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Bureau of Land Management

Little Snake Field Office
Craig, Colorado

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Scoping Report

Little Snake Resource Management Plan



Booz | Allen | Hamilton

Abstract

The Colorado Bureau of Land Management (BLM), Little Snake Field Office (LSFO) has prepared this report to summarize the scoping process of the Resource Management Plan (RMP) for all of the federal surface and mineral estate managed by the BLM within the LSFO boundary in three counties in Northwestern Colorado-Moffat, Routt, and Rio Blanco. Scoping is a process that is used to encourage public participation, solicit public input, and identify planning issues related to the implementation of the RMP. The public scoping period was held from November 18, 2004 to January 31, 2005.

During the scoping period a series of three public open houses were held to encourage public comment on the planning process. Meetings were held in Steamboat Springs, Craig, and Maybell. A total of ninety-eight people attended the open houses.

Coordination with Native American tribal governments and other agencies also occurred during the scoping period. Letters were sent to four tribal governments on October 14, 2004 inviting their coordination and participation in the RMP revision process. A meeting was held on November 17, 2004 to discuss boundary issues with other federal and state agencies containing lands bordering LSFO-administered public lands. A meeting with participating cooperating agencies was also held on January 6, 2005 to discuss agency issues and concerns regarding the RMP revision.

A total of 477 comments and issues were received during the scoping period. Comments were sorted into 14 topical categories: Access, Travel and Transportation Management; Cultural Resources and Paleontology; Fire Management; General Comments; Lands and Realty Management; Livestock Grazing; Minerals and Energy Resources; Recreation; Social and Economic Values; Soil, Water, and Air Resources (including Water and Air Quality); Special Management Designations (including Wilderness); Vegetation (including Upland and Riparian Management and Forestry); Wild Horses; and Wildlife Habitats and Fisheries Management (including Special Status Species).

The majority of comments fell into the Special Management Designations (including Wilderness), Minerals and Energy Resources, Wildlife Habitats, and Access and Transportation categories.

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1.0 INTRODUCTION

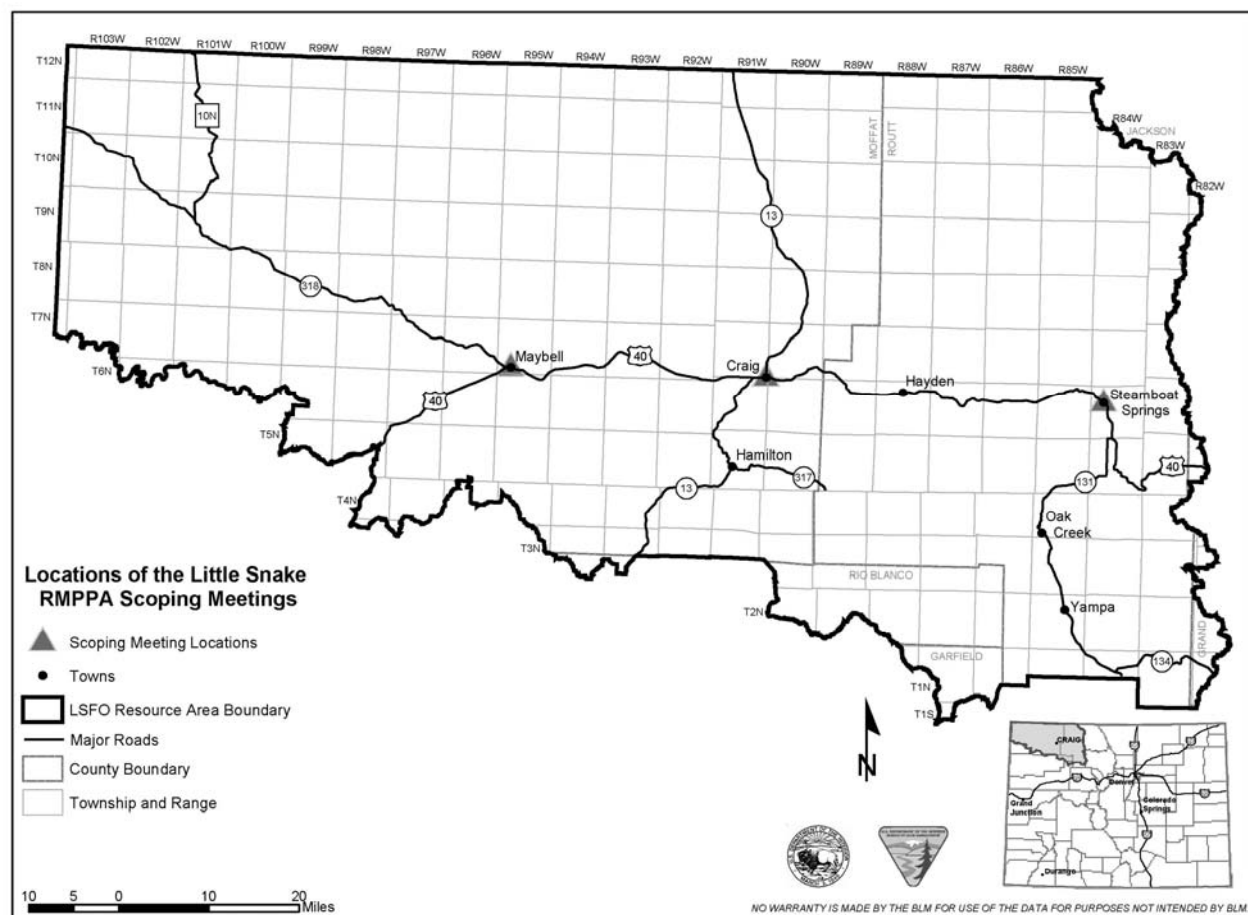
1.1 Overview/Purpose and Need

The Colorado Bureau of Land Management (BLM), Little Snake Field Office (LSFO) has initiated the planning process to revise the existing Resource Management Plan (RMP) for approximately 1.3 million acres of BLM-administered public land surface and 1.1 million acres of federally-owned mineral estate in Moffat, Routt, and Rio Blanco counties in northwest Colorado (Figure 1). An Environmental Impact Statement (EIS) will also be prepared as part of this project.

The Federal Land Policy and Management Act of 1976 (FLPMA) requires that BLM “develop, maintain, and, when appropriate, revise land use plans” (43 United States Code [U.S.C.] 1712 (a)). BLM has determined it necessary to revise the existing RMP for the LSFO based on a number of new issues that have arisen since preparation of the initial RMP in 1989.

The management of public lands and federal mineral estate within the LSFO boundaries is the subject of the RMP planning effort. Planning decisions in the RMP do not apply to private lands. Areas within the LSFO administered by other federal agencies, such as the U.S. Forest Service (USFS), the U.S. Fish and Wildlife Service (USFWS), and the National Park Service (NPS) and state agencies, such as the Colorado State Land Board, are also not the subject of this RMP planning effort.

Figure 1. Little Snake Field Office Map



The overall objective of the LSFO RMP planning effort is to establish a set of management decisions that will guide resource management actions on BLM-administered public lands for the next 15-20 years. The plan will be developed using a collaborative, community-based planning approach and will incorporate adaptive management decision-making where appropriate. The plan will specify actions, constraints, and general management practices necessary to achieve desired conditions developed through an open, public process.

The initial step in preparing an RMP is the scoping process. “Scoping” is a term from the National Environmental Policy Act (NEPA) that describes the process by which federal agencies incorporate early and open public involvement in the development of a proposed federal action. Integral to the planning and environmental process is public participation, which keeps the interested public, agencies, and tribal governments engaged in the planning process. The BLM, LSFO encourages early and active participation in the discussion of the management of public land resources during

the RMP process and will provide opportunities for public participation throughout the process, including scoping meetings, community information meetings, project updates and announcements via mailings. Public hearings will be held following the release of the Draft EIS.

This report documents the formal scoping process and provides a summary and analysis on the content and type of comments received. The scoping issues identified in this report will help guide the development of planning alternatives to be used to reach a final RMP.

2.0 COLLABORATIVE PLANNING PROCESS

2.1 Scoping Process

Scoping is a process required during the early stages of developing an Environmental Impact Statement (EIS). The process is used to help determine the issues and the significance of those issues related to a proposed action, in this case, the implementation of a new RMP (CEQ regulations, 40 CFR 1501.7). The planning issues identified during the public scoping process help develop planning criteria to be used in the development of the RMP. Knowing the scope and the significance of issues allows for an accurate and timely environmental analysis. The scoping process is also designed to encourage public participation and to solicit public input. Although only one of the many steps in the planning process, scoping is an essential step that ensures as many issues as possible are identified for consideration.

The formal scoping period for the LSFO began with the publication of the Notice of Intent (NOI) in the *Federal Register* on November 18, 2004 (see Appendices A and B), officially announcing BLM's intent to prepare an RMP and associated EIS for the Little Snake Field Office. During the scoping period, BLM announced the commencement of the planning process, invited the submittal of ideas and comments regarding the management of the LSFO, and conducted public scoping meetings.

The remainder of this scoping report provides an explanation of the scoping activities and a summary of the comments received. Although the scoping period ended on January 31, 2005, the BLM will consider any issues brought forward during the planning process. However, only comments submitted during the scoping period are summarized in this report (Appendix C).

2.1.1 Planning Newsletter

BLM prepared a scoping newsletter (Appendix D) and sent it to the individuals and entities on the Little Snake project mailing list and posted it on the project website. The mailing list includes Federal, State, and local government agencies; tribal government representatives; organizations; special-interest groups; and individuals who have expressed an interest in the RMP planning process.

The newsletter included an introduction to the planning process and planning area and a brief overview of the purpose of an RMP. The newsletter also included the preliminary themes that will be addressed during planning, and information on how to provide input. A graphic representation of the RMP/EIS process illustrated the steps and processes involved in establishing a new RMP/EIS for the LSFO. The newsletter also went into depth about the application of the RMP process, and the status of previous events leading up to the current point within the RMP Process. The newsletter announced the times, dates and locations for public scoping meetings as well as the web site addresses for the project area. These web site addresses offered additional on-line information to supplement the newsletter material. This newsletter was the first in a series of informational newsletters that will be distributed throughout the planning process to all of the entities on the mailing list.

2.1.2 Media Releases

BLM also issued a media release introducing the project and announcing the scoping meeting dates, times, and locations of the scoping meetings in the following newspapers, radio, and television stations (Table 1 and Appendix E).

Table 1. Media Release Announcements

Newspaper	County
Craig Daily Press	Moffat
Moffat County Morning News	Moffat
Hayden Valley Press	Moffat
Loco'l Trade-R	Routt
Steamboat Pilot	Routt
Steamboat Today	Routt
Mitch Herald Times	Rio Blanco
Rangely Times	Rio Blanco

Table 1 Continued. Media Release Announcements

Newspaper	County
Rio Blanco Herald Times	Rio Blanco
Meeker Chamber of Commerce- WRFO Constituent	Rio Blanco
Craig Chamber of Commerce- LSFO Constituent	Moffat
Radio	County
KBCR AM/FM	Routt
KFAM/ KIDN/ KRMR	Routt
KRAI AM/FM	Moffat
Television	County
Channel K 27	Moffat

2.2 Community Coordination

Community-based planning is an effort by BLM to better engage communities and cooperating agencies in decisions that may affect the health and well being of the communities and landscapes they value and depend on for economic viability as well as recreational and aesthetic purposes. Community-based planning is not intended to be a transfer of BLM decision-making authority, but an opportunity for communities to fully participate in the BLM planning process.

The Northwest Colorado Stewardship (NWCOS) is a key participating body in this planning effort and is an independent, community-centered stewardship group. NWCOS was established in April 2003 with the mission of fostering a working relationship between a diverse range of interests and empowering the affected public to have more effective input to the federal land management agencies’ decision making processes. NWCOS is a community group independent of BLM or any agency.

The Northwest Colorado Resource Advisory Council (NWRAC), a 15-member council, will also provide advice and recommendations to the BLM throughout the process. In general, Resource Advisory Councils (RACs) are advisory groups chartered under the Federal Advisory Committee Act (FACA) that advise the BLM regarding the preparation, amendment, and implementation of land use plans for public lands and resources within a particular area of jurisdiction. The NWRAC has

established a sub-committee to participate specifically in the RMP revision process. NWRAC operates on the principle of collaborative decision-making and strives for consensus before making official recommendations.

2.3 Cooperating Agencies

Cooperating agency status provides a formal framework for governmental units-local, state, tribal, or Federal - to engage in active collaboration with a lead Federal agency in the planning process. In principle, a cooperating agency shares the responsibility with the lead agency for organizing the planning process.

BLM has requested cooperating agency status for the RMP revision from the following:

- ❑ Moffat County
- ❑ Routt County
- ❑ Colorado Department of Natural Resources (including the Colorado State Land Board, Colorado Division of Wildlife, and Colorado State Parks)
- ❑ National Park Service
- ❑ U.S. Fish and Wildlife Service
- ❑ U.S. Forest Service
- ❑ City of Craig
- ❑ City of Steamboat Springs
- ❑ USDA Natural Resource Conservation Service
- ❑ Town of Hayden
- ❑ Town of Oak Creek
- ❑ Town of Yampa

In addition, the Juniper Water Conservancy District has expressed a serious interest in becoming a cooperating agency. Moffat County, the Colorado Department of Natural Resources, and the U.S. Fish and Wildlife Service are the only agencies to date that have accepted and signed a Memorandum of Understanding (MOU) with the BLM. This MOU outlines responsibilities of the cooperating agencies and resources they can contribute to the planning effort.

2.4 Tribal Consultation and Other Agency Coordination

A letter requesting tribal involvement in the RMP revision process was sent to the following Native American tribes on October 14, 2004. BLM received one response from the Southern Ute Indian Tribe.

- ❑ Shoshone Tribal Council
- ❑ Ute Mountain Tribal Council
- ❑ Uintah and Ouray Tribal Council
- ❑ Southern Ute Indian Tribe

A meeting was held on November 17, 2004 with agencies that have common boundaries with the LSFO including the Rawlins, Rock Springs, Vernal, and White River BLM field offices; Dinosaur National Monument; Browns Park National Wildlife Refuge; and Colorado Department of Natural Resource. Issues and concerns with boundary management were discussed including travel management, greater sage-grouse; fire; visual resources; wild horses; livestock grazing; threatened and endangered species; special designations; wildlife; invasive species; vegetation; water quality; and access to private/state lands.

3.0 COMMENT ANALYSIS

Public comments provided during the scoping process are documented and analyzed using a process called comment analysis. This is a systematic process of compiling and categorizing all public viewpoints and concerns submitted on a plan or project. Information from public meetings, letters, emails, faxes and other sources are all included in this analysis. In the comment analysis process, each letter is assigned a unique number. This number allows analysts to link specific comments to original letters. All respondents' names and addresses (email address if the submission was an email) are entered into a project-specific database program, enabling creation of a complete list of all respondents.

Analysts read and categorize comments. Database reports track all input and allow analysts to identify issues and to analyze the relationships among them. A summary of issues received is then created and mapped to the original letters and other input on file in the official project administrative record.

It is important to recognize that the consideration of public comment is not a vote-counting process in which the outcome is determined by the majority opinion. Relative depth of feeling and interest among the public can serve to provide a general context for decision-making; however, it is the relevance to the public lands, specificity, and factual accuracy of comment content that serves to provide the basis for input into planning documents and decisions. Further, because respondents are self-selected, they do not constitute a random or representative public sample. The National

Environmental Policy Act encourages all interested parties to submit comment as often as they wish regardless of age, citizenship, or eligibility to vote. Respondents may include businesses, people from other states, children, and people who submit multiple comment letters. Every comment and suggestion has value, whether expressed by one respondent or many. All input is read and evaluated and the analysis team attempts to capture all relevant public issues in the analysis process.

3.1 Scoping Activities

3.1.1 Collection of Comments

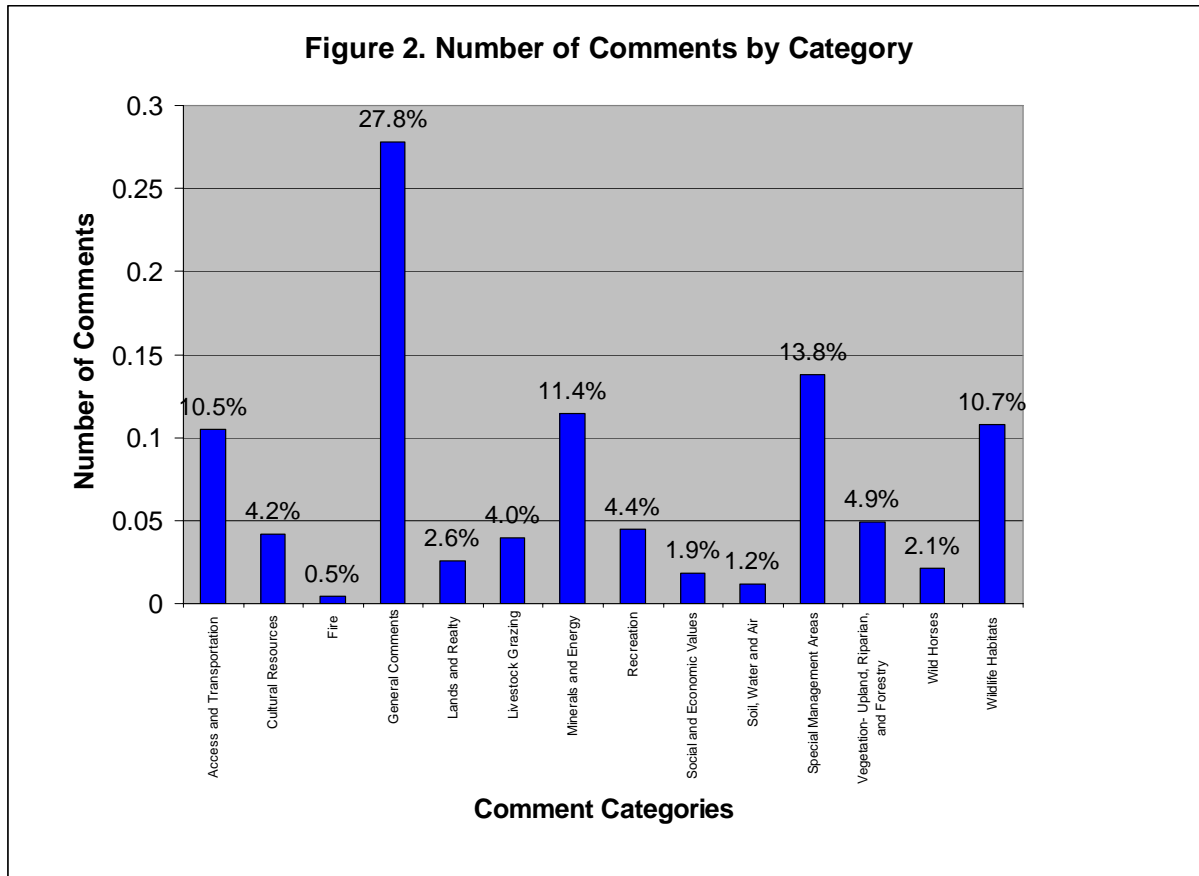
Input was received from the public at the public scoping meetings and via email and standard mail. Table 2 illustrates how the letters were submitted to the BLM. All input was compiled into a single database, reviewed, and analyzed to identify the preliminary issues to be addressed in the RMP/EIS.

