
Lower Snake River District Office	Prepare Birds of Prey NCA Management Plan	Wildlife, vegetation, livestock grazing, land use authorizations	100	2004
Bruneau Field Office	Prepare new Bruneau RMP to replace Bruneau and Kuna MFPs	OHV designations, W&SR eligibility and suitability recommendations, vegetation and wildlife habitat, special status species, livestock grazing, Desert Land Entry designations	240	2003
Pocatello Field Office	Prepare new RMP to replace Malad MFP and amend the Pocatello RMP	Management and consultation for special status and listed species, noxious weeds and invasive plants, OHV designations, livestock grazing, ACEC management, cultural resources, water quality & riparian management	420	2003

**Montana:**

Dillon Field Office	Prepare new Dillon RMP to replace Dillon MFP	Special status species management and consultation, ACEC, W&SR recommendations, air and water quality, oil and gas leasing, recreation use, land tenure, vegetation (including wildfire)	250	2004
Miles City Field Office	Resource assessment for Powder River RMP area. Amend RMPs as necessary	Wildlife, hydrology, air and water quality, oil and gas and coal development, recreation	100	2004

**Nevada:**

Las Vegas Field Office	Revise Nellis RMP to address withdrawal language for the Nellis Air Force Range	Wild horses, air quality, wildlife, water availability and use	350	2002
Carson City Field Office	Amend Lahontan RMP to address withdrawal language for Naval Air Station - Fallon	Recreation use and OHV designations, urban interface issues, wildlife, T&E species, hazardous materials, soil, water and air, cultural, livestock grazing	60	2002



Attachment 2 - Proposed Planning/NEPA Actions - FY 2001				
Area or Field Office	Planning/NEPA Action	Program Area or Deficiency Addressed	FY 2001 Funding Level (\$000s)	Estimated Completion Date (FY)
Carson City Field Office	Revise Walker and Lahontan RMPs and consolidate all decisions for the field office	Recreation use and OHV designations, urban interface issues, wildlife, T&E species, hazardous materials, soil, water and air, cultural, livestock grazing	200	2004
Winnemucca Field Office	Prepare new RMP to replace Paradise-Denio and Sonoma-Gerlach MFPs	T&E species, air and water quality, land tenure adjustments, land health standards, noxious weeds, recreation and OHV designations, mineral materials, fire management and restoration	250	2004
Las Vegas Field Office	Finalize Red Rock NCA Management Plan and initiate any necessary activity plans	Recreation, transportation, wildlife, special status species	50	2002
Las Vegas Field Office	Amend Las Vegas RMP to incorporate Clark County Multiple Species Habitat Conservation Plan	Special status species, OHV designations, mesquite woodland management, land disposal, ACEC designations	70	2002

Attachment 2 - Proposed Planning/NEPA Actions - FY 2001				
Area or Field Office	Planning/NEPA Action	Program Area or Deficiency Addressed	FY 2001 Funding Level (\$000s)	Estimated Completion Date (FY)

**New Mexico:**

Albuquerque	Finalize El Malpais NCA Management Plan and initiate any necessary activity plans	Recreation, transportation & OHV management, Indian uses, cultural resources, wildlife, vegetation, livestock grazing, boundary and land ownership adjustments	50	2002
Las Cruces Field Office	Amend White Sands RMP to address the McGregor Range per Military Withdrawal Act	Special status species management, water quality, Native American issues and Traditional Cultural Properties	300	2002
Farmington Field Office	Revise Farmington RMP	Mineral development (oil and gas, coal, mineral materials), land tenure, utility corridors, cultural resources, invasive weeds, recreation	1,065	2004
Socorro Field Office	Amend Socorro RMP	Oil and gas development, OHV designations, T&E species management, livestock grazing, land tenure adjustments, urban interface issues, special area designations	50	2003

**Oregon/Washington:**

Burns District Office	Prepare management plan Steens Mountain area	Water quality, T&E and special status species, wilderness, wild and scenic rivers, recreation, wild horses, vegetation livestock grazing, ACEC designations, mineral withdrawals	60	2003
Prineville Field Office	Amend Upper Deschutes RMP	Urban interface issues, OHV management (responds to Millican Valley OHV area lawsuit), water quality, wildlife, vegetation, T&E and special status species, livestock grazing, W&SR, land tenure	370	2002