Table 2. Comment Submittal Methods

Submittal Method	Number of Letters	Percentage
Oral (captured on flip charts)	3	0.3%
Comment Form Submitted During Scoping Meeting	19	2%
Mailed In	36	4%
Email	91	10%
Form Letters	772 (3 unique letters)	83.7%

A total of 921 comment letters were submitted and 478 specific comments from each letter were sorted into 14 topical categories: Access and Transportation Management; Cultural Resources and Paleontology; Fire Management; General Comments; Lands and Realty Management; Livestock Grazing; Minerals and Energy Resources; Recreation; Social and Economic Values; Soil, Water and Air Resources, including Water and Air Quality; Special Management Designations, including Wilderness; Vegetation, including Upland and Riparian Management and Forestry; Wild Horses; and Wildlife Habitats and Fisheries Management, including Special Status Species. The percentage of comments falling into each of these categories is presented in Figure 2.

Figure 2. Number of Comments by Category



Public Scoping Meetings

The scoping meetings took place in an “open house” format to provide members of the public with an opportunity to interact with BLM resource specialists and to submit input to the BLM orally, in writing, or electronically. Members of the public were encouraged to review display materials and fact sheets that provided additional details on the RMP/EIS process and the Little Snake RMPPA (see Appendices F, G, and H). BLM resource specialists were available to answer questions and to receive input. A presentation given by John Husband, LSFO field manager, discussed the need for the RMP/EIS, the planning process and schedule, opportunities for public participation, and suggestions for providing effective scoping comments to BLM.

Comments and ideas raised during discussions were captured on flipcharts. Comment sheets were also made available for submitting hand-written comments and could be either handed in at the scoping meeting or mailed to the BLM at a later date. Finally, laptop computers were available for participants to submit comments electronically into a scoping comment database.

Meeting Logistics and Attendance

Three public meetings were conducted in the communities located within the planning area, as shown in Table 3 and illustrated in Figure 1.

Table 3. Public Scoping Meetings

Meeting Date	Meeting Location	Number of Attendees
Tuesday, January 4, 2005	Steamboat Springs, Colorado	53
Wednesday, January 5, 2005	Craig, Colorado	38
Thursday, January 6, 2005	Maybell, Colorado	7

Written Scoping Comments

In addition to receiving comments during the public scoping meetings, the LSFO also received comments through the mail, fax, and email. Written comments summarized in this report were received during the scoping period.

3.2 Issues Identified During Scoping

The comments received during the scoping period are summarized here according to topical area. As could be expected, comments were offered from a wide variety of often diametrically opposed viewpoints. Comments are not to be considered as “right” or “wrong”, rather they represent values held by individuals, and in some cases, groups of individuals.

Access and Transportation

Access and transportation issues proved to be of great interest, and many commenters recommended that no new roads be developed, while others requested opening limited access for energy and mineral development. There were requests for the legal definition of a road and clarifications of single and double track roads and trails with respect to the definition of a road. There was a further expressed need to limit and control access and roads to prevent destruction of wildlife habitats and detract from wilderness characteristics.

Concerns were expressed over limited travel for motorized vehicles and enhancing the opportunities for non-motorized travel and access in more sensitive areas. Examples like this were seen to “set aside areas for non-motorized use, which is separate from those areas available for motorized use”. The protection of the natural resources seemed to be the main focus of limiting travel and access within the RMPPA.

Some commenters felt that all access should be limited or prevented. While, some opposed the closure and access to any and all BLM managed lands, feeling that it would be against the ideals of the BLM to restrict the “multiple use” of the lands. Yet others called for the BLM to “maintain some semblance of non-motorized silence and solitude in most parts of the resource area, for example, by concentrating high density motorized and mountain bike use in small, contained areas while setting aside the remainder of the resource area in a semi-primitive Recreation Opportunity Spectrum (ROS) setting”.

There were requests for open and unrestricted OHV use as well as for the complete restriction of OHV use because of the damage and pollution inflicted upon the landscape and experiences of other users.

Comments from the Northwest Colorado Stewardship (NWCOS) on travel and off-road vehicle management included the following: Where will travel and off-road vehicle use be directed/allowed and at what levels? Which areas will be open, closed, or limited for certain types of travel and how will routes be identified and designated? How will this use best be managed? What indicators should be monitored to determine if desired future conditions are being met?

Cultural Resources

Most concerns raised over cultural resources and paleontology focused on the preservation and protection of these resources. Most commenters reflected concerns that “all historical, archeological, and paleontological resources are strictly non-renewable: once marred or destroyed, they are forever lost to future generations. Such fragility demands utmost care and humility from BLM managers and planners.”

There were also requests for no closures based on cultural and paleontological resources protection because, “no area closures for cultural-paleontological are necessary or appropriate.”

Comments from NWCOS on archaeological, paleontological, and historical resources included the following: What archaeological, paleontological, and historical resources should be protected in the

Little Snake Area? How could these resources best be protected? What indicators should be monitored using best available science to determine if desired future conditions are met?

Fire

The comments received on fire management focused on fire suppression. Some comments called for fire suppression and management in conjunction with vegetation management practices in “urban interface” areas only. While some comments requested the adoption of an ecological fire restoration plan that allows the land to recover naturally. Concerns to “prohibit road building as a means to accomplish any vegetation treatments in furtherance of the fire policy” were also raised. Vegetative treatments using fire were suggested under tightly controlled situations. Most importantly all commenters recognized the need for the LSFO’s continued efforts to maintain fire management programs.

General Comments

The comments categorized as general ranged from administrative issues that are beyond the scope of the RMP, to law and policy enforcement by the BLM law enforcement officers. General comments also included visual resource management.

While there was a broad range of comments that were placed within the general comments section, quite a few mentioned the involvement in the collaborative work efforts of the community group NWCOS.

Many multiple use issues were raised including, “open and welcomed multiple use, collaboration, conflict resolution and education should be the primary objective of the BLM, NOT - regulation, segregation, elimination or heavy handed law enforcement.”

Also, commenters suggested the BLM “adopt a new management plan for the Little Snake area that protects and restores the ecological health of the entire region through the maintenance of healthy wildlife populations, the preservation of the area’s most special plants and animals, and the balancing of other land uses such as recreation and resource extraction with the natural values found here.”

Comments from NWCOS on overall ecosystem health included the following: What is the current condition of overall ecosystem health in the Little Snake Resource Area (LSRA)? Given the BLM’s multiple-use objectives and outcomes, what is the desired future condition of overall ecosystem health in the LSRA and what will it take to get there? What indicators should be monitored using

best available science to determine if desired future conditions are being met while minimizing any negative impacts to the social and economic health of the community? How can BLM implement multiple-use in a way that best serves our communities and society?

Comments from NWCOS on valid existing rights included the following: What valid existing rights are present within the LSRA? How, if at all, will the RMP affect and be affected by these valid existing rights?

Lands and Realty

Comments regarding lands and realty within the LSFO focused on the private versus public lands as well as land exchange. The LSFO BLM office has many areas where private and public lands are very closely intertwined. Comments recommended “to block up Federal land, in areas of fragmented ownership, through exchanges and sales with adjacent private owners. This would greatly improve manageability for all and reduce trespassing problems for private land.”

Commenters called for clarification and restriction of land exchanges and also raised questions about the BLM’s plan to maintain existing rights- “what valid existing rights are present within the LSRA? How, if at all, will the RMP affect and be affected by these valid existing rights?”. Some commenters wanted the BLM to “continue and perhaps expand land exchanges to convert small hard to manage parcels to larger easier to manage parcels.”

Livestock Grazing

Comments under this category represented a full range of perspectives including elimination of all livestock grazing with the RMPPA, some wanted a “50% immediate reduction followed by an annual 10% reduction thereafter”, and others wanted to maintain the existing livestock grazing rights, and yet others wanted expanded rights for grazing.

The historical importance of public land grazing was noted, and it was mentioned that BLM is required to recognize livestock grazing as a legitimate land use. The interests of local ranchers were expressed through comments that told of their long ties to the land and the benefits of livestock grazing on overall land use in comparison to other land use activities proposed.

Some commenters expressed concern over the health of riparian corridors within grazing allotments. The impact of grazing on the landscape, water and wildlife habitat was also of concern.

There were methods suggested to manage livestock grazing through rotational or deferred grazing systems.

Comments from NWCOS on overall livestock grazing included the following: What is the current landscape condition of livestock grazing allotments? What is the desired future condition to sustain and enhance livestock grazing allotments? Which areas are appropriate for livestock grazing and under what conditions? What indicators should be monitored using best available science to determine if desired future conditions are being met?

Minerals and Energy

The majority of the comments in this category focused on the affects of mineral and energy development. Some commenters felt that the risks of development far outweighed the potential benefits.

Others felt that Americans should be taking advantage of our natural resources rather than relying on foreign nations to meet our supply demands. Other suggestions were made to explore alternative means of energy development.

Some commenters suggested a compromise balancing equal acreage designated for both wilderness and mineral and gas development. Some suggested that the oil and gas companies contribute larger profits to the BLM. Emphasis on smarter, more advanced technology methods for extraction of resources to protect the land from further damage was also the topic of many comments. References were made to other Colorado landscapes and the negative impacts mineral and energy development have had on the visual experience, comments articulated the desire to ban this type of activity from the LSFO.

A portion of these mineral and energy development comments mentioned specific wilderness and/or other areas that needed protection from development actions. Opinions were expressed that protection of natural resources should have a higher priority than mineral and energy development. Comments from NWCOS on minerals and energy included the following: Where are energy and mineral resources located? Which areas are appropriate for energy and mineral leasing and development and under what conditions? What indicators should be monitored using best available science to determine if desired future conditions are being met? What special management considerations, if any, should be made for split-estate lands? How will management of surface resources affect availability of lands for energy and mineral development? How can impacts of energy and mineral development on other key resources be minimized?

Recreation

Recreation comments ranged from the compatibility of motorized and non-motorized recreation to education programs within recreation areas, and also balancing the experience of recreational opportunities and controlling the types and means of recreational use.

Some commenters wanted a thorough analysis of the impacts of various recreational activities on the landscape, to balance these activities across the landscape, and possible restrictions on activity in appropriate areas.

The recognition by commenters of the varied recreation uses in the planning area resulted in suggestions for areas that cater specifically to the needs of different types of activities.

Comments from NWCOS on recreation included the following: What recreation opportunities (including motorized, mechanized, and primitive recreation) do we want to maintain in which areas (including, but not limited to hunting, fishing, riverine recreation, OHV riding, and all other recreation types)? How best to balance increasing recreation uses of various types with maintaining a quality recreation experience, minimizing conflicts with other uses and recreational users, and minimizing environmental impacts? What indicators using best available science should be monitored to determine if desired future conditions are being met?

Social and Economic Values

Comments addressing social and economic values ranged from providing opportunities for tourism and recreation to providing for increased oil and gas development. For example, one commenter stated, “the benefit to the greater community should be measured in real economic opportunity” such as “economic benefits of open space and outdoor western lifestyle.” Other commenters wanted to “ensure these lands are not restricted solely to wilderness purposes” and felt that “the BLM must analyze the full range of impacts that livestock grazing contributes to surrounding communities, both from a socio as well as economic perspective.”

Comments from county governments regarding economic issues suggest that the BLM include an extensive socioeconomic study as part of the RMP process and incorporate the 2004 Economic Development Report.

Comments from NWCOS on socioeconomic conditions included the following: What is the current contribution of the LSRA lands to local, state, and national socioeconomic conditions (including

both quantitative and qualitative values)? How will management decisions in the RMP positively and negatively affect these socioeconomic values at the local, state, and national level? How can the custom and culture of the local community be enhanced while achieving the RMP goals?

Soil, Water and Air Resources

Comments received in this category addressed the need for the BLM to comply with the Clean Water Act, the Clean Air Act, FLPMA and other regulations and statutes that provide for clean air and water. Commenters also suggested that the BLM adhere to the Riparian-Wetland Initiative by including provisions for riparian areas in the RMP.

Special Management Designation

Comments in this category urged BLM “to ensure that the wilderness character of the seven areas in the Citizens' Wilderness Proposal receive proper protection. There were many who felt that “Allowing oil and gas development or motorized vehicles in these areas would be a great disservice to the public and to the BLM's mandate to provide for a diversity of uses across the landscape.” Other comments wanted to “ensure these lands are not restricted solely to wilderness purposes.”

There was also an expressed need for “the EIS to include an adequate range of alternatives on wilderness. At least one alternative should include wilderness designation for all the areas proposed in Rep. DeGette's bill. The alternative should provide interim protection of those areas until Congress makes the final decision.”

Comments from NWCOS on special designations included the following: Which areas are appropriate for special designations and what definitions will be used to determine the qualifications for special designations? What are the desired future outcomes of these designations? What uses are allowed in special designation areas? What indicators should be monitored to determine if desired future conditions are met? How will these designations interact with state and private in-holdings?

Comments from NWCOS on protection of lands with wilderness character included the following: Which areas are appropriate to protect for their wilderness character? How can this protection best be accomplished? What indicators should be monitored to determine if desired future conditions are being met? What will be the positive and negative impact of protecting these wilderness characteristics on other key resources?

Vegetation

The comments in the vegetation category generated a variety of issues and concerns over the increase of noxious and invasive species, deterioration of riparian corridors and forestry areas, filtration of toxins by plants into streams and groundwater tables as well as filtering pollution out of the local soil.

There were several comments about noxious and invasive vegetation that has affected the LSFO area which commenters felt needs more attention and more proactive management to control and eliminate.

Some commenters discussed vegetation relative to wildlife habitat, drawing conclusions that “properly managing riparian is a critical component of managing for biological diversity and for meeting many other needs.” Some commenters also felt that the “plan should include measures to restore deteriorated riparian zones where livestock grazing has left impacts against wildlife and aquatic habitat.”

Overall, the vegetation management comments suggested that the LSFO strengthen this portion of their management program due to the valuable resources that contribute to a variety of important LSFO features like livestock grazing and the health, ecological diversity, wildlife habitat and visual resources of the entire planning area.

Comments from NWCOS on vegetation management included the following: What is the current condition of vegetation for key ecosystem types (e.g., grasslands, sagebrush steppe, Douglas-fir forests, etc.) in the area? Given BLM’s multiple-use objectives and outcomes, what is the desired future condition of vegetation for key ecosystem types and what will it take to get there? What indicators should be monitored using best available science to determine if desired future conditions are being met?

Wild Horses

The comments received in the wild horses category discussed permits and wild horses grazing. Some commenters “oppose the expansion of wild horse herd areas and request that the BLM keep their horses on their side of the fence.” Other commenters discussed the importance of the heritage and history behind the wild horse herd and its existence on the land. Comments were offered referring to the wild horses as a resource that is important to the visitor experience in northwestern Colorado.

Wildlife Habitats

The majority of wildlife habitat comments received concerned wildlife protection and habitat enhancement. There was concern for the health of all wildlife and the safety of the habitats for both wildlife and special status species. Commenters suggested that fragmentation of BLM land parcels contributes to fragmentation of wildlife habitats and migration corridors.

Some commenters expressed concerns over noise created by recreation that could be contributing to disruption of mating, breeding, nesting, migration, foraging, and predation. Other commenters remarked on specific species, some comments “urged BLM to include measures into this plan to protect wildlife habitat values for birds and mammals that depend on natural conditions, such as sage-grouse, sharp-tailed grouse, and prairie dog.”

A few commenters noted that the “excessive numbers of deer, elk, and horses severely impact the forage availability for livestock grazing. Harvest of excess numbers of elk and deer.”

Comments from NWCOS on wildlife, fish and special status species included the following: What is the current status of special status animal and plant species and key game species? Which strategies (taking into account current efforts and plans, including using hunting and habitat management as key tools) will be developed to recover special status species and to manage game species in accordance with Colorado Division of Wildlife Data Analysis Unit (DAU) plans and local management plans? What actions will be identified to achieve desired future population and habitat conditions? What indicators should be monitored using best available science to determine if desired future conditions are met?

Appendix A – Notice of Intent

Appendix B – Notice of Intent Press Release

Appendix C – Comments to be Considered in the Resource Management Plan Planning Process

Access, Travel and Transportation

Comment Number	Comment
56	<p>Need to restrict travel in certain areas to maintain the natural resource values of the land. There is no need to have OHV use in all the areas allowed at this time.</p> <p>There may even be a need to restrict recreational use by mountain bikes etc. for the same reason.</p> <p>Areas that should be closely looked at are those that still maintain their undeveloped character, the Yampa River lands, lands surrounding other special lands ie. Dinosaur Nat . Mon.</p> <p>I think we must remember that we are setting up uses for the future. It will be harder to make the necessary changes in the future.</p>
60	<p>As a service dog trainer, I have had an experience in Dinosaur Nat'l Monument (Gates of Lodore) where I was denied access to the trail because I was accompanied by a service dog in training.</p> <p>The ADA gives service dogs in training the same access rights as working dogs. I was also told by a campground employee that even a working service dog would not be allowed on the trails.</p> <p>I am concerned that employees of the Nat'l Park Service and BLM may not be aware of the ADA.</p> <p>As part of my job, I often do educational talks to civic groups. I would be happy to give such a presentation to employees to prevent this situation from being repeated.</p>
69	<ul style="list-style-type: none"> - need to manage travel in sensitive soils-encourage designated routes - fees only for use of created/developed campsites (which should be kept to a minimum) - limit motorcycles in SW Vermillion area- only certain routes - encourage pedestrian trails that are designated non-motorized like trail @ Cross Mtn - definitions of what a road is are relative- but only established, constructed roads
70	<p>I ask particularly for there to be no roads, telecommunication or utility facilities or access roads built.</p>
73	<p>In regards to OHV travel in the sandwash basin area: I would like to see roughly the area between Sheepshead and just east-north of Sandwash left open to OHV travel- NOT limited to existing routes. Thus leaving it as it has been for the past countless years- a reduction in land amount and access to it.</p>
74	<p>The BLM land on Willow Creek that was set up by the 1996 land swap was originally set up to restrict vehicle access for 3 to 4 years. The most frequently asked question by hunters visiting the Craig Sportsman Information Center is when will this 20 or so sections of BLM land be opened to vehicle travel on existing roads, farms trails and roads that are present on the ground?</p>
79	<p>"roadless " as a term means different things to different people. Roadless means no roads. Two tracks are considered roads by most folks around here, but shouldn't be upgraded.</p>
88	<p>I would like to see all accesses remain open to all types of travel. In our many years there we've not found it difficult to escape other users if we so chose. There is plenty of room for all so lets not shut it down and make it a playground for only the most fit and adventurous.</p>

In fact, I would challenge you to tell me the last time you OPENED a trail for 4x4 use. We've all heard the reasons, we don't have the budget to maintain them etc., the roads are in what's now considered a roadless area (a personal favorite), or we've changed the land-use plan. Most people I've come across out there share a love of the land and use it accordingly.

Surely there are a few in any crowd who put themselves above the rules and there-in lies the problem. So let's work to resolve that instead of erecting gates and such.

On the subject of personal responsibility, how responsive would your agency be to direct citizen participation. Specifically the maintenance and or building of new trails?

126

I have been traveling to Colorado for three out of the last four years for the combined elk rifle seasons and have observed some disturbing activity by "hunters" on OHV's, four wheeled ATV's in particular. I typically hunt in GMU number 5, on a BLM area called Bibleback Mountain. I, and the other hunters I hunt with, have been driving up an established road to a point where we can park and walk in to the mountain, which is the area that is typically hunted. When the road condition does not permit us to drive our vehicle up the road we park on the country road, where it meets the corner of the property, and walk up to the mountain. Other "hunters", usually from out of state, ride their OHV's from the country road to the mountain, running the animals out of the area. At first this was just an inconvenience and an irritation. In the last couple of years, their activity has not only become more and more inconsiderate to other hunters, but the illegal activity has become more frequent and more brazen. This year during the 3rd combined elk rifle season, I witnessed "hunters" riding into the area after other hunters had already gotten to their hunting spot and had been seeing elk. I saw several instances where ATV riders has their rifles uncased, either slung across their backs or sitting on their laps. I also saw times where one "hunter" was driving the ATV and another was riding behind him with his rifle at the ready.

- The division of Wildlife, The Bureau of Land Management, real hunters, and even wildlife would be best served by a regulation prohibiting OHV's on public land unless retrieving harvested game. Such a regulation would allow the environment to take back the areas the ATV's had damaged, allow all hunters an equal opportunity at harvesting animals, and allow wildlife to move to and from areas with less stress.

- I urge the DOW and BLM to consider action to stop this type of activity

385

In preparing the draft RMP, we encourage you to consider the importance of allowing reasonable access to land for development of energy resources.

386

I see the damage motorcycles do. I am not against varied use for public lands. I ride horses which have impacts if they use the same trail over and over. The open lands do not show so much damage.

387

Allowing oil and gas development and motorized access to these areas would deny the public the right to have diverse uses of his land, which is mandated to the BLM.

Just as industrial users should not be denied their rightful access to these lands, so should recreational users not be denied access to the hiking, wildlife viewing, solitude and rare beauty offered by the LSRA.

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motorized uses should be confined to roads and legally defined trails

571

Please do whatever you can to preserve what few roadless and wild areas left in our state.

811

While the BLM must manage the Little Snake for multiple use, including off-road vehicles and oil and gas development, the most pristine areas should be protected from the severe degradation that industrial and mechanized recreation bring. Multiple-use doctrine also requires that some areas should be left undisturbed for the unimpaired enjoyment of future generations.

866

Please consider this excellent wildlife and recreation area in the context of large landscape scales and long time frames, and try to minimize any additional long term fragmentation and additional off road travel.

- 868 Lastly, I feel the plan should address all forms of recreation users. With ORV use rapidly increasing on our public lands, there should be areas set aside for non motorized use.
- 872 I am board member of the Timberline Trailriders Inc. of Steamboat Springs for the last 15 years, a member of Colorado State Trails OHV Sub-Committee 2004-2005, American Motorcyclist Association for the last 18 years and Colorado Off Highway vehicle Coalition (COHVCO) since inception. I am aware of the NWCOS organization and may wish to participate with their efforts if my schedule allows.
- 2) Any travel management plan needs to accurately inventory and recognize in-use existing and historic trails and roads. I believe a good start for some of the OHV trails inventory resulted from the good efforts of the Little Snake River MC from Craig, Mark and Toni Louder.
- 873 Travel and Off-Road Vehicle Management: Where will travel and off-road vehicle use be directed/allowed and at what levels? Which areas will be open, closed, or limited for certain types of travel and how will routes be identified and designated? How will this use best be managed? What indicators should be monitored to determine if desired future conditions are being met?
- 874 I feel there is already too much damage from the extractive industries and off road use. To allow further degradation of this national treasure would be outrageous. Please leave the unscarred and irreplaceable resources to their best present and future use, just like they are now. Thank you for taking the input from the people who know and love this land.
- 875 1) Develop a system of marked trails for OHV use in an area that does not impact wildlife, archeological or paleontological sites, or sensitive range, and have strict enforcement to limit OHV use to that area.
- 876 Effective limitations on these vectors may include limiting ORV use to designated routes or closing critical areas (such as ACECs) to ORV use altogether, limiting the geographic extent of oil and gas drilling infrastructure to concentrate and reduce new road building, and limiting AUMs or seasonal use of grazing allotments.
- 878 Please limit the use of noisy, soil-disrupting vehicles by designating areas for off-road vehicles that protect the soil and natural sounds for motorless recreation.
- 879 As you prepare the RMP, I urge you to ensure that the 1969 Federal mandate of multi-use of the seven areas in the Citizens' Wilderness Proposal receive proper OHV inclusion. Cold Spring Mountain, Cross Mountain, Diamond Breaks, Dinosaur Additions, Pinyon Ridge, Vermillion Basin, and the Yampa River are all pristine areas of unique quality that deserve to be seen by families like mine. Allowing OHV's in these areas would be a great service to the public and to the BLM's mandate to provide for a diversity of uses across the landscape. Please give special attention to protecting our right to enjoy and have full access to the wildness of Vermillion Basin.
- 880 I hope you will also ensure the need for diverse uses of this public land, including areas for non-motorized recreationists, and ensuring that any future oil and gas development is limited to areas where it will least impact the environment and the cultural and wilderness heritage that exists there today
- I understand that the BLM must manage these lands for a variety of uses, including oil and gas development and off-road vehicle use. However, there are ways of doing this that minimize the impacts to the natural environment and to other users. I ask you to set aside areas for non-motorized use which is separate from those areas available for motorized use.
- 883 3.0 Motorized Recreation
 Motorized recreation has been increasing, nationwide, at a very fast rate. When I was First introduced to off-road riding in Moffat County in 1985, there were very few participants. Almost all of the activity was centered in Sand Wash Basin. There would be less than a dozen motorcycle riders and ATVs were just beginning to come into their own. 4x4 drivers were not visible. High Desert Racing Association put on a 4x4 race in 1986. Little Snake Motorcycle Club put on five races from 1986-1990. From this point on, off-road vehicle activity has grown.
- I propose that a number of loop routes be established utilizing existing roads and trails. There are a massive amount of "two-track" routes within the LSRA. These routes should

be identified by the BLM. There are a number of "RS2477" routes that Moffat County wants to affirm. There are a number of seismic exploration routes that were established in the 1940s. Connecting these routes into 30-50 mile loops, there could be enough routes to accommodate ORV growth for many years to come. To prevent excessive ORV damage to resources, as has happened elsewhere in the West, an adaptive management plan must be put in place.

The BLM, by identifying these potential routes, could make available maps, to potential visitors. Route markers could be installed by BLM or volunteers. If properly promoted, this could be a very positive economic impact to the communities within Moffat County. Another benefit is it would get the ORV users away from Sand Wash Basin into a more dispersed recreation. Some primitive campsites could be established in each trail network.

Trail networks in sensitive areas would not be appropriate. Each trail would need clearance to assure the BLM that sensitive resources are not being disturbed. Monitoring is essential to the longevity of this vision. Without monitoring, this concept would be doomed to failure. If a trail network is showing adverse impacts, portions of it, or all of it, must be closed until repair or regrowth is complete. Finally, all "Open Area" must be reclassified to Limited Use. The only exception would be "ORV play area." The reason for the land classification change is to give BLM

884 And can't we have a few places were ATV's and snowmobiles DON'T go.....you can hear them miles away, so can the wildlife who will be driven away from their shelters.

I understand that BLM must manage the LSRA for a variety of uses, including oil and gas development and off-road vehicle use. However, there are ways of doing this that minimize the impacts to the natural environment and to other users. In addition to designating certain areas as off-limits to energy development (such as lands with high wildlife, watershed, recreation or wilderness values), it is perfectly reasonable for this management plan to require that energy developers use the best available technology and practices in their exploration and extraction in the LSRA, and I urge you to include non-discretionary provisions to do so. Similarly, it is reasonable that people interested in engaging in quiet, non-motorized recreation have an opportunity to do so in the LSRA, and I ask you to set aside areas for such uses separate from those areas available for motorized use.

887 1) Develop a system of marked trails for OHV use in an area that does not impact wildlife, archeological or paleontological sites, or sensitive range, and have strict enforcement to limit OHV use to that area

890 Section 1. General Travel and Recreation Management Concepts.

Travel management planning is a defining process in public land management. In many ways, travel management plans are the heart and soul of land management since they determine how and when people access and recreate on federal lands, and, consequently, determine the acres of intact core habitats, the future conditions of riparian areas and watersheds, and other natural values and experiences.

A well-designed transportation system is one of the most critical elements of public land management. Well-conceived transportation systems will provide high quality recreation opportunities that allow people to access public lands in a variety of styles but ensures long-term protection of landscape function and form. Poorly-conceived systems (or user-created systems), however, can result in detrimental and long-lasting effects to the landscape.

It is worth noting that a major reason that motorized recreation has become so problematic is because the first round of resource management plans failed to address adequately the damage that motorized recreation vehicles can impart to the landscape and other users, the growth in popularity of motorized recreation, and the advances in technology that have increased machines' capability to damage resources and other users' experiences (and, in the case of outfitters and ranchers, livelihoods). It is critical that, in this plan revision, the BLM commit to making hard decisions to restrict motorized use to manageable and enforceable levels, and offer an honest discussion in the analysis of the potential impact off-road vehicles (ORVs) can have on a landscape. Protecting visual resources, water quality, rare plants and native vegetation, wildlife habitat, hunting and fishing opportunities, solitude, and quiet will hinge, in large part, on the agency's willingness and ability to manage and reduce social and ecological conflicts.

We have categorized the issues in this section into four categories to make it easier to read and understand. The categories are: General Concepts, Specific Policy Recommendations, Plan Components, and Analysis Recommendations.

1. General concepts that should be incorporated into the plan revision.

1. Make overarching goal sustaining the ecological health of the landscape. We strongly believe that the agency should manage all forms of recreation -- pedestrian, equestrian, mechanized, and motorized --in such a way that maintains the fundamental ecological health of the land. Not only is this the agency's legal mandate, but also virtually all other uses of the land will suffer if land health is compromised. Specifically, recreation should not result in significant or permanent negative alterations to streamflows, riparian conditions, air quality, soil condition, species diversity or richness, or ecosystem structure/function. Recreation and travel should be steered away from ecologically sensitive or ecologically important areas altogether, and inappropriate travel routes closed to the public and rehabilitated where possible. In addition, for routes and recreation that are designated as appropriate, mitigation measures should be implemented to ensure that ecological damage is minimized, e.g., proper trail placement and construction to minimize erosion.

2. Transportation plans should be travel and recreation plans. Although perhaps daunting to undertake, it is important that BLM regard and advertise transportation plans as a travel and recreation plans, not just motorized vehicle plans. It is artificial to separate the two: the transportation system determines in large part the recreational opportunities, conditions, and consequences, and vice versa.

3. Streamline the travel system. Years of ranching, logging, mining, and more recently off-road driving, have resulted in miles of unused or rarely used routes. Transportation plans should strive to streamline the travel system by reducing redundant, unnecessary, and/or environmentally damaging routes.

In streamlining the travel system, the BLM should emphasize keeping a higher percentage of higher maintenance level routes (routes that can be driven by passenger vehicles) and remove the hard-to-reach, high clearance routes that reach deep into backcountry areas and are not integral to moving people or goods through the area. The result of such a policy is to allow access to the most people with the fewest routes and to allocate limited resources in the most efficient manner. Maintaining a large road network to a lower standard in order to benefit a small minority of users desiring an extreme 4WD experience is an inefficient use of public resources that results in 1) the many sacrificing a high quality recreational experience to subsidize the desires of a few, and 2) potential ecological damage from under-maintained routes (see attached discussion of impacts from roads).

5. Plan for the future. Private lands are developing at rapid rates throughout Colorado and the intermountain west with the result that western communities will be increasingly relying on BLM lands for recreation and wildlife protection. In addition, the types and intensities of recreation are also increasing, requiring that land managers try to predict the next type of recreational activity that will arrive en masse. For example, over 2/3 of Colorado BLM land are located within an hour of a metropolitan area.

Transportation planning will play a significant role in determining the future condition of public lands for decades to come. Hence, it is critical that the BLM plan a transportation and a recreation system that will still work effectively long into the future when the modes and amounts of recreation might be considerably different.

In addition, as development increases on the surrounding private lands and as visitation to the area increases, the value of the BLM lands as quiet refuges for wildlife and people alike will grow. When all the private land is developed, it will be the BLM lands alone that will have to support wildlife. The BLM must take this unfortunate reality into account in the planning document and associated NEPA document.

6. Comply with the Colorado Public Land Health Standards. One of the goals of the plan revision should be bringing the Little Snake Resource Area into compliance with the Colorado Standards for Public Land Health. These standards, which consist of goals and associated indicators, outline the basic condition of healthy landscapes. Hence, the BLM should incorporate the public land health standards as enforceable performance standards into the plan revision, and the analysis section should analyze how each use individually and cumulatively will meet these standards.

7. Designated routes should be based on the spatial patterns of roads, not merely mileage. The spatial pattern of roads and trails on the landscape – not simply the mileage – must be considered when agencies evaluate alternative management scenarios or decide which roads and routes should be open for travel and which should not. This means that the location of a road, route, or trail relative to the objects of interest and other significant resources is likely as important as the length or width of the road itself. Open routes can fragment habitat and enable dispersed access to sensitive resources; a comprehensive and well-designed transportation plan should be geographically distributed in a manner that preserves as much core habitat and sensitive resources as possible.

8. The starting point for designation routes is critical. In an area where designated routes do not exist yet, the starting point should be a blank map – not a map showing all user-created routes and scars that exist on the ground. The planning process should prescribe travel on routes that are environmentally sound, will not result in user conflict, and are manageable.

9. Avoid spurs that end in sensitive places like at wetlands or at roadless area boundaries. Spur routes that end in open sensitive places can result, at times, in significant impact to those sensitive areas as recreationists are tempted to “play” in open areas. Locating routes well can reduce both the opportunity and temptation to damage these open areas.

10. Manage recreation and transportation in a regional context. It is important to recognize that not all forms of recreation do not have to be accommodated within a planning area so long as most appropriate forms are accommodated somewhere in the greater region (not necessarily even on BLM lands).

11. Consider demographic changes to local area and entire region. A recreational and travel plan not only should look at the types of recreation and travel that people today engage in, but also must try and predict how people will behave in the future. Hence, the BLM must consider demographic changes occurring now and predict changes in the future. Clearly, people are moving to Colorado to enjoy the amenities provided by public land. Increasingly, they are seeking a quiet experience on public lands – an experience that is fast disappearing in suburban communities. Recent polls on Coloradans’ trail preferences are available from the Colorado State Parks Department (see <http://parks.state.co.us/scorp/reports.asp>).