Attachment 2 - Proposed Planning/NEPA Actions - FY 2001				
Area or Field Office	Planning/NEPA Action	Program Area or Deficiency Addressed	FY 2001 Funding Level (\$000s)	Estimated Completion Date (FY)
Lakeview Field Office	Complete Lakeview RMP (replace High Desert, Warner Lakes, and Lost River MFPs)	Water quality, vegetation, fire management, W&SR, ACECs, OHV designations, recreation T&E and special status species, VRM management, noxious weeds	150	2001

## Utah:

South East Region - Moab, Monticello; Eastern Region - Vernal, Price, & Richfield	Prepare regional wilderness plan amendments for the Southeast region (Grand and San Juan RMPs) and Eastern region (3 RMPs, 4 MFPs).	Wilderness, recreation, OHV designations	1,200	SE Region 2001  Eastern Region 2002
Price Field Office	Prepare new Price River RMP to replace Price River MFP	OHV designations, special status species, wildlife, oil and gas leasing, wild and scenic rivers, recreation, VRM management, clean water, special designations, invasive non-native species, cultural resources	700	2003
Monticello Field Office	Amend San Juan RMP	OHV designations, wildlife, cultural resources, oil and gas leasing, recreation	200	2002
Vernal Field Office	Uintah Basin-wide Study (Resource Assessment) and subsequent planning efforts	Air and water quality, oil and gas development, wildlife, Native American coordination, wilderness	800	2004

## Wyoming:

Buffalo, Casper, and Newcastle Field Offices	Powder River Basin resource assessment and subsequent plan amendments	Oil and gas leasing, coal development, air and water quality, wildlife habitat, vegetation, special status species	1,000	2005
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Attachment 2 - Proposed Planning/NEPA Actions - FY 2001				
Area or Field Office	Planning/NEPA Action	Program Area or Deficiency Addressed	FY 2001 Funding Level (\$000s)	Estimated Completion Date (FY)
Rawlins, Kemmerer, Pinedale, and Rock Springs Field Offices	SW Wyoming resource assessment and subsequent plan amendments	Oil and gas leasing, air and water quality, wildlife habitat, vegetation, special status species	1,750	2005

## Nation-wide or Regional:

Cascade and Rocky Mountain Regions	Land use plan amendments for Canada Lynx	Wildlife, vegetation, recreation, land use authorizations	300	2002
Inter-mountain, Great Basin, and Prairie Grasslands Regions	Resource assessments & conservation strategies for special status species (e.g. Mtn. Plover, prairie dog, & sage grouse)	Wildlife, vegetation, soil and water, livestock grazing, vegetation, recreation, mineral development, land use authorizations	600	2002
BLM-wide	EIS supplements (4) for vegetation treatment	Vegetation, wildlife, soil, air, water, recreation, noxious weeds and invasive species	200	2002
BLM-wide	Land use plan evaluations for OHV decisions	OHV designations and transportation planning	450	2001
BLM-wide	Planning and NEPA program management and oversight	Training, land use plan evaluation and maintenance, public notification and involvement	2,000	Continuing

# **EXHIBIT 5**



## United States Department of the Interior

NATIONAL PARK SERVICE  
Golden Spike National Historic Site  
P.O. Box 897  
Brigham City, Utah 84302



L2427 (GOSP-S)

May 30, 2006

To: Salt Lake Field Office Manager, Bureau of Land Management  
From: Superintendent, Golden Spike National Historic Site  
Subject: Concerns about Oil and Gas Lease Sale

I reviewed the draft list of lands scheduled for competitive oil and gas leasing in August 2006, and have concerns about four sections in Box Elder County related to the scenic, recreational, and cultural resources associated with the Transcontinental Railroad.

On the draft list, approximately 2,560 acres are identified as UT0806-009. All sections in the unit (22, 26, 28, and 34) are located on or adjacent to the BLM Transcontinental Scenic Byway, which is listed on the National Register of Historic Places. Leasing and developing oil and gas resources in this open country would negatively affect the scenic cultural landscape and historic features associated with the National Register site. Resource specialists in the National Park Service describe this section of transcontinental railroad as looking much as it would have in 1869 when it was constructed.

The potential use of the historic grade for access to lease parcels is also a concern. As a BLM backcountry byway, there is currently recreational use and light traffic on the roadbed, and damage can usually be mitigated. However, use of the historic grade as an access road for oil and gas development would permanently degrade the integrity of this feature. This concern applies to UT0806-099 and any other parcel in Box Elder County that would access the lease site via the Transcontinental Railroad grade.

Thank you for the chance to comment on this preliminary list of oil and gas lease sales.