12. Consider creating single track trails by narrowing width of existing routes. In some cases, recreationists desire singletrack instead of doubletrack trails as they provide more excitement and, in some cases, a more rugged character to the area. Where the BLM wants to provide singletrack opportunities, we recommend that the BLM consider creating them by narrowing existing two tracks instead of creating new routes.

2. Features defined as “roads” must meet the legal definition of a road as set forth in FLPMA’s legislative history. The BLM must apply a legal definition of “road” within the planning process, develop appropriate criteria to accurately gauge what is or is not a road, ensure that illegal “ghost roads” are not legitimized, and in fact, close and reclaim such “ghost roads.” The legal definition of road for the BLM public lands is derived from the definition of “roadless” in the legislative history of FLPMA:

The word “roadless” refers to the absence of roads which have been improved and maintained by mechanical means to insure relatively regular and continuous use. A way maintained solely by the passage of vehicles does not constitute a road. (H.R. Rep. No. 94-1163 at 17 (1976)).

Thus, tracks created by the repeated passage of vehicles, people, wildlife, or anything else, standing alone, do not constitute a road; mechanical improvement, whether by hand tools or power machinery, is necessary. In other words, “use” or “nonuse” of a given route is inadequate information to determine what is or is not a “road.” Single track trails or other trails also do not meet the definition of a road.

1. Trail Objectives and Desired Future Condition. Establish written trail objectives and desired future condition for each trail designated in this area to assure resource protection and an enjoyable trail user experience that, in the face of future recreation demands, retains the quiet and uncrowded recreational experience the area now provides.

2. Strategy for closing and restoring habitat on excess routes. The plan should include

a timeline, budget commitment, and restoration strategy for all excess routes. Excess/closed routes should be restored by reestablishing original contour, raking soils, removing berms, replanting with appropriate native vegetation and other known methods shown to be successful in obliterating all visual evidence of past disturbance.

3. Strategy for enforcement and monitoring. The plan should include a detailed monitoring strategy that outlines the indicators and parameters that the BLM will use to monitor recreational use on the landscape, including the positive and negative impacts of such recreation on the landscape and on land users. The plan should include a detailed monitoring timeline, and should clearly demonstrate how each indicator will provide a measure of recreation impact.

4. Strategy for administrative mineral material needs. The BLM needs to plan how and where it will acquire mineral materials to support the maintenance of roads and trails. Over time, availability of aggregates can become a serious environmental and/or economic concern.

5. Capacity models. In the face of a growing resident and visiting population in the intermountain west, the BLM should develop a resource and recreation capacity model that establishes indicators and standards that are linked to land function and user experience.

Of all the land management agencies, the National Park Service seems to have the most experience with capacity modeling. They have utilized a few models, such as Levels of Acceptable Change (LAC), the Visitor Experience and Resource Protection process (VERP), Visitor Impact Management (VIM), and Visitor Activity Management Program (VAMP), in a number of park units.

Capacities are needed to make, at a minimum, the following decisions:

- Allocations between commercial and dispersed backcountry use;
- Allocations between commercial enterprises, individuals, and organized events (allowed via the Special Use Permitting process);
- When to adopt permitting systems; and
- When to consider implementing public transportation.

Capacity models will not provide a black and white guide telling managers exactly how to adapt management to protect resources. However, it will provide a framework for management that will trigger management attention and adaptations. And, importantly, it will allow managers to educate the public about impacts of recreation, methods to mitigate impacts, and adaptive management based on triggers built into the models.

For more information, we recommend contacting National Parks that have engaged in the process. These include Arches National Park and Kenai Fjords among others. However, be warned that the science of recreation and resource capacity modeling is not well developed, and, for the most part, disproportionately concentrates on social impacts and not ecological impacts because they are easier to measure. We would be glad to work with you on developing a pilot model.

For additional information, see:

Theobald, Dave. 2001. Identifying Resource Areas Sensitive to Recreation Use, A Presentation to the Colorado Outdoor Recreation Resource Project. Attached.

Thompson, J. L., D. W. Lime, B. Gartner, and W. M. Sames (compilers). 1995. Proceedings of the Fourth International Outdoor Recreation and Tourism Symposium and the 1995 National Recreation Resource Planning Conference, May 14-17, 1995, St. Paul, MN. University of Minnesota, College of Natural Resources and Minnesota Extension Service, St. Paul, MN, 642 pp.

Manning, R. E., D. W. Lime, M. Hof, and W. A. Freimund. 1995. The Visitor Experience and Resource Protection (VERP) process: The application of carrying capacity to Arches National Park. *The George Wright FORUM* 12(3): 41-55.

Anderson, D. H., D. W. Lime, and T. L. Wang. 1998. Maintaining the quality of park resources and visitor experiences: A handbook for managers. TC-777 1998. St. Paul, MN: University of Minnesota, Department of Forest Resources, Cooperative Park Studies Unit and Minnesota Extension Service, Tourism Center. 134 pp.

Analyze the impacts of roads and other transportation features on natural and cultural resources. Roads and other transportation features have numerous effects on wildlife, including mortality from collisions, modification of animal behavior, disruption of the physical environment, alteration of the chemical environment, spread of exotic species, and changes in human use of the lands and water (Trombulak and Frissell, 2000). Specific examples include habitat loss and fragmentation; diminished animal use of habitats because of noise, dust emissions, and the presence of humans; loss of forage for herbivores; interference with wildlife life-history functions (for example, courtship, nesting, and migration); spread of non-native species carried by vehicles and along disturbed corridors created by road establishment and maintenance; increased poaching or unethical hunting practices; increased recreation by off-road vehicles; and degradation of aquatic habitats. Road access also increases vandalism, theft, and damage to archeological and cultural sites.

Reductions in the number and size of roadless core areas and increased edge habitat created by roads lead to a series of potentially intersecting and cumulative adverse effects on species that depend on natural interior landscapes. Included among such effects are greater competition with species that prefer edge habitat or openings in the landscape, nest predation and parasitism, secondary extinctions from the loss of keystone species, progressive loss of patches through edge creep, and changing microclimates such as increased evaporation, temperature, and solar radiation (Franklin and Forman 1987, Lehmkuhl and Ruggiero 1991, Reed et al 1996).

2. Analyze impacts from noncompliant off-road vehicle use. In addition to analyzing the impacts from increased off-road vehicle use on newly established designated routes, the NEPA document must analyze the impacts from likely unauthorized operation of off-road vehicle use on watersheds, soils, vegetation, wildlife, roadless values, and other users. Given the fact that some of the routes under consideration for opening were created by off-road vehicle users illegally, it is not unreasonable to assume that the trend of creating unauthorized routes will continue. In fact, the assumption that users will remain on designated routes is without rationale or basis, and the consequences of this arbitrary assumption may be substantial. See *Sierra Club v. US Dept. of Agriculture*, 116 F. 3D 1482, * (TABLE), 1997 WL 295308 (7th CIR. 1997) (Unpublished opinion). It is also important to note that illegal use is exacerbated by inadequate monitoring and enforcement funding. The NEPA document should therefore analyze the impacts from noncompliant off-road vehicle use in light of predicted budget shortfalls under each alternative.

A. TENETS

(1) Travel management is part of land use planning and should address both recreation and transportation needs from a landscape perspective.

Policy: Travel planning requires the BLM to manage human travel across the landscape. Travel may be motorized or non-motorized, and may be for one of the following two purposes: (1) travel for transportation, which includes connecting people to regional transportation corridors on surrounding lands or to a specific destination on BLM lands (e.g. scenic vista, trailhead, campground), and (2) travel for recreation, where the travel itself is the reason for being there. These two purposes can sometimes occur on the same route; however, the BLM should consider these two purposes differently when assessing and deciding upon needs or appropriate uses for routes. Transportation routes may be critical for connectivity within a region, or be necessary to provide public access to popular sites. However, recreation routes, especially motorized recreation routes, should undergo a more stringent review process to account for impacts to other resources or visitor experiences (such as nearby primitive recreation). This stringent review is especially critical for areas such as National Monuments, where the BLM has specific mandates to prioritize protection of specified natural resources, many of which can be impacted by travel corridors.

BLM manages the public lands based on its inventory of values and its assessment of potential uses, including consideration of how different uses may affect these lands. BLM can best determine the need and appropriate level of use for roads and other routes that do not meet the legal definition of a road in the context of the variety of values and potential uses of the public lands. As the agency has recognized and explicitly stated in its current revisions to the Land Use Planning Handbook: "Comprehensive travel management planning should address all resource use aspects (recreational, traditional, casual, agricultural, industrial, educational etc.) and accompanying modes and conditions of travel on the public lands, not just motorized or

off-highway vehicle activities.” H-1601-1, Appendix C, p. 88 (emphasis added).

There are multiple users of the public lands, including a wide variety of recreationists, and BLM should take these interests into account when making travel planning decisions. Off-road vehicles are one of many recreational uses, but this use presents a high cost to BLM for management, has the potential to damage many other resources and tends to exclude (or at least substantially interfere with and undermine) other recreational uses (such as hunting, fishing, hiking and enjoyment of solitude). Travel planning is a vital part of land use planning that permits BLM to consider protection of the multiple resources, values and uses of the public lands when deciding where, when and how travel should occur.

Legal Support: The Federal Land Policy and Management Act (FLPMA) requires BLM to inventory the public lands and their resources and values, including non-economic uses and, specifically, “outdoor recreation and scenic values” and, based on this inventory, prepare land use plans. 43 U.S.C. §§ 1711(a), 1712(a). (emphasis added). The agency manages the public lands in accordance with the principles of multiple use and sustained yield, which requires considering values of different resources and seeking “the achievement and maintenance in perpetuity of a high-level annual or regular periodic output of the various renewable resources of the public lands.” 43 U.S.C. §§ 1702(c), (h). In the planning process, FLPMA directs BLM to “consider present and potential uses of the public lands” and “weigh long-term benefits to the public against short-term benefits.” 43 U.S.C. §§ 1712(a)(5), (a)(7). FLPMA further requires that BLM “take any action necessary to prevent unnecessary or undue degradation of the lands” and “minimize adverse impacts on the natural, environmental, scientific, cultural, and other resources and values (including fish and wildlife habitat) of the public lands involved.” 43 U.S.C. § 1732(b); §1732(d)(2)(a). BLM also has the authority to immediately close routes if it determines that off-road vehicles are causing or will cause damage to soil, vegetation, wildlife habitat, or other cultural, historical or natural resources. 43 C.F.R. § 8341.2. BLM can best fulfill these mandates by making travel planning decisions while making other land use decisions and in the context of the many uses and values at issue.

(2) Prior to conducting an inventory or designation of routes, BLM should assess the present resources, requirements for protection, and which uses for recreation and development are compatible with these resources, requirements and other users.

Policy: BLM has a duty to inventory and protect the many resources of our public lands, including wilderness, wildlife and cultural sites. In order to effectively protect these values, BLM must first identify their distribution, the ways in which they should be protected, and desired future conditions. Only once this knowledge is “mapped” should BLM proceed to consider the permissible, necessary and/or desirable placement and usage of routes. The scope of this inventory will necessarily be tied to the planning action underway and inventories previously completed (for instance, as part of a relatively recent RMP revision) that may be reviewed and updated to ensure accuracy and document changes.

Legal support: In order to fulfill FLPMA’s mandate to manage the public lands for multiple use and sustained yield, BLM is required to “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.” 43 U.S.C. § 1711(a). Following this inventory, BLM must, “with public involvement and consistent with the terms and conditions of [FLPMA], develop, maintain, and when appropriate, revise land use plans which provide by tracts or areas for the use of the public lands.” 43 U.S.C. § 1712(a). FLPMA further requires that BLM “take any action necessary to prevent unnecessary or undue degradation of the lands” and “minimize adverse impacts on the natural, environmental, scientific, cultural, and other resources and values (including fish and wildlife habitat) of the public lands involved.” 43 U.S.C. § 1732(b); §1732(d)(2)(a).

BLM is also required to give priority to certain resources when making decisions, such as travel planning. The Endangered Species Act requires BLM to conserve threatened or endangered species (including by designating critical habitat and developing site-specific recovery plans) and other requirements may apply to additional special status species, designated by federal or state agencies. The National Historic Preservation Act (NHPA) and the Historic Sites Act require that BLM preserve cultural resources. Section 110 of the NHPA requires that BLM proactively identify, evaluate, and nominate historic resources to the National Register of Historic Places. 16 U.S.C. § 470h-2(a)(2)(A). BLM also must manage and maintain cultural and historic properties

under its jurisdiction or control “in a way that considers the preservation of their historic, archaeological, architectural, and cultural values. . . and gives special consideration to the preservation of such values in the case of properties designated as having National significance.” 16 U.S.C. § 470h-2(a)(2)(B). Prior to approving a transportation plan, BLM must consider its potential effects on all cultural and historic resources under its jurisdiction and provide the federal Advisory Council on Historic Preservation a reasonable opportunity to comment. 16 U.S.C. § 470f. BLM must also seek to consult with Indian Tribes who may attach traditional religious and cultural significance to properties. 16 U.S.C. § 470a(d)(6).

In addition, the Wilderness Act and FLPMA directs BLM as to protection of Wilderness and Wilderness Study Areas. The Antiquities Act requires that BLM protect “objects of interest” identified in the Proclamations creating National Monuments. BLM also has the ability to protect other resources and uses, such as recreation, through the planning process. Further, Executive Orders (Executive Order No. 11644 (1972) as amended by Executive Order No. 11989 (1977)) and BLM’s regulations (43 C.F.R. § 8342.1) require BLM to ensure that areas and trails for off-road vehicle use are located:

- to minimize damage to soil, watershed, vegetation, air, or other resources of the public lands, and to prevent impairment of wilderness suitability;
- to minimize harassment of wildlife or significant disruption of wildlife habitats, and especially for protection of endangered or threatened species and their habitats;
- to minimize conflicts between off road vehicle use and other existing or proposed recreational uses of the same or neighboring public lands; and
- outside officially designated wilderness areas or primitive areas and in natural areas only if the agency determines that off-road vehicle (ORV) use will not adversely affect their natural, aesthetic, scenic, or other values for which such areas are established. BLM can also close an area immediately until adverse effects are eliminated if there are “considerable adverse effects” on soil, plants, wildlife, habitat, or cultural/historic resources. 43 C.F.R. § 8341.2.

Further, as acknowledged in BLM’s official guidance on travel planning (IM No. 2004-005): “A well-designed travel system can direct travel away from sensitive areas, yet provide quality recreational activities and access for commercial and recreational needs.” Unless BLM first recognizes the many values present in an area, the agency cannot make travel planning decisions that comport with its obligations and authority to protect public lands and resources.

(3) BLM should use a legal definition of “road” when designating routes.

Policy: The BLM must apply a legal definition of “road” within the planning process, develop appropriate criteria to accurately gauge what is or is not a road, ensure that illegal “ghost roads” are not legitimized, and in fact, close and reclaim such “ghost roads.” Some legal roads serve important travel needs and are appropriate for motorized use. However, routes that are not “roads” should not receive equal consideration. The agency has a definition of “road,” and this definition should be adopted and used consistently in order to create a regular expectation and approach on BLM lands. We note however, that merely meeting the definition of a road is not sufficient to justify designating a route. In fact, the BLM must still consider whether a route has negative impacts to sensitive or protected resources, such as by the process recommended in this document, and should only designate those that do not impact these resources.

Legal support: The legal definition of road for the BLM public lands is derived from the definition of “roadless” in the legislative history of FLPMA:

The word “roadless” refers to the absence of roads which have been improved and maintained by mechanical means to insure relatively regular and continuous use. A way maintained solely by the passage of vehicles does not constitute a road. (H.R. Rep. No. 94-1163 at 17 (1976)).

In addition, the Code of Federal Regulations (43 C.F.R. § 19.2(e)) establishes the following definition:

An improved road that is suitable for public travel by means of four wheeled, motorized vehicles intended primarily for highway use.

(4) BLM’s consideration of ORV use should take into account its potential damage to resources and other uses, including exclusion of other users:
Recreation is one of the multiple uses of the public lands. However, off-road vehicles

(ORVs) cause damage to vegetation and water sources that can severely impact plant species, animal habitat and water quality, and the use of ORVs directly contributes to impairment of air quality. Further, the presence of ORVs tends to exclude other recreational uses, such as hunting, fishing, other primitive recreation and opportunities for experiencing naturalness or solitude. The backcountry access that ORVs provide can also lead to other resource impacts, such as damage to archaeological resources. Route damage from ORVs also increases BLM's maintenance and oversight cost

Although BLM's regulations and internal guidance address designation of areas and routes for ORV use, this use does not have priority over other multiple uses. Rather, due to its potential for damaging resources and interfering with other uses, ORV use should be subject to heightened scrutiny. In fact, BLM's regulations provide for designation of areas as open, limited or closed to ORVs "based on the protection of the resources of the public lands, the promotion of safety of all the users of the public lands, and the minimization of conflict among various uses of the public lands." 43 C.F.R. § 8342.1. Essentially, ORVs are permitted where they do not endanger or interfere with the other resources and users of the public lands. Accordingly, these regulations also provide that an ORV shall not be operated "in a manner causing, or likely to cause, significant, undue damage to or disturbance of the soil, wildlife, wildlife habitat, improvements, cultural, or vegetative resources or other authorized uses of the public lands." 43 C.F.R. § 8341.1(f)(4) (emphasis added). While consideration of ORV use is a necessary part of travel planning, it is important to distinguish the discretionary use of routes for recreation from other uses of roads and routes for transportation to or across public lands for recreation, administration and other valid uses.

a. BLM must use its authority to immediately close areas to ORV use where wildlife, vegetation, other resources or other users are at risk of adverse effects from ORVs.

Policy: Where ORV use is interfering with other land uses, BLM has the authority and the obligation to immediately close an area to ORV use. BLM's regulations recognize the potential damage to soil, plants, wildlife, habitat, cultural resources, historic resources or wilderness suitability that may occur from ORV use. When such a risk of damage becomes known to BLM, whether through the inventory conducted under Tenet #2 or from other sources, BLM is required to take immediate action to protect the threatened resources. BLM can and should close areas to ORV use prior to, during and after undertaking travel planning, when needed to protect the public lands. Closed areas must remain closed until any adverse effects are remedied and measures are enacted to prevent any recurrence of damage.

Legal: Pursuant to BLM's regulations regarding ORV use: where the authorized officer determines that off road vehicles are causing or will cause considerable adverse effects upon soil, vegetation, wildlife, wildlife habitat, cultural resources, historical resources, threatened or endangered species, wilderness suitability, other authorized uses, or other resources, the authorized officer shall immediately close the areas affected to the type(s) of vehicle causing the adverse effect until the adverse effects are eliminated and measures implemented to prevent recurrence.

43 C.F.R. § 8341.2 (emphasis added). Once BLM makes a determination that ORVs are or will endanger soil, plants, wildlife, habitat, wilderness suitability, cultural/historic resources or other users, the agency is obligated to close the area until the adverse effects are halted and protective measures put in place. This regulation provides BLM with a mandate for taking immediate action to protect resources from potential damage due to ORV use.

b. BLM should designate areas as either "closed" to ORV use or as "limited" to designated routes – no areas should be designated as "open" for cross-country use or "limited" to existing routes.

Policy: As part of the Resource Management Plan (RMP) effort, BLM is required to designate areas as "open," "closed" or "limited" for ORV use. "Open" areas permit cross-country travel, which is difficult to monitor and can cause wide-ranging damage to the land. On virtually all public lands, this type of ORV use would effectively prevent any other uses both during active use, because there is no safe way to conduct other activities at the same time as unrestricted ORV access, and for the foreseeable future, because resources that would support other uses and values (such as vegetation and wildlife habitat) will be destroyed. As a result, "open" should not be a designation used by BLM.

Where BLM decides that an area can be used by ORVs without excessively damaging other values or precluding other uses, the BLM should designate such use as "limited" to designated routes. Designations purporting to limit ORVs to "existing" routes are not reasonable or enforceable, because any unplanned or illegal user-created route can be deemed "existing" by users.

In addition, allowing motorized travel on anything other than designated routes can cause management conflicts for adjacent lands. For example, private property and other public lands such as National Parks usually do not allow cross-country travel. In addition, the Forest Service is currently working to make virtually all cross-country travel illegal. See 69 Fed.Reg. 42381-42395 (July 15, 2004).

Legal support: BLM is obligated to address off-road vehicle usage in the planning process. Executive Order No. 11644 (1972) (as amended by Executive Order No. 11989 (1977)) requires federal agencies to make designations as to use of routes by off-road vehicles. BLM's regulations require the agency to "designate all public lands as either open, limited or closed to off road vehicles." 43 C.F.R. §8342.1. BLM is specifically obligated to make such designations in its resource management planning process, with public participation. 43 C.F.R. §8342.2. As explicitly stated by BLM regulations (43 C.F.R. § 8342.2(a)):

The designation and redesignation of trails is accomplished through the resource management planning process described in Part 1600 of this Title. Current and potential impacts of specific vehicle types on all resources and uses in the planning area shall be considered in the process of preparing resource management plans, plan revisions, or plan amendments.

In making designations, BLM is required by both the Executive Orders and its regulations (43 C.F.R. § 8342.1) to ensure that areas and trails are located to minimize: damage to other resources (soil, watersheds, vegetation, air, wilderness character); impacts to wildlife; and conflicts with other existing or proposed recreational uses. Neither areas "open" to unrestricted cross-country use or areas limited to "existing" trails (which are, by definition, not first assessed for their potential impacts or even legality) comport with these obligations.

c. Where BLM is creating or revising a RMP, BLM should designate routes as part of the RMP process.

Policy: In light of BLM's obligation to protect resources and conduct travel planning, as well as its separate legal obligations to designate routes, BLM should not delay preparation of a travel plan and must designate routes and specify closures as part of developing a resource management plan (RMP). Many other components of the RMP (e.g., visitor access, resource protection, regional connectivity) are driven by the travel system. Because the RMP will collect information about and make determinations on the existing resources described in Tenet #1, it simply makes sense to take advantage of this work in a timely fashion and use the RMP process to support route designation decisions. In addition, BLM is bound to protect the landscape from damaging and irresponsible motorized use, and thus a delay in the designation of routes and in the closure of roads and routes would allow any damage to continue.

Legal support: As noted above, BLM is required to designate areas as open, closed or limited for ORV use. BLM's responsibility to complete travel planning as part of an RMP, including designation of routes, is confirmed by the agency's internal guidance (IM No. 2004-005), which states:

- "At a minimum, each RMP will divide planning areas into OHV area designations that are open, limited or closed."
- "Selection of a network of roads and trails should be performed for all limited areas in each RMP. This requires establishment of a process that includes selecting specific roads and trails within the limited area or sub-area and specifying limitation(s) placed on use."

As noted by the Executive Orders and BLM regulations, the use of motorized vehicles has the potential to damage many public resources, such as vegetation, wildlife habitat, soil, water and air. A network of extensive motorized travel routes may also increase improper cross-country ORV use by irresponsible users unless BLM can provide adequate enforcement. As detailed above, motorized use can also fragment and degrade critical wildlife habitat. As recognized by the Clean Water Act, water quality can be degraded from erosion and runoff caused by motorized vehicles.

Further, as acknowledged in the Clean Air Act, emissions and disturbance from vehicles can impair air quality. EPA issued final emission standards for dirt bikes, ATVs and snowmobiles in September 2002 pursuant to Clean Air Act Amendments of 1990.

Consequently, the designation of roads and routes, including closures and limitations on use, will have a significant effect on the resources in the planning area. BLM's official guidance on travel planning (IM NO. 2004-005) identifies the importance of a "well-designed travel system" because it will "direct travel away from sensitive areas, yet provide quality recreational activities and access for commercial and recreational needs." As BLM's guidance also concludes, such a travel system can only be accomplished through careful assessment and designation of routes. Therefore, BLM is directed (in IM No. 2004-005) to:

Choose individual roads and trails, rather than using inherited roads and trails. Most existing roads and trails on public lands were created by use over time, rather than planned and constructed for specific activities or needs. Instead of a decision-making process to decide which individual roads and trails should be closed or left open, consider a broader range of possibilities for management of individual roads and trails, including reroutes, reconstruction or new construction, as well as closures. These are tools that should be used to develop a quality travel system.

By developing a "quality travel system" as part of creating an RMP, BLM can best comply with its duty to protect the variety of values and multiple uses of the public lands through designation of routes.

(1) Where BLM presents a baseline travel system, it must present route maps in a responsible manner that does not legitimize illegally-created routes.

Policy: Where the BLM begins travel planning by considering a baseline travel system, BLM should clearly indicate that its baseline system only includes legal roads (see definition above), travel rights-of-way and trails designated in previous BLM planning documents (i.e., hiking, equestrian or bicycle trails, or motorized routes). If the agency later chooses to conduct an inventory of other tracks, it should classify anything other than a legal road as a hiking trail or area with off-road damage. In addition, the BLM should only conduct such an inventory in the context of our proposed 10-step process so that all routes and trails are considered in the context of their purpose, use, condition, and potential impacts.

The BLM should only present motorized travel maps to the public that indicate legal roads that are being considered for designation. Identifying questionable routes can politicize the public debate by creating unreasonable expectations of a future route network. This can lead to later criticism that the BLM is closing routes, when in reality many of the routes shown on a map are not legal roads, were illegally-created, or may never have existed in the first place (in the case of presenting data that has not been ground-truthed). Presenting a map that shows questionable routes can also legitimize illegally-created routes and harmful routes that compromise natural resources.

Any inventory of other ground disturbance should describe areas in terms of their need for restoration and reclamation. BLM should only present this type of data to the public in this context and not as part of a map showing a potential travel system.

(2) BLM should include a detailed closure and restoration schedule in the plan.

Policy: The BLM should have a detailed plan for closing and obliterating those roads and routes identified for closure. This plan should include a timeline, budget commitment, and restoration strategy for all such excess routes. Excess/closed routes should be restored by decompacting soils, restoring original contour and drainage, replanting with appropriate native vegetation and other known methods shown to be successful in obliterating all visual evidence of past disturbance.

Legal support: BLM is obligated not just to identify areas and routes for closure but to actually close those areas and routes once designations are made. Although these designations can and should be made as part of a RMP (if one is in process), they can also be made in a separate travel planning process (if the current RMP is not being revised). In either situation, route designations are considered to be implementation decisions (see, IM No. 2004-079) and, as a result represent enforceable commitments by the agency to take specific actions (see, BLM Land Use Planning Handbook, H-1601-1, Section IV). BLM can best fulfill its commitments to closures by detailing its

plan for closure in terms of timing and methodology.

(3) BLM should include and implement a monitoring plan.

Policy: In order to ensure that the designated travel network continues to meet BLM's obligations to protect the values and resources of the public lands, BLM should monitor its effect on these values and resources and implement necessary changes.

Therefore, the travel plan must include a monitoring plan, with specified indicators of route impacts based on definitive measurements and actions to be taken if impacts are exceeding expectations. For instance, use of a route may exceed expectations and require additional maintenance, further restrictions on use, or consideration for closure depending upon its importance for reaching certain destinations and impacts on resources (such as endangered species). These considerations should be outlined in the monitoring plan. Similarly, insufficient funding for enforcement or maintenance of routes designated in a travel plan (such as those designated for ORV or limited seasonal use) may require closure of the routes until sufficient maintenance or enforcement personnel are available.

These recommendations are consistent with direction contained in the current draft of the Land Use Planning Handbook, which states that the implementation phase of each travel plan must include establishing a process to produce "guidelines for management, monitoring, and maintenance of the system" and that "travel management networks should be reviewed periodically to ensure that current resource and travel management objectives are being met (see 43 CFR 8342.3)." H-1601-1, Appendix C, p. 90. Protection of the multiple uses of our public lands require that BLM establish a definitive monitoring schedule, using measurements that will represent the health of the land, and mandating actions to be taken if damage is occurring.

Legal support: BLM's regulations (43 C.F.R. § 1610.4-9) require that each resource management plan: establish intervals and standards, as appropriate, for monitoring and evaluation of the plan. Such intervals and standards shall be based on the sensitivity of the resource to the decisions involved and shall provide for evaluation to determine whether mitigation measures are satisfactory, whether there has been significant change in the related plans of other Federal agencies, State or local governments, or Indian tribes, or whether there is new data of significance to the plan.

Further, based on the results of this monitoring and evaluation, BLM is required determine when the information generated will "warrant amendment or revision of the plan." 43 C.F.R. § 1610.4-9.

The following sets out the ten steps to be completed in order to develop a comprehensive travel plan, from an initial assessment of goals and resources, through developing appropriate management (including route designation) and ongoing monitoring, evaluation and adjustment.

Step 1. Identify recreation and transportation goals for the planning area.

- A. Transportation and recreation goals from concurrent or approved RMP
- B. Regional goals for transportation connectivity
- C. Public destinations on federal lands
- D. Valid and existing rights that require specific access
- E. Area-wide goals for type and quantity of non-motorized recreation from ROS or other description of the landscape
- F. Area-wide goals for type of quantity of motorized recreation from ROS or other description of the landscape

Step 2. Assemble resource data.

Note: The agency should use GIS technology and digital data sets as appropriate.

- A. Biologic
 1. CNHP special element data
 2. CNHP potential conservation areas
 3. DOW game coverages
 4. Unique habitats (e.g., riparian or wetland areas, unique geology such as hanging gardens)
 5. Other relevant data sets (e.g. endangered or threatened species, special status species, wildlife corridors)
 6. Expert opinion on likely occurrences/habitat for important biological resources that do not have existing data coverages
 7. Compile information in #1-#7 into one data set that identifies high priority biological resources.
- B. Cultural

1. Cultural site locations
2. Cultural and historic landscapes
3. Traditional religious and cultural properties significant to Tribes
4. Historic trails
5. Compile information in #1-#4 into one data set that identifies high priority cultural resources.
6. Compile information in #1-#4 into one data set that identifies properties on or eligible for the National Register of Historic Places.
- C. Physical
 1. Soil types (simplified to erodible vs. less erodible or something similar)
 2. Watersheds, stream segments, and sites with perennial water
 3. Unique geologic occurrences or structures
 - i. Paleontological site locations or likely paleo-rich formations
 - ii. Springs or seeps
 - iii. Unusual structures such as volcanic necks
 - iv. Aesthetic structures such as narrow canyons
- D. Demographic trends (past and projected) in the local area and larger region, including population, income distribution, and age distribution.
- E. Roadless areas of 1000 acres or greater (or areas contiguous with roadless areas administered by another agency)
- F. Landscape Health
 1. Areas in which land health standards are being achieved
 2. Stream segments that are and are not in functioning condition
 3. Other existing measures of landscape health such as the state Clean Water Act Watch List
 4. Areas damaged by off-road vehicle use
 5. Compile information in #1 - #3 into one data set that identifies areas that are not achieving identified standards.

Step 3. Identify baseline travel system.

- A. Non-motorized hiking, horse, and biking routes
- B. Motorized routes that meet the legal definition of a "road."
- C. Routes designated in prior planning processes.
- D. Roads with public destinations (e.g., viewpoints, ruins, towns, trailheads)
- E. Roads that are regional connecting travel corridors.
- F. Reasonable access routes to valid and existing rights (including commercial uses)
- G. Routes necessary for "emergency or authorized administrative purposes."
- H. Categorize these routes based on:
 1. Route maintenance requirements (e.g., needs reconstruction, needs occasional maintenance, needs frequent maintenance)
 2. Route use requirements (e.g. street-legal vehicle, 4WD/high-clearance, ATV)
 3. Route conditions (e.g. reclaiming, single track, primary road unpaved, secondary road unpaved, tertiary road unpaved)

Step 4. Summarize public recreation desires and current recreational opportunities

- A. Types and quantities of motorized and non-motorized recreation desired by the public – today and projected into the future.
- B. Types and quantities of recreational facilities (e.g., roads, trails, trailheads, educational tours, outhouses, campsites) that exist today.
- C. Current ROS or other description (set out in a previous planning document) of the landscape that quantifies motorized vs. non-motorized recreation.

Step 5. Analyze present and predicted future fiscal and personnel resources.

- A. Enforcement capability
 1. Acres/LEO available to enforce travel rules
 2. Acres/Ranger available to enforce travel rules
 3. Future predicted LEO and Ranger availability
 4. Hours available for education and outreach
- B. Monitoring capability
 1. FTEs available to monitor landscape condition as it relates to transportation and access
 2. Future predicted monitoring capability
- C. Maintenance capability
 1. Equipment and people hours available for road and trail maintenance
 2. Funds for maintenance material (e.g., borrow)
 3. Future predicted maintenance equipment, material, and FTEs

Step 6. Calculate route density and quantify route distribution in comparison to:

- A. High priority biological resource layer

- B. High priority cultural resource layer
- C. Watersheds with erodible soils
- D. Watersheds with perennial water
- E. High importance geologic occurrences (e.g., paleontological resources, unique features)
- F. Roadless areas
- G. Landscape areas not achieving standards

Step 7. Identify geographic subunits that constitute logical distinct recreation planning areas. Summarize the existing character and condition of each subunit.

- A. Current transportation and recreation opportunities/facilities
- B. The type and character of the experience the subunit currently offers
- C. The resource values in the subunit
- D. The management the area currently receives (e.g., enforcement, monitoring, and maintenance)
- E. The route density and distribution in the subunit, and the relationship of routes to high priority resource values

Step 8. Develop Management Alternatives. For each alternative:

- A. Develop a visitor access vision for each subunit, derived from the overall recreation and transportation goals (developed in Step 1), considering the subunits' existing character, existing mandates to protect resources (e.g., Endangered Species Act, Clean Water Act, National Historic Preservation Act, etc.), predicted management capacity, and public desires.
 - 1. Develop a desired future condition for each subunit.
 - a. Define experiential conditions
 - b. Define resource conditions
 - c. Identify recreation/transportation/interpretive facilities that will exist
 - d. Identify recreation/transportation facilities that will be removed
 - e. Identify management capacity requirements (e.g., enforcement, interpretation, cultural resource stabilization, route maintenance, monitoring)
 - f. Identify management style (e.g., obvious ranger presence, management will be subtle and unobserved by the visitor, trails will be rough and narrow with minimal signage, etc.)
 - 2. Develop transportation/recreation goals and objectives derived from the desired future condition.
 - 3. Develop quantifiable and enforceable standards that establish thresholds that will not be exceeded (related to both experiences and resource conditions).
 - 4. Identify indicators (e.g., measurement parameters) that measure whether the standards are exceeded. Choose only a few indicators that are easy to measure yet reasonably indicate whether the resources or the experiences are declining or improving.
 - 5. Establish monitoring plan.
 - a. Specify how often and where each indicator will be measured
 - b. Specify required changes to management where desired future conditions are not being met
 - c. Specify what management changes will be instituted if fiscal resources are inadequate to implement travel management plan
 - 6. Establish education and outreach plan.
 - 7. Estimate fiscal requirements for full implementation of management approach, monitoring plan, and education and outreach plan.
- B. Site-level non-motorized route/trail assessment of baseline routes identified in Step 3.
 - 1. If the answers are "no" to the following questions, close the route/trail.
 - a. Does the route have a publicly recognized destination (e.g. scenic vista,) or appropriate recreational purpose?
 - b. If so, does it contribute to the goals and objectives of the subunit?
 - c. If so, is the agency reasonably capable of managing visitors on and near the route?
 - 2. If any of the answers are "no" to the following questions, then consider closing the route or otherwise mitigating the identified impacts, including rerouting, closing seasonally, closing permanently, enhancing ranger presence and/or education.
 - a. Does the route avoid impacts to high priority resources (identified in Step 1 A-D)?
 - b. If so, does the route decrease the chance of non-compliance with existing conservation mandates and/or desired future conditions (see Step 8 A)?
 - C. Site-level motorized road/route assessment for baseline routes identified in Step 3.
 - 1. If the answers are "no" to the following questions, close the route. Closed routes should be considered for restoration and/or conversion to non-motorized use.
 - a. Does the route have a publicly recognized destination (e.g., campground, trailhead,

- vista) or appropriate recreational purpose?
- b. If so, does it contribute to the goals and objectives of the subunit?
 - c. If so, is the agency reasonably capable of managing visitors on and near the route?
2. If any of the answers are "no" to the following questions, then consider closing the route or otherwise mitigating the identified impacts, including rerouting, closing seasonally, closing permanently, enhancing ranger presence and/or education.
 - a. Does the route avoid impacts to high priority resources (identified in Step 1 A-D)?
 - b. If so, does the route decrease the chance of non-compliance with existing conservation mandates and/or desired future conditions (see Step 8 A)?
 - D. Supplemental motorized road/route assessment for baseline routes identified in

Step 3 as reasonable access to valid and existing rights, or as necessary for "emergency or authorized administrative purposes":

1. Is the route the only reasonable access to valid and existing rights, or is it critical for "emergency or authorized administrative purposes"?
2. If no, and if the route would be closed or subject to limitations under 8-B, then close the route. If yes, were any of the answers in Step B "no"?
3. If no, keep the route open. If yes, then limit access to administrative or authorized purposes only, and consider seasonal closure or rerouting to protect high priority resources.