Margaret A. Johnston  
Superintendent  
435/471-2209x23

cc: Box Elder County Commissioners  
Utah State Historic Preservation Officer  
Regional Director, NPS-Intermountain Region

TAKE PRIDE  
IN AMERICA

# **EXHIBIT 6**



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

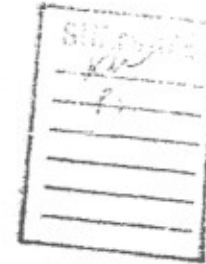
Salt Lake Field Office  
2370 South 2300 West  
Salt Lake City, Utah 84119  
ph: (801) 977-4300; Fax: (801) 977-4397



In Reply Refer To:  
3100 (UT-023)

file

JUN 23 2006



USDI-National Park Service  
Golden Spike National Historic Site  
P.O. Box 897  
Brigham City, Utah 84302

RE: August 2006 Oil and Gas

Dear Superintendent Johnston:

The Bureau of Land Management (BLM) Salt Lake Field Office has received your May 30, 2006 letter regarding concerns about oil and gas lease sale activity and development adjacent to the Transcontinental Railroad Grade in Box Elder County, Utah. The BLM shares your concern about appropriately managing this historic site and the surrounding landscape. In 1998, our office completed a land use plan amendment to specifically address management of the Transcontinental Railroad Grade and to designate this historic site as an Area of Critical Environmental Concern (ACEC).

The land use plan amendment designated the Transcontinental Railroad Grade as a visual resource management (VRM) Class III area, which allows for moderate change to the landscape. The areas within the viewshed outside of the Transcontinental Railroad Grade ACEC are designated as a VRM Class IV area, which allows for major modification of the landscape. However, the BLM will employ oil and gas best management practices to reduce the visual impact of all oil and gas facilities.

The land use plan amendment allows for oil and gas leasing of the mineral estate of the Transcontinental Railroad Grade with No Surface Occupancy. Therefore, the oil and gas operator would be prohibited from using the Transcontinental Railroad Grade as an access road for oil and gas exploration and development.

We appreciate your comments about oil and gas leasing adjacent to the Transcontinental Railroad Grade and share your concern about appropriately managing any oil and gas development. If you any further questions, please call me at 801-977-4300.

Sincerely,

DAVID H. MURPHY

David H. Murphy  
Associate Field Manager



# **EXHIBIT 7**

United States Department of the Interior

NATIONAL PARK SERVICE  
Southeast Utah Group  
Arches and Canyonlands National Parks  
Hovenweep and Natural Bridges National Monuments  
2282 S. West Resource Boulevard  
Moab, Utah 84532-3298

2006 JUN -1 P 1:01

L3025

May 31, 2006

Memorandum

To: Deputy State Director, Division of Lands and Minerals, BLM

From: Superintendent, Southeast Utah Group

Subject: Comments on Notice of August, 2006 Competitive Oil and Gas Lease Sale of Lands Proximal to Arches National Park

The current Oil and Gas Lease Sale nominates parcels on the north, east and west sides of Arches National Park. National Park Service (NPS) viewshed analysis of these parcels has been conducted. In addition to viewshed analysis, the park has also reviewed these parcels to address potential air quality, water quality and water quantity impacts.

Viewshed- Viewshed analysis of parcels generally closer than 5 miles to the park (294, 295, 296, 297, 298, 299, 300, 301, 305, 306, 307, 320, 321, 322, 323, 347, 349, and 350) shows that all or portions of these parcels are visible from multiple vista points in the park. Potential impacts include light pollution from flaring and lighting of drill rigs or production facilities, which dilutes dark night skies, an important park value; drilling rigs and permanent structures that interrupt the scenic vistas/skyline; and facilities, operations vehicles and roads in otherwise roadless areas that contrast with the surrounding environment and detract from the scenic vistas of the natural, canyon country landscape associated with Arches National Park. Potential impacts can be mitigated in many instances by site placement, stipulations that are available to protect VRMs, or directional drilling from points away from the most sensitive areas. Currently, the parcels listed with "viewshed" concerns (see attachment - "Impact Concerns") have no stipulations to mitigate those impacts. For this reason we recommend that parcels with viewshed concerns be deferred from this lease sale until such time as the Resource Management Plan (RMP) for the Bureau of Land Management's Moab Field Area is complete and appropriate Visual Resource Management stipulations applied. Those parcel numbers we request be deferred are 294, 295, 296, 297, 298, 299, 300, 301, 305, 306, 307, 320, 321, 322, 323, 347, 349, and 350.