Step 9. Landscape level review. Review the final route assessment to:

- A. Ensure that recreation and transportation goals and objectives are being met.
- B. Ensure that landscape health standards are not being exceeded.
- C. Ensure that the transportation and recreation system can be reasonably managed given predicted and existing fiscal capacity.
- D. Ensure that high priority biological, physical, and cultural resources are adequately protected within the planning area.

Step 10. Monitoring, evaluation and adjustment. Implement the monitoring plan, including hiring sufficient enforcement personnel, to:

- A. Evaluate whether use of the route is greater than anticipated, requiring further restriction and/or maintenance.
- B. Evaluate whether use of the route is less than anticipated, meriting consideration stricter restrictions as unnecessary.
- C. Evaluate whether desired future conditions are being met based on indicators and measurements identified in Step 8.A.5 above.
- D. Adjust management based on results of monitoring and evaluation to better achieve desired future conditions and, in the event that fiscal resources are inadequate, implement management changes identified in Step 8.A.5 above.

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Off-Road Vehicles and R.S. 2477

BLM has acknowledged that "[i]ncreasing OHV use and accompanying conflicts with other resources requires that BLM engage with the public in establishing a framework for management."¹⁹ Off Road Vehicle (ORV) use is addressed by Executive Orders 11644 (1972) and 11989 (1977), and by regulations at 43 C.F.R. § 8340 et seq. Section 8342.1 provides that:

- (a) Areas and trails shall be located to minimize damage to soil, watershed, vegetation, air or other resources of the public lands, and to prevent impairment of wilderness suitability;
- (b) Areas and trails shall be located to minimize harassment of wildlife or significant disruptions of wildlife habitats. Special attention will be given to protect endangered or threatened species and their habitats;
- (c) Areas and trails shall be located to minimize conflicts between off-road vehicle use and other existing or proposed recreational uses of the same or neighboring public lands, and to ensure the compatibility of such uses with existing conditions in populated areas, taking into account noise and other factors;
- (d) Areas and trails shall not be located in officially designated wilderness areas or primitive areas. Areas and trails shall be located in natural areas only if the authorized officer determines that off-road vehicle use in such locations will not adversely affect their natural, esthetic, scenic or other values for which such areas are established.

Draft AMS at 1-3.

Based on this language, as well as the enormous potential for damage posed by the use of ORVs, we urge BLM to require the following:

- The RMP should prohibit ORV use unless routes are specifically marked and designated as available for that use (i.e., BLM should adopt a "closed unless posted open" policy).

- Trails designated as open should be clearly marked so that all users will be aware of where ORV use is, and is not, allowed (this will also assist in effective law enforcement).
- The RMP should implement effective, frequent monitoring of ORV impacts, and set clear benchmarks which, if exceeded, trigger closure of an area to ORVs. If monitoring and enforcement cannot be effectively accomplished due to lack of personnel or resources, the RMP should decrease use commensurately.
- Riparian areas and wetlands are of critical importance to the biological functioning of the Resource Area, and are exceedingly rare. ORVs, except on designated trails, are not appropriate in these fragile ecosystems.

Under current practice, BLM has no formal travel management program for the LSRA. This practice is entirely unacceptable. We fear that another fifteen years will go by without BLM meeting its obligation under the Executive Orders and regulations to ensure that ORV "[a]reas and trails shall be located to minimize damage to soil, watershed, vegetation, air or other resources of the public lands." During this planning process, BLM should evaluate the road system in the Resource Area and determine the minimum system of routes necessary. Based on that analysis, BLM should close redundant routes; roads with no destination or purpose; illegal, "ghost," or "wildcat" routes; and roads in sensitive areas. The RMP should make these closures immediately effective, provide for the reclamation of closed routes, and ensure sufficient funding for reclamation, monitoring, and enforcement. These provisions are consistent with and required by the Clean Water Act Plan and other law.

Claims pursuant to R.S. 2477 can be a severe threat to public land resources. We are well aware that there have been numerous assertions of R.S. 2477 rights-of-way within the LSRA. The land use planning process cannot be used to circumvent the law, acknowledge unproven right-of-way claims, or cede authority over federal lands to right-of-way claimants without prior validation of the claims. The RMP should defer determining the validity of R.S. 2477 right-of-way claims until there is a generally applicable unambiguous legal requirement for BLM to do so. At this time, authority to determine the validity of these claims is limited to quiet title actions. If a determination of the validity of an R.S. 2477 right-of-way must be made, BLM should employ the standards set forth in *Southern Utah Wilderness Alliance v. BLM*, 147 F.Supp.2d 1130 (D. Utah 2001). Valid claims must show evidence of intentional physical construction, of a publicly used highway with some clear destination, on public lands that had not otherwise been reserved for public purposes. Id. Any attempt to bypass these requirements or otherwise informally cede authority over rights-of-way across federal lands would be inconsistent with federal law. Moreover, any determination of the validity of an R.S. 2477 claim should be an open process with full opportunities for public involvement and comment.

We are troubled by the assertion, in the Draft AMS, that BLM's travel management planning "will include consideration of the RS 2477 inventory protocol, maintenance protocol and stipulations established by Moffat County in Resolution 2003-05, 10 January 2003." While we would welcome a meaningful effort to develop a baseline of data regarding existing routes, BLM cannot use unsubstantiated assertions of ownership of a vast network of roads to abdicate its obligations to develop a travel management program, nor can it substitute Moffat County's protocol for the requirements of federal law. As BLM acknowledges, "[r]esolution of RS 2477 assertions is a legal issue beyond the scope and intent of this RMP effort."²⁰ Unless and until RS 2477 rights-of-way are validly adjudicated in favor of Moffat County or others, BLM can and should exercise its authority to manage travel on federal lands in a manner that adequately protects resources and minimizes conflicts between users.

- 931 Total miles of roads should be limited as livestock numbers are. If you build 1 mile of road at location A, then one mile at location B should be reclaimed.
- The BLM should place surface spacing stipulations into all leases and specify a maximum number of allowed surface locations along with a maximum number of miles of roads allowed.
- off road vehicles should be required to stay on existing designated trails and not create new ones.
- 934 - if determined necessary by new federal management prescriptions, motorized travel should be restricted to existing roads, trails, tracks and ways, not designated routes.
- all seismic roads should be opened to motorized travel
 - all washed should be open to motorized travel
 - all "ways" should be open to motorized travel

- if it is determined that motorized travel should be restricted to designated routes, it should only be done in separate site specific proceedings, after the BLM and interested parties have reviewed the existing routes. In the interim, travel should remain open but limited to all existing roads, trails, etc.

- foot, equine and bicycle travel should be limited in the same manner as motorized use. There is no justification for believing that a motorized tire causes more damage than a non-motorized tire, or vibram sole or horse shoe.

- one or more unrestricted "play areas" should be established
 - management designations should allow for future trail construction
 - atv travel should be restricted to roads and prohibited from single track trails
 - staging areas should be provided with hardened surface access roads and minimal improvements for camping. Play should be provided near these staging areas.
 - the BLM lands should be managed to provide for multiple use recreation. No areas should be closed to any legitimate use. Once you start allocating areas for particular uses you'll have a never ending supply of requests for closures and restrictions. People should share.

935

Travel on and within our public lands has also gotten way out of hand. No longer are people concerned about the ground and what is it has to teach them, they seem to care only about how much ground they can cover, how fast. This results in "shortcuts" and terrorism of the landscape. The end result of I have witnessed is serious erosion, weed infestation, wildlife disturbance, fence cutting, damage to cultural resources and vegetation not to mention the peace and solitude we seek there. Four-wheelers, dirt bikes, 4x4's ... must be restricted to existing county roads only. There are many trails (cowtrails and even game trails_ that have recently been numbered by BLM. These need to be abandoned. They only encourage the expanded destruction by motorized vehicles.

- Public access by the public should be limited only by motorized travel. There should be a gate, easily opened and closed, at least every mile on all BLM border fences and cross fences. Any rancher or permit holder should be held responsible for this easy access as well as the maintenance of all public access signage put in place by the BLM.

936

I would like to have access limited into the Vermillion area with only designated routes for both motorized and non-motorized. There is a nice single track that goes through the Vermillion. I would like to see it remain open as a single track for motorcycles, hiking and bicycles. Also, I would like to see more BLM presence in this area.

The Sandwash Basin is another area I am concerned about. In October 2001 I worked with Tom Crimmins to put together a plan for the Sandwash Basin. Our plan was approved and submitted by the Colorado Off-Highway Vehicle Coalition to the BLM. Please take into consideration the proposal for the Sandwash basin and surrounding areas. OHV activities in the Sandwash Basin have been increasing in the last 20 years. With the increased use we are starting to see problems developing, our goal is to stop existing problems and reduce future problems while improving the quality of the OHV recreation experiences. I believe it is critical to provide education and information to the OHV riders in the area. The BLM is now in the process of installing Kiosk's to help educate the riding public (thank you). I would like to also see the BLM take a further step by having a full time BLM person at the Sandwash.

The sandwash basin is an open area and has established itself as a great place to ride. The area needs to remain a place where people can go ride ATV's and motorcycles. The challenge to the BLM is to give the rider the experience they want while diverting riders away from areas that are sensitive. I encourage the BLM to obtain OHV funding to help monitor, do trail designations, do educational outreach, and protect not only the land in this area but also the wildlife.

940

I am opposed to opening large areas to motorized travel (4wheel/ORV/ATV). However I will support the designation of motorized areas in such current use areas as Sand Wash. I urge you to consider the long-lasting environmental and recreational impacts of opening our public lands to motorized travel and the extractive industries.

950

I ask you to set aside areas for non-motorized use, which is separate from those areas available for motorized use.

I hope that you will also ensure the needs for diverse uses of this public land, including areas for non-motorized recreationists.

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5) Valid Existing Rights -

Valid existing rights arise on public lands by operation of statute or an act of secretarial discretion. Solicitor's Opinion, 88 Int. Dec. 909 (1981). As such, they are not limited to Moffat County's R.S. 2477 rights-of-way, but may include oil and gas leases, right-of-way authorizations such as utility corridors, pipelines and power lines, valid mining claims, easements, grazing permits and private water rights. See e.g., *Hage v. United States*, 35 Fed. Cl. 147 (1996); Solicitor's Opinion, 88 Int. Dec. at 914; Solicitor's Opinion, 86 Int. Dec. 89, 1 16 (1 979); BLM Land Use Planning Manual 1601, ch.06G; 50 Fed. Reg. 3 1777, 3 1778 (1985). Valid existing rights are immune from denial or extinguishment by the exercise of secretarial discretion and may be developed to the extent authorized by the issuance of the approval document. They may not be regulated to the point where the regulation unreasonably interferes with enjoyment of the benefit of the right. 88 Int. Dec. at 914.

One of BLM's key objectives for the Little Snake RMP is to establish an active travel management program with "baseline of data describing the existing transportation routes within the planning area in order to actively manage and gauge travel, access and OHV use within the planning areas for the benefit of the public and the natural resources." *DraR Analysis of the Management Situation (AMS)*, p. 3-1 03. While the process will "include consideration" of Moffat County's RS 2477 inventory protocol, maintenance protocol and Resolution 2003-05 (January 2003), BLM claims that "[r]esolution of RS 2477 assertions is a legal issue beyond the scope of this RMP effort." BLM asserts that it will establish management for the transportation system "in accordance with existing policies and guidelines and with existing available information." *Id.* at 3-105. Existing agency policy, however, requires BLM to recognize and integrate the R.S. 2477 rights-of-way claimed by Moffat County in the planning process.

All decisions made in land use plans must be subject to valid existing rights, which include rights-of-way. Land Use Planning Manual 1601, ch.06G. State law is used to determine whether a public right of way has been established, and under Colorado law, acceptance of the R. S. 2477 right of way is determined by use prior to withdrawal from the public domain, not construction. *Barker v. Board of County Commissioners of the County of La Plata, Colorado*, 49 F. Supp.2d 1203, 12 14 (D. Colo. 1999); *Wilkenson v. DOI*, 634 F. Supp. 1265, 1272 (D. Colo.1986); *Leach v. Manhart*, 77 P.2d 652, 653 (Colo. 1938).

Given the record evidence Moffat County has compiled in demonstrating perfected rights-of-way, the BLM must account for the County's claimed R.S. 2477 rights-of-way in the Little Snake RMP. See *Sierra Club v. Hodel*, 848 F. 2d 1068, 1088 (10th Cir. 1988) (R.S. 2477 rights-of-way are "valid existing rights"). This is not to say that BLM must adjudicate or resolve Moffat County's R.S. 2477 assertions; rather, BLM must identify and recognize the claimed rights-of-way in developing comprehensive travel management. Otherwise, BLM's objective to "actively manage and gauge travel, access and OHV use" cannot be achieved. Without the recognition of county roads, for example, how else could BLM determine what roads and trails should be designated and added to the official road system, or what roads and trails should be maintained, upgraded, abandoned, or constructed. *Preparation Plan Analysis for the Little Snake Field Office RMP Revision*, p. 20.

Recognition of Moffat County's claimed R.S. 244 rights-of-way is entirely consistent with BLM travel management policy which recognizes that "most existing roads and trails on public lands were created by use over time, rather than planned and constructed for specific activities or needs." As a result, "BLM is directed to consider a broader range of possibilities for management of individual roads and trails" in the land use planning process. BLM Instruction Memorandum No. 2004-005, *Classification of OHV Designations and Travel Management in the BLM Land Use Planning Process*, Attachment 2-3 (October 1, 2003).

In this context, "Road and trail access (and OHV management) guidance will be incorporated in every RMP to ensure public and resource needs are met." Thus, BLM must "use road and trail inventory information from all available sources including counties in identifying a transportation network. *Id.* at 1, Attachment 2-3. In Colorado, such transportation planning specifically includes the consideration "all valid, existing rights including RS 2477." *Response to Public Comment to the Recreation Management Guidelines to Meet Public Land Health Standards on BLM Lands in Colorado*, p.9. (December 1 1, 2000).

Consequently, Moffat County believes that BLM must incorporate the identified R.S. 2477 rights-of way in the development of comprehensive travel management for the Little Snake Resource Area. To ignore such claims not only contradicts BLM policy but contravenes federal law requiring BLM to assure that its land use plans are consistent with local plans, to the extent they conform to federal law. 43 U.S.C. § 1712(c)(9) In this regard, the congressional moratorium pertaining to the recognition, management or validity of R.S. 2477 rights-of-way is limited to rule or regulation, and does not prohibit BLM from addressing public road issues in the planning process.

Moreover, as previously stated, the record developed by Moffat County is based on and consistent with federal law, including Colorado federal case law regarding roads across federal land. To the extent Moffat County's claims may be inconsistent with Secretary Babbitt's 1997 R.S. 2477 direction, it is merely policy, not law.

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Transportation and Off Highway Vehicle Management -

GOAL: Oil Gas development along with off highway vehicle recreation is the primary cause of habitat fragmentation within the Little Snake Resource Area. Tight regulation on proliferation of roads and trails associated with increased energy and OHV recreation pressures should be a primary concern of this plan revision. There are multiple users of the public lands, including a wide variety of recreationists, and BLM should take these interests into account when making travel planning decisions. Off-road vehicles are one of many recreational uses, but this use presents a high cost to BLM for management, has the potential to damage many other resources and tends to exclude (or at least substantially interfere with and undermine) other recreational uses (such as hunting, fishing, hiking and enjoyment of solitude). Travel planning is a vital part of land use planning that permits BLM to consider protection of the multiple resources, values and uses of the public lands when deciding where, when and how travel should occur.