Potential impacts to parcels greater than 5 miles from the park include light pollution from flaring and lighting of drill rigs or production facilities, which dilutes dark night skies, an important park value. At greater than 5 miles distance, however, potential impacts may be relatively easy to mitigate by working with the BLM and leaseholders on rig placement and shielding of lights and flares.

Water Quality - Oil and gas development near streams or drainages that flow into Arches National Park can be a source of pollutants that adversely affect the parks' natural resources. Storm water runoff during construction or runoff from established well pads can introduce sediment and toxic chemicals into nearby rivers and streams. Storage and disposal of drilling and production wastes in pits can contaminate groundwater and surface waters. Oil and gas development near or adjacent to the Colorado River (Parcels 348, 349) has potential to introduce toxic chemicals into the river upstream from both Arches and Canyonlands National Park. Similarly, parcels up for lease on the Dolores River could provide a pathway for pollutants to enter both Arches and Canyonlands. Parcels 301, 302, 305, 306, 307, 320, 321, and 322 also need stringent stipulations to prevent water quality impacts to streams and/or drainages that drain into Arches National Park. Standard BLM stipulations currently in place should address these concerns.

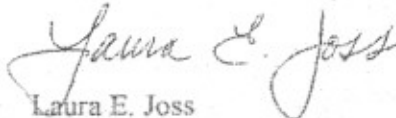
Water Quantity- Springs and seeps in Arches National Park are critical to the health of park ecosystems. Use of groundwater from these lease parcels should be avoided to prevent impacts to seeps and springs in the park. Water removed from the Moab Member of the Curtis Formation, the Slickrock Member of the Entrada Sandstone, and the Navajo Sandstone can adversely affect the quantity of water provided to the parks' natural resources (Utah Geological Survey, Special Study 108, 2003). Seeps and springs could dry up altogether if too much water is removed via groundwater pumping, especially in drought years. Water for oil and gas drilling and other operations should be trucked in rather than pumped from groundwater. We recommend that an analysis of cumulative impacts of past and proposed oil and gas operations be performed as part of the compliance process review. If the lessee submits applications to appropriate water from these parcels, the NPS will evaluate potential impacts and may protest applications that threaten NPS water rights and water-related resources.

Air Quality - Arches National Park is a Class I airshed under the Clean Air Act. As the number of oil and gas operations multiplies around Arches National Park, we have concerns about cumulative effects of increased nitrogen oxides, VOCs and other gases released from these operations. Changes in visibility may impair scenic vistas in this Class I airshed. Cumulative impacts on other air quality related values may include soil chemistry, water pollution/acidification, and associated impacts on plants and aquatic life. We recommend that analysis of cumulative impacts of past and proposed oil and gas operations on air quality be performed as part of the compliance process review.

Thank you for the opportunity to comment on these parcels. The Bureau of Land Management is currently working on updating the Resource Management Plan (RMP) for the Moab Field Area which includes lands surrounding Arches National Park. We enjoy continued dialog and cooperative conservation with the Field Area Manager on

management issues of mutual interest. Through further analysis of these areas, we feel mitigation measures can be formulated to accommodate the oil and gas leasing program in a manner that is considerate of coexisting area values.

The NPS appreciates the time dedicated by the BLM's Moab Field Office staff to discuss inquiries about these parcels. We look forward to continuing to work with them to find solutions that best address the needs and purposes of the park, while being considerate of and working cooperatively with the BLM staff as they discharge their responsibilities associated with the oil and gas lease sale program. If there are questions about these comments, please feel free to contact me at (435) 719-2201.



Laura E. Joss  
Superintendent  
Arches National Park

Attachment

cc:

Kate Cannon, Superintendent, Southeast Utah Group, National Park Service  
Cordell Roy, Utah State Coordinator, National Park Service  
Margaret Wyatt, Moab Field Manager, Bureau of Land Management

Impact Concerns

<u>Parcel Number</u>	<u>Concern</u>
294	Air Quality, Viewshed Impacts
295	Air Quality, Viewshed Impacts
296	Air Quality, Viewshed Impacts
297	Air Quality, Viewshed Impacts
298	Air Quality, Viewshed Impacts
299	Air Quality, Viewshed Impacts
300	Air Quality, Viewshed Impacts
301	Air Quality, Viewshed, Water Quality, Water Quantity
302	Air Quality, Water Quality, Water Quantity
305	Air Quality, Viewshed, Water Quality, Water Quantity
306	Air Quality, Viewshed, Water Quality, Water Quantity
307	Air Quality, Viewshed, Water Quality, Water Quantity
320	Air Quality, Viewshed, Water Quality, Water Quantity
321	Air Quality, Viewshed, Water Quality, Water Quantity
322	Air Quality, Viewshed, Water Quality, Water Quantity
323	Air Quality, Viewshed Impacts
347	Air Quality, Viewshed Impacts
348	Air Quality, Water Quality
349	Air Quality, Viewshed Impacts, Water Quality
350	Air Quality, Viewshed Impacts