In light of BLM's obligation to protect resources and conduct travel planning, as well as its separate legal obligations to designate routes, BLM should not delay preparation of a travel plan and must designate routes and specify closures as part of developing this RMP. Many other components of the RMP (e.g., visitor access, resource protection, regional connectivity) are driven by the travel system. Because the RMP will collect information about and make determinations on the existing resources, it simply makes sense to take advantage of this work in a timely fashion and use the RMP process to support route designation decisions. In addition, BLM is bound to protect the landscape from damaging and irresponsible motorized use, and thus a delay in the designation of routes and in the closure of roads and routes would allow any damage to continue.

As part of this planning effort, BLM is required to designate areas as "open," "closed" or "limited" for ORV use. "Open" areas permit cross-country travel, which is difficult to monitor and can cause widespread damage to the land. On virtually all public lands, this type of ORV use would effectively prevent any other uses both during active use, because there is no safe way to conduct other activities at the same time as unrestricted ORV access, and for the foreseeable future, because resources that would support other uses and values (such as vegetation and wildlife habitat) will be destroyed. As a result, "open" should not be a designation used by BLM.

BLM is obligated to address off-road vehicle usage in the planning process. Executive Order No. 11644 (1972) (as amended by Executive Order No. 11989 (1977)) requires federal agencies to make designations as to use of routes by off-road vehicles. BLM's regulations require the agency to "designate all public lands as either open, limited or closed to off road vehicles." 43 C.F.R. 8342.1. BLM is specifically obligated to make such designations in its resource management planning process, with public participation. 43 C.F.R. 8342.2. As explicitly stated by BLM regulations (43 C.F.R. 8342.2(a)): The designation and redesignation of trails is accomplished through the resource management planning process described in Part 1600 of this Title. Current and potential impacts of specific vehicle types on all resources and uses in the planning area shall be considered in the process of preparing resource management plans, plan revisions, or plan amendments.

*

In making designations, BLM is required by both the Executive Orders and its regulations (43 C.F.R. 8342.1) to ensure that areas and trails are located to minimize: damage to other resources (soil, watersheds, vegetation, air, wilderness character); impacts to wildlife; and conflicts with other existing or proposed recreational uses. Neither areas "open" to unrestricted cross-country use or areas limited to "existing" trails (which are, by definition, not first assessed for their potential impacts or even legality) comport with these obligations.

The BLM should have a detailed plan for closing and obliterating those roads and routes

identified for closure. This plan should include a timeline, budget commitment, and restoration strategy for all such excess routes. Excess closed routes should be restored by decompacting soils, restoring original contour and drainage, replanting with appropriate native vegetation and other known methods shown to be successful in obliterating all visual evidence of past disturbance. BLM is obligated not just to identify areas and routes for closure but to actually close those areas and routes once designations are made. Although these designations can and should be made as part of a RMP (if one is in process), they can also be made in a separate travel planning process (if the current RMP is not being revised). In either situation, route designations are considered to be implementation decisions (see, IM No. 2004-079) and, as a result represent enforceable commitments by the agency to take specific actions (see, BLM Land Use Planning Handbook, H-1601-1, Section IV). BLM can best fulfill its commitments to closures by detailing its plan for closure in terms of timing and methodology.

BLM's responsibility to complete travel planning as part of an RMP, including designation of routes, is confirmed by the agency's internal guidance (IM No. 2004-005), which states: -

"At a minimum, each RMP will divide planning areas into OHV area designations that are open, limited or closed."

"Selection of a network of roads and trails should be performed for all limited areas in each RMP. This requires establishment of a process that includes selecting specific roads and trails within the limited area or sub-area and specifying limitation(s) placed on use." II As noted by through the various Executive Orders and BLM regulations, the use of motorized vehicles has the potential to damage many public resources, such as vegetation, wildlife habitat, soil, water and air. A network of extensive motorized travel routes may also increase improper cross-country ORV use by irresponsible users unless BLM can provide adequate enforcement. As detailed above, motorized use can also fragment and degrade critical wildlife habitat. As recognized by the Clean Water Act, water quality can be degraded from erosion and runoff caused by motorized vehicles.

Further, as acknowledged in the Clean Air Act, emissions and disturbance from vehicles can impair air quality. EPA issued final emission standards for dirt bikes, ATVs and snowmobiles in September 2002 pursuant to Clean Air Act Amendments of 1990.

Consequently, the designation of roads and routes, including closures and limitations on use, will have a significant effect on the resources in the planning area. BLM's official guidance on travel planning (IM NO. 2004-005) identifies the importance of a "well-designed travel system" because it will "direct travel away from sensitive areas, yet provide quality recreational activities and access for commercial use." Note: This distinction and the availability of enforcement was also acknowledged in the recent Supreme Court decision, *Norton v. SUWA*, 124 S.Ct. 2373, 2382-83 (2004). While this IM also permits some delay if designation of all routes is truly not feasible, it also describes examples of the barriers that could prevent the BLM from completing this process as part of an RMP. In addition, any failures to fully complete route designation will still require completion of as many areas as possible and short-term maintenance to protect sensitive resources.

As BLM's guidance also concludes, such a travel system can only be accomplished through careful assessment and designation of routes. Therefore, BLM is directed (in IM NO. 2004-005) to:

Choose individual roads and trails, rather than using inherited roads and trails. Most existing roads and trails on public lands were created by use over time, rather than planned and constructed for specific activities or needs. Instead of a decision-making process to decide which individual roads and trails should be closed or left open, consider a broader range of possibilities for management of individual roads and trails, including reroutes, reconstruction or new construction, as well as closures. These are tools that should be used to develop a quality travel system. By developing a "quality travel system" as part of creating an RMP, BLM can best comply with its duty to protect the variety of values and multiple uses of the public lands through designation of routes.

Travel planning determines how, when, and why people access and recreate on federal lands, and, consequently, determines the future condition of riparian areas and watersheds, the level of protection for archeological resources, acres of intact core wildlife habitat, and other natural values and experiences. Travel management decisions will impact landscapes for decades and even centuries. The goal of the BLM's travel planning should be to create a travel and recreation system that provides appropriate access to public lands, contributes as needed to the regional transportation system and ensures that biodiversity, wildlife habitat condition, and overall landscape condition and function is maintained or improved. The RMP should direct a travel planning process that is based on natural resource protection, and is guided by a vision of

the experience that BLM intends to provide for visitors. Moreover, the RMP should direct the incorporation of both motorized and nonmotorized uses, since route designation has an impact on access to and the quality of non-motorized experiences, and must therefore take place within comprehensive land management decision-making. The inventory, analysis, and decision-making process involved in travel management planning must occur first at the landscape level and then at the site level. This direction is necessary because the placement and design of travel routes defines which areas will remain or become roadless, and which areas will be disturbed and how. In other words, route decisions determine the fragmentation of the landscape, and, thus, how naturally or unnaturally a landscape will behave in terms of water flow and quality, wildlife migration, and species composition and function. Site level decisions do not affect as much the overall function and form of the landscape, however they do have a significant effect on site conditions and experiences.

Travel planning requires the BLM to manage human travel across the landscape. Travel may be motorized or non-motorized, and may be for one of the following two purposes: (1) travel for transportation, which includes connecting people to regional transportation corridors on surrounding lands or to a specific destination on BLM lands (e.g. scenic vista, trailhead, campground), and (2) travel for recreation, where the travel itself is the reason for being there. These two purposes can sometimes occur on the same route; however, the BLM should consider these two purposes differently when assessing and deciding upon needs or appropriate uses for routes. Transportation routes may be critical for connectivity within a region, or be necessary to provide public access to popular sites.

However, recreation routes, especially motorized recreation routes, should undergo a more stringent review process to account for impacts to other resources or visitor experiences (such as nearby primitive recreation). This stringent review is especially critical for areas such as National Monuments, where the BLM has specific mandates to prioritize protection of specified natural resources, many of which can be impacted by travel corridors.

As the agency has recognized and explicitly stated in its current revisions to the Land Use Planning Handbook: "Comprehensive travel management planning should address all resource use aspects (recreational, traditional, casual, agricultural, industrial, educational etc.) and accompanying modes and conditions of travel on the public lands, not just motorized or off-highway vehicle activities." H-1601-1, Appendix C, p. 8812 (emphasis added). FLPMA requires BLM to inventory the public lands and their resources and values, including noneconomic uses and, specifically, "outdoor recreation and scenic values" and, based on this inventory, prepare land use plans. 43 U.S.C. §§ 1711(a), 1712(a). (emphasis added). The agency manages the public lands in accordance with the principles of multiple use and sustained yield, which requires considering values of different resources and seeking "the achievement and maintenance in perpetuity of a high-level annual or regular periodic output of the various renewable resources of the public lands." 43 U.S.C. §§ 1702(c), (h). In the planning process, FLPMA directs BLM to "consider present and potential uses of the public lands" and "weigh long-term benefits to the public against short-term benefits." 43 U.S.C. 55 1712(a)(5), (a)(7). FLPMA further requires that BLM "take any action necessary to prevent unnecessary or undue degradation of the lands" and "minimize adverse impacts on the natural, environmental, scientific, cultural, and other resources and values (including fish and wildlife habitat) of the public lands involved." 43 U.S.C. § 1732(b); §1732(d)(2)(a). BLM also has the authority to immediately close routes if it determines that off-road vehicles are causing or will cause damage to soil, vegetation, wildlife habitat, or other cultural, historical or natural resources. 43 C.F.R. 9 8341.2. BLM can best fulfill these mandates by making travel planning decisions while making other land use decisions and in the context of the many uses and values at issue.

BLM is also required to give priority to certain resources when making decisions, such as travel planning. The Endangered Species Act requires BLM to conserve threatened or endangered species (including by designating critical habitat and developing site-specific recovery plans) and other requirements may apply to additional special status species, designated by federal or state agencies.

The National Historic Preservation Act (NHPA) and the Historic Sites Act require that BLM preserve cultural resources. Section 110 of the NHPA requires that BLM proactively identify, evaluate, and nominate historic resources to the National Register of Historic Places. 16 U.S.C. § 470h-2(a)(2)(A). BLM also must manage and maintain cultural and historic properties under its jurisdiction or control "in a way that considers the preservation of their historic, archaeological, architectural, and cultural values. . . and gives special consideration to the preservation of such values in the case of properties designated as having National significance." 16 U.S.C. 5 470h-2(a)(2)(B). Prior to approving a transportation plan, BLM must consider its potential effects on all cultural and historic resources under its jurisdiction and provide the federal Advisory Council on Historic Preservation a reasonable opportunity to comment. 16 U.S.C. § 470f. BLM must also seek to consult with Indian Tribes who may attach traditional religious and cultural significance to

properties. 16 U.S.C. § 470a(d)(6). In addition, the Wilderness Act and FLPMA directs BLM as to protection of Wilderness and Wilderness Study Areas. The Antiquities Act requires that BLM protect "objects of interest" identified in the Proclamations creating National Monuments. BLM also has the ability to protect other resources and uses, such as recreation, through the planning process. Further, Executive Orders (Executive Order No. 1 1644 (1 972) as amended by Executive Order No. 1 1989 (1 977)) and BLM's regulations (43 C.F.R. § 8342.1) require BLM to ensure that areas and trails for off-road vehicle use are located: to minimize damage to soil, watershed, vegetation, air, or other resources of the public lands, and to prevent impairment of wilderness suitability; to minimize harassment of wildlife or significant disruption of wildlife habitats, and especially for protection of endangered or threatened species and their habitats; to minimize conflicts between off-road vehicle use and other existing or proposed recreational uses of the same or neighboring public lands; and outside officially designated wilderness areas or primitive areas and in natural areas only if the agency determines that off-road vehicle (ORV) use will not adversely affect their natural, aesthetic, scenic, or other values for which such areas are established.

12 The "Final Draft" of revised H1601-1 is available at <http://www.blm.gov/nhp/efoia/wo/fy04lib2004-128attach2.pdf>. WSAs have been established based on their potential for congressional designation as Wilderness, so that these areas have been found to be essentially roadless and in natural condition. Travel management designations for WSAs should disallow ORV use. For existing routes, BLM should scrutinize them carefully given the high potential for resource damage resulting from illegal crosscountry travel off such designated routes that could result in the impairment of resource values within WSAs and may adversely affect their future consideration by Congress as Wilderness. Only those routes in WSAs that provide access to private or state inholdings, valid leases, or that provide access to or along existing easements, rights-of-way or livestock improvements within the WSA should be permitted to remain open to vehicle use. Further, for routes that remain open, BLM should consider designations that are "limited" to the time or season necessary for such use, to licensed or permitted vehicles or users, or to BLM administrative use only, as appropriate. FLPMA requires BLM to manage WSAs "in a manner so as not to impair the suitability of such areas for preservation as wilderness." 43 U.S.C. § 1782(c). Further, BLM regulations require that ORV areas and trails be designated so as to "prevent impairment of wilderness suitability." 43 C.F.R. § 8324.1(a). The RMP should continue to manage Diamond Breaks WSA and Cross Mountain WSA as "closed" to OHV use. Priority should be given in this plan to address the above concerns for all other existing WSAs, including Cross Mountain, Vale of Tears, West Cold Spring, Ant Hills, Chew Winter Camp, Peterson Draw, and Vale of Tears. BLM should similarly apply the above recommendations to other lands with wilderness character within the Little Snake Resource Area through newly designated WSAs or other means of managing wilderness character. Similarly, ACECs have been designated based on having significant and distinct values. BLM manages ACECs to protect important historic, cultural, or scenic values or other natural systems or to protect life and safety from natural hazards. For many ACECs, preventing or limiting exposure to motorized vehicle use will provide vital protection of these special values. BLM is obligated to prioritize protection of ACECs in the planning process and can best fulfill this mandate by designing and implementing management prescriptions that prohibit new routes and prevent damage that may arise from motorized use. FLPMA requires BLM to give ACECs in the development and revision of land use plans. 42 U.S.C. § 1712(c)(3). BLM's regulations define an ACEC as an area "within the public lands where special management is required to protect and prevent irreparable damage to important historic, cultural, or scenic values, fish and wildlife resources, or other natural systems or processes, or to protect life and safety from natural hazards." 43 C.F.R. § 1610.7-2. In the land use planning process, the BLM has both the obligation and the authority to designate ACECs. BLM makes a determination as to whether a given area meets the criteria for designation as an ACEC based on its relevance (in having significant value(s)) and importance (in having special significance and distinctiveness). 43 C.F.R. § 1610.7-2. Based on an area meeting these standards, the BLM makes determinations regarding designation and management of ACECs that will provide focus and guidance for land managers when actions are proposed in the future in order to protect the values for which the ACEC was designated. The Four existing ACECs within the Little Snake Resource Area (Limestone Ridge [ACECIRNA], Irish Canyon, Lookout Mountain, and Cross Mountain) should maintain and strengthen management related to their scenic qualities and plant species, and active monitoring to evaluate any impacts of OHVs.

BLM can also close an area immediately until adverse effects are eliminated if there are "considerable adverse effects" on soil, plants, wildlife, habitat, or cultural/historic resources. 43 C.F.R. § 8341.2. Further, as acknowledged in BLM's official guidance on travel planning (IM No. 2004- 005): "A well-designed travel system can direct travel away from sensitive areas, provide quality recreational activities and access for commercial and recreational needs." Unless BLM first recognizes the many values present in an area, the agency cannot make travel planning decisions that comport with its obligations and authority to protect public lands and resources.

The BLM must apply a legal definition of "road" within the planning process, develop appropriate criteria to accurately gauge what is or is not a road, ensure that illegal "ghost roads" are not legitimized, and in fact, close and reclaim such "ghost roads." Some legal roads serve important travel needs and are appropriate for motorized use. However, routes that are not "roads" should not receive equal consideration. The agency has a definition of "road," and this definition should be adopted and used consistently in order to create a regular expectation and approach on BLM lands.

We note however, that merely meeting the definition of a road is not sufficient to justify designating a route. In fact, the BLM must still consider whether a route has negative impacts to sensitive or protected resources, such as by the process recommended in this document, and should only designate those that do not impact these resources.

The legal definition of road for the BLM public lands is derived from the definition of "roadless" in the legislative history of FLPMA:

The word "roadless" refers to the absence of roads which have been improved and maintained by mechanical means to insure relatively regular and continuous use. A way maintained solely by the passage of vehicles does not constitute a road. (H.R. Rep. No. 94-1 163 at 17 (1 976)). -In addition, the Code of Federal Regulations (43 C.F.R. 3 19.2(e)) establishes the following definition:

An improved road that is suitable for public travel by means of four wheeled, motorized Vehicles intended primarily for highway use. Although BLM's regulations and internal guidance address designation of areas and routes for ORV use, this use does not have priority over other multiple uses. Rather, due to its potential for damaging resources and interfering with other uses, ORV use should be subject to heightened scrutiny. In fact, BLM's regulations provide for designation of areas as open, limited or closed to ORVs "based on the protection of the resources of the public lands, the promotion of safety of all the users of the public lands, and the minimization of conflict among various uses of the public lands." 43 C.F.R. § 8342.1. Essentially, ORVs are permitted where they do not endanger or interfere with the other resources and users of the public lands. Accordingly, these regulations also provide that an ORV shall not be operated "in a manner causing, or likely to cause, significant, undue damage to or disturbance of the soil, wildlife, wildlife habitat, improvements, cultural, or vegetative resources or other authorized uses of the public lands." 43 C.F.R. § 8341.1(f)(4) (emphasis added). While consideration of ORV use is a necessary part of travel planning, it is important to distinguish the discretionary use of routes for recreation from other uses of roads and routes for transportation to or across public lands for recreation, administration and other valid uses.