# EXHIBIT 8



## United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Utah State Office

P.O. Box 45155

Salt Lake City, UT 84145-0155

<http://www.blm.gov>

IN REPLY REFER TO:  
3100  
(UT-922)

JUL 27 2006

Laura E. Joss  
Superintendent  
Arches National Park  
2282 S. West Resource Boulevard  
Moab, UT 84532-3298

Re: August, 2006 Competitive Oil and Gas Lease Sale

Dear Ms. Joss:

Thank you for your letter concerning parcels offered for lease in the August, 2006 Oil and Gas Lease sale on lands near Arches National Park. We wish to address concerns you expressed about potential impacts to the viewshed, air quality, water quality and water quantity as a result of leasing 20 parcels in the Moab Field Office in the vicinity of Arches National Park.

Viewshed

National Park Service representatives met with BLM personnel of the Moab Field Office on May 25, 2006 to discuss oil and gas lease parcels (UT0806-294 - UT-0806-301, UT0806-305 - UT0806-307, UT0806-320, UT0806-321 - UT0806-323, UT0806-347, UT0806-349 and UT0806-350) to be offered in the August 2006 sale. BLM's viewshed analysis of areas visible from six Key Observation Points within Arches National Park were discussed. The Moab Field Office has consistently deferred parcels within four miles of Key Observation Points (KOP) within the park. Of the nominated parcels in the August 2006 sale, parcel UT0806-323 fell wholly within the Delicate Arch KOP viewshed and was deferred. Other parcels containing areas visible from KOPs in the park are further than four miles from key points. From the perspective of a viewshed analysis, BLM determined that any drilling and development activities could be shielded by topography and the loss of visual acuity at that distance.

Water Quality and Quantity

You expressed concerns about potential water quality and quantity impacts from oil and gas development to streams, springs and seeps in and near Arches National Park. As noted on your letter standard BLM stipulations currently in place should address these concerns. Additionally, oil and gas operating regulations and orders also require protection of water resources, including isolation of any fresh water aquifers. If drilling applications are submitted in the area, each will be reviewed and analyzed to determine appropriate measures to afford protection to water resources.

Air Quality

BLM typically addresses impacts to air quality through application of the National Environmental Policy Act process for oil and gas development proposals. Through this process, cumulative impacts of oil and gas activities are considered and analyzed. Thank you for your recommendations.

Other Resources

In addition to the deferral of parcel UT0806-323 due to potential visual resource impacts, all of parcels UT0806-298 - UT0806-300, UT0806-305, UT0806-307, UT0806-320 - UT0806-323, UT0806-347 and UT0806-349, and portions of parcels UT0806-301, UT0806-306, and UT0806-350 were deferred for other resource concerns, including wildlife and Areas of Critical Environmental Concern.

We appreciate the input of NPS in the oil and gas leasing process. We encourage continued cooperation between NPS and the Moab Field Office on such matters. If you have any additional questions about the August lease sale, please feel free to contact Terry Catlin, Oil and Gas Support Team Leader at (801) 539-4122.

**Kent Hoffman**

Kent Hoffman  
Deputy State Director Lands & Minerals

cc Moab FO.

NPS Letter from SO 7-27-06 GD-SA



# EXHIBIT 9

August 2006 Oil and Gas Lease Sale  
VRM Staff Report  
Katie Stevens  
May 30, 2006

The Moab Field Office has undertaken a view shed analysis of BLM areas visible from six Key Observation Points within Arches National Park. Areas that are visible and are within four miles of these Key Observation Points are considered to be important to the Arches National Park view shed. Of the parcels offered for lease in the August 2006 sale, Parcel UT0806-323 is wholly within this view shed, as it is less than four miles from the Delicate Arch Key Observation Point.

Parcels UT0806-301, 306, 307, 321, 322, 347, 348, 349, 350 all contain areas visible from Key Observation Points within Arches National Park. However, since these parcels are further than four miles from these key points, park visitors' daytime visual enjoyment would not be impacted.