Pursuant to BLM's regulations regarding ORV use:

where the authorized officer determines that offroad vehicles are causing or will cause considerable adverse effects upon soil, vegetation, wildlife, wildlife habitat, cultural resources, historical resources, threatened or endangered species, wilderness suitability, other authorized uses, or other resources, the authorized officer shall immediately close the areas affected to the type(s) of vehicle causing the adverse effect until the adverse effects are eliminated and measures implemented to prevent recurrence. 43 C.F.R. § 8341.2 (emphasis added). Once BLM makes a determination that ORVs are or will endanger soil, plants, wildlife, habitat, wilderness suitability, cultural/historic resources or other users, the agency is obligated to close the area until the adverse effects are halted and protective measures put in place. This regulation provides BLM with a mandate for taking immediate action to protect resources from potential damage due to ORV use.

Implementation and Monitoring:

In order to ensure that the designated travel network continues to meet BLM's obligations to protect the values and resources of the public lands, BLM should monitor its effect on these values and resources and implement necessary changes. Therefore, the travel plan must include a monitoring plan, with specified indicators of route impacts based on definitive measurements and actions to be taken if impacts are exceeding expectations. For instance, use of a route may exceed expectations and require additional maintenance, further restriction on use, or consideration for closure depending upon its importance for reaching certain destinations and impacts on resources (such as endangered species). These considerations should be outlined in the monitoring plan. Similarly, insufficient funding for enforcement or maintenance of routes designated in a travel plan (such as those designated for ORV or limited seasonal use) may require closure of the routes until sufficient maintenance or enforcement personnel are available.

These recommendations are consistent with direction contained in the current draft of the Land Use Planning Handbook, which states that the implementation phase of each travel plan must include establishing a process to produce "guidelines for management, monitoring, and maintenance of the system" and that "travel management networks should be reviewed

periodically to ensure that current resource and travel management objectives are being met (see 43 CFR 8342.3)." H-1601-1, Appendix C, p. 90. Protection of the multiple uses of our public lands require that BLM establish a definitive monitoring schedule, using measurements that will represent the health of the land, and mandating actions to be taken if damage is occurring. BLM's regulations (43 C.F.R. § 1610.4-9) require that each resource management plan: establish intervals and standards, as appropriate, for monitoring and evaluation of the plan. Such intervals and standards shall be based on the sensitivity of the resource to the decisions involved and shall provide for evaluation to determine whether mitigation measures are satisfactory, whether there has been significant change in the related plans of other Federal agencies, State or local governments, or Indian tribes, or whether there is new data of significance to the plan. Furtier, based on the results of this monitoring and evaluation, BLM is required determine when the information generated will "warrant amendment or revision of the plan." 43 C.F.R. § 1610.4-9.

Additional recommendations:

New oil and gas roads should be reclaimed immediately following their use with end of Use and reclamation clearly defined in the APD. New road construction should not become A permanent expansion on the existing transportation infrastructure.

This plan should recognize the rapid expansion of user-created routes throughout the resource area with addressing travel management within the Sand Wash as in'^ a top priority. "Existing" routes should be carefully identified and exclude wild horse, game or livestock trails. Because of this confusion, limiting travel to "existing routes" is not recommended. Motorized recreation should be limited to existing designated routes, or put another way, this BLM Should adopt a closed unless marked open policy. Exclusion areas for ROW corridors should exclude proposed wilderness, ACECs, critical winter ranges, and critical habitat for T and E and special status species.

Issues related to RS 2477 Claims

No decision in this management plan will affect valid existing rights. However, BLM must not consider assertions of R.S. 2477 rights-of-way over public lands when addressing how those lands should be managed for vehicles or any other uses, unless a U.S. court has issued a decision recognizing such right-of-way. BLM is prohibited by agency policy from administratively recognizing R.S. 2477 claims except in a very narrow set of circumstances. See Memo of the Secretary of the Interior, January 22, 13 We endorse and incorporate by reference specific comments related to Sand Wash submitted by Rocky Mountain Recreation Initiative et. al December 4, 2003 and direct those issues that should be addressed in this RMP. 1 99714 (direction Interior Department agencies to "defer any processing of R.S. 2477 Assertions except in cases where there is a demonstrated, compelling, and immediate need"). Any decision by BLM to manage a route as open to vehicle use in whole or in part because a county or other entity has claimed the route is an R.S. 2477 right-of-way would constitute such a recognition that is prohibited by agency policy. BLM cannot make decisions recognizing R.S. 2477 rights-of-way as part of the management planning process. In addition, as the January 1997 departmental policy makes clear, alternative avenues exist – namely the federal courts -for those seeking recognition of R.S. 2477 rights. Those seeking to pursue claims have had nearly 30 years (if not more) to pursue their claims under the Quiet Title Act (28 U.S.C. Sec.2409a).

Should the BLM wish to examine those claims made in Moffatt County resolution number 2003-05, adopted January 10, 2003, BLM should note the County has provided virtually no evidence to support those claims. For many claims, field checked by conservationists, there was not only no evidence of construction, there was no evidence of use by vehicles.- Many of the routes do not appear on any USGS map, nor can they be located on the ground. Many of the routes were allegedly "constructed" by Native Americans foot travel from place to place, a standard of construction adopted by no federal appeals court in the nation. Perhaps most telling, BLM released its released its Final Wilderness Character Inventory for the Vermillion Basin Area in 2001 finding more than 77,000 acres of roadless lands with wilderness character. Despite the fact that BLM found no constructed or maintained roads within these roadless areas, Moffatt County nevertheless claims more than a hundred miles of "constructed highways" criss-cross these same lands. Photos and maps of some of these alleged "highways" are attached as Exhibit II.

In sum, no decision in this management plan will affect valid existing rights; however, BLM cannot address assertions of R.S. 2477 rights-of-way over public lands as part of this management because doing so would be in violation of agency policy. Further, Moffatt County has little or no evidence to support assertions of such rights-of-way and is available alternative avenues to pursue claims such as under the Quiet Title Act.

Rights-of Way

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

Monitoring and Enforcement

The EIS should include a realistic assessment and analysis of oil and gas well plugging, abandonment, reclamation, and enforcement needs and problems. The RMP must provide that wells are abandoned and plugged in accordance with the provisions of 43 C.F.R. § 3162.3-4 and Onshore Oil and Gas Order No. 1. In addition, the BLM must not only quantify the needs that projected development will entail in terms of personnel and costs, it must also explain how it will ensure that these needs will in fact be met. In our view, if BLM lacks resources to engage in monitoring and enforcement sufficient to ensure compliance with all requirements applicable to oil and gas drilling on public lands within the RMP area, then it should not allow further development to occur-it should deal with the backlog of cleanup needs first. BLM has sufficient authority, and a responsibility, to prevent development if it lacks sufficient resources to ensure compliance with requirements applicable to oil and gas development. See, e.g., 43 U.S.C. 1732(b). The RMP should ensure that reclamation standards are enforced and increase bonds to cover actual reclamation costs, so neither taxpayers nor landowners are left to foot the bill. In the past, BLM has estimated the cost of reclaiming just one well ranges from \$2,500 - \$75,000. The EIS should include up-to-date estimates for costs of reclamation of development activities in this area. The RMP should increase bonds as needed to ensure the full costs of reclamation are met and should not rely on per lease bonds (currently set at \$1 0,000) or on statewide bonds (now \$25,000) if they will not cover anticipated costs. BLM has this authority. See, e.g., 30 U.S.C. § 226(f); 43 C.F.R. §§ 3104.1(a), 3104.5, 3106.6-2.

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This is very important time in the evolution of recreational use of our public lands to look towards the future and understand how the impact of motorized use has affected our public lands. During the past 10 years motorized use in these areas has increased dramatically. The impact has been huge in areas that had previously no need to manage these areas for recreational use. Trails that were once game trails became dirt bike trails, then ORV trails, then jeep trails. Entire acreages have become huge motorized play areas. Now motorized users are claiming that these are "roads" which should remain open for use.

I encourage you to look deeply into this issue of motorized use on BLM public lands and create some well thought out regulations to control this destruction of the land, the sensitive ecosystems, the pattern of wildlife movement throughout the land, damage to watersheds, water sources and noise disturbances. The word "soundscape" has been used extensively in the past few years during research & study for new management plans on public lands. It is important to preserve large areas in their natural state, free from the irritating drone of motorized vehicles, for both the wildlife and human beings. Support for this comes from a diverse spectrum of people, including many hunters, fishermen, hikers, mountain bikers, river runners, skiers and more. Winter non-motorized use also needs to be a consideration as far as human & wildlife impact goes. As far as specifics for these areas, I cannot claim to be an expert. I understand that the area known as "Sandwash" is considered to be a sacrifice area for motorized users. Why not make this into a motorized play park, regulate ORV, dirt bikes, jeeps etc in other areas to designated roads only, with no-off road use allowed. Put some money and energy into education and signage.

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There are too many roads in the area

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TRAVEL PLANNING RECOMMENDATIONS FOR THE RMP REVISION

Travel Planning Goals

With regard to off-road vehicles (ORVs) and mountain bike use, RMRI supports moving the entire LSFO resource area from "open" to "designated route" status. "Open" areas are no longer appropriate at current levels of motorized use and impacts. We also support designating a travel system that reduces redundancy and is fiscally efficient.

In addition, the RMP travel plan should:

Measurably comply with Colorado State BLM Public Land Health Standards for soils, vegetation, riparian areas, habitat and water.

Maintain low route densities, low habitat fragmentation, and high habitat connectivity, effectiveness and integrity (see wording in Land Health Standard 3).

Fully protect soils, water quality, watersheds and riparian areas (see Land Health Standards 1,2 and 5).

Maintain adequate amounts of forage, water, cover and other components of effective habitat for wildlife to compensate for future adverse conditions such as adverse climate changes, mineral development, and other cumulative impacts (see cumulative impacts section below).

Acknowledge and provide for the needs of vulnerable wildlife that have far less ability to adapt to human disturbance than do humans to wildlife.

Maintain some semblance of nonmotorized silence and solitude in most parts of the resource area, for example, by concentrating high density motorized and mountain bike use in small, contained areas while setting aside the remainder of the resource area in a semi-primitive Recreation Opportunity Spectrum (ROS) setting. In these settings, recreational use levels would be kept low enough to maintain a quiet, uncrowded, backcountry visitor experience, in both the motorized and nonmotorized settings. The semi-primitive ROS setting is defined as "a predominantly natural-appearing environment of moderate to large size. Interaction among users is low" (Appendix 15, p. 66, Gold Belt TMP EA, 1/15/04).

Keep designated ORV trail miles within realistic budget levels

The RMP should include and provide for the true estimated costs of travel plan implementation including:

Law enforcement

Route maintenance

Trash pickup and removal

User education Monitoring impacts of recreational use on water quality, stream health, sedimentation, soil erosion and damage to vegetation

Monitoring wildlife stress and viability to assess whether routes need to be closed We recommend the BLM not designate more miles of ORV routes than can be effectively managed and maintained (including law enforcement) within the BLM's extremely limited projected budgets.

Using a Landscape-Based Analysis Method

The method by which inventoried routes are analyzed for closure or designation is a Key element in travel planning. RMRI supports analyzing individual routes and route segments with the greatest potential to impact cultural and natural resources. We also

recommend using the travel template developed by the Colorado Mountain Club being submitted under separate cover. We do not recommend using the "Decision Tree" method used by some other BLM field offices that was developed by Les Weeks of Advanced Resource Solutions (ARS). The Decision Tree method does not comply with the BLM's multiple use mandate because it is biased toward expansion of ORV routes.

It is therefore vulnerable to legal challenge. The route-by-route approach recommended above needs to be supplemented by a landscape perspective that considers the spatial pattern of all routes across the land. We recommend that the LSFO conduct route density analyses at appropriate scales and quantify these densities according to areas of high and low route densities. A GIS route density layer would then be overlaid on soil, vegetation, slope, wildlife, CNHP and other GIS layers to determine where natural resource conditions meet or fail to meet Land Health Standards. This in turn would indicate where route densities need to be reduced.

For more information, please see the enclosed document, "Ecological Effects of a Transportation Network on Wildlife," mailed directly to the recreation staff at the LSFO.

As one example of why a landscape scale is necessary, wildlife and wild horses in the Sand Wash Basin use the entire landscape to meet their life cycle needs. In the case of wild horses that cannot jump fences, the Sand Wash ORV route system needs to be limited to what will allow wild horse access to forage, cover and water, especially since these features are sometimes shifting and ephemeral. New oil and gas leasing routes complicate the picture and make limiting ORV routes all the more important. This is an example of why a landscape scale analysis is necessary in the RMP so that landscape elements are not considered in isolation.

Locate ORV routes away from sensitive areas

With regard to motorized route designations in the RMP, we recommend not locating new routes within a quarter mile of riparian areas and washes, and moving existing routes out of all washes, gulches, watering holes and other areas important to wildlife. For example, when motorcycles breach the small dams that catch water in washes, this deprives wildlife and wild horses of an important water source. Similarly, antelope fawning areas in sheltered dry washes do not mix well with motorcycle use. Motorized use in dry washes can also be a safety hazard because of high speeds and blind corners.

Analyze Cumulative Impacts

The viability of vegetation, soils, water, wildlife and wild horses in the Little Snake Resource Area is dependent on multiple factors acting in combination with ORV use. Approving the highest motorized use scenario could allow resource conditions such as soils and plant vigor to sink below standards when these other potential impacts are factored in. Other factors include oil and gas leasing, residential encroachment on habitat, increased tourism and human disturbance (for example wild horse viewing), livestock grazing, weather extremes and household pets running loose.

The plan should assess motorized use cumulatively throughout the resource area and adjacent region to determine other motorized opportunities available nearby; also how much ORV use is sustainable in what locations, recognizing that high-intensity ORV use in too many areas will squeeze and displace animals into less productive habitat elsewhere.

Plan for Weather and Climate Fluctuations

The BLM should not assume in the revised RMP travel plan that moisture and temperature regimes will remain constant in the current era of climate extremes. The plan should limit ORV routes as necessary to leave ample access to water and forage for wildlife and horses in times of drought, heavy winter or summer precipitation and other adverse conditions. A case in point is the 2002 drought that forced the Sand Wash Basin wild horse herd to move south from its normal forage area in the northern part of the basin to less drought-impacted forage in the south. Here the horses were forced into contact with off-road vehicles and subjected to harassment. Hemmed in as they are by fences, wild horses in particular need unfettered access to scarce water sources and are easily displaced from water and critical forage by ORVs.

The RMP should also locate ORV routes so as to accommodate occasional mass migrations from Wyoming of big game and wild horses during severe winters or drought. At these times, the Sand Wash Basin will need to accommodate many more animals than it normally does. ORV use in the Powder Wash Basin to the north likewise needs to be restricted to accommodate wild horse influxes from Wyoming.

ATVs and motorcycle single track

One cause of motorized trail proliferation throughout Colorado is the failure of the Forest Service and the BLM to prevent ATVs from widening motorcycle tracks. Widening of single track tracks causes motorcyclists to venture ever deeper into undisturbed areas, increasing wildlife harassment and habitat fragmentation by trails. Whatever single track motorcycle and mountain bike routes are ultimately designated in the RMP should be designed and monitored to prevent both ATV widening and the pioneering of new single track. We concur with the motorized community that motorcycle single track is a limited resource that should not be encroached on by ATVs. Instead, ATVs need to be

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The preliminary planning criteria covering road and trail access guidance, including OHV management, needs to recognize, or distinguish, a difference between over the snow vehicles and over the ground vehicles. All off highway vehicles should not be lumped into one category as impacts of their use can be very different. During the planning process, limited or closed OHV designations should only apply to the type of vehicle creating the impact, not all OHV

- Form Letter Unrestrained off road vehicle use is one the greatest threats to preserving our valuable western public land heritage. Sales of OHVs continue to rise exponentially in the US with an average of 3 100 new vehicle registrations daily. While precise figures are not available, the Colorado State Parks database in Denver estimates there was a minimum of 68,000 OHV registrations in 2004, and the number could possibly be in the low 70,000 range. This is an increase of approximately 15,000 compared to 2003. That rate of increase has been constant for the past several years.
- OHV use in the Little Snake RMP is especially concentrated in the lower Sand Wash Basin. A spider web of user created trails blankets the area. However, the Sand Wash and much of the whole RMP contain a number of unique archeological and paleontological sites, as well as a sensitive wild horse population. We believe the BLM should restrict OHV use within the RMP to protect these resources. As irreparable damage has already been done to much of the lower Sand Wash Basin, the BLM should map and designate a system of trails and confine OHV use to this area. As part of this plan, BLM should explore additional new avenues of funding in order to ensure that additional enforcement officers are placed on the ground. Stricter enforcement, with fines and possible user fees, is essential to preventing further degradation of the landscape. The effects of OHV use are and have been significant and require that an Environmental Impact Statement be completed to fully address this issue. The increasing numbers of OHV users will demand unlimited public access to all areas within the RMP. This must not happen. Moffat County's public lands must not become a motorized playground.
- Form Letter I understand that BLM must manage the LSRA for a variety of uses, including oil and gas development and off-road vehicle use. However, there are ways of doing this that minimize the impacts to the natural environment and to other users. In addition to designating certain areas as off-limits to energy development (such as lands with high wildlife, watershed, recreation or wilderness values), it is perfectly reasonable for this management plan to require that energy developers use the best available technology and practices in their exploration and extraction in the LSRA, and I urge you to include non-discretionary provisions to do so. Similarly, it is reasonable that people interested in engaging in quiet, non-motorized recreation have an opportunity to do so in the LSRA, and I ask you to set aside areas for such uses separate from those areas available for motorized use.

Cultural Resources and Paleontology

Comment Number

Comment

- 57
It is very important to me and my friends that cultural and archeological resources be both protected and also promoted to the general public. The BLM should, in my opinion, be doing much more to let the public know about the petroglyphs and other archeological treasures which exist in BLM managed lands. People will only fight for what they know exists.
- I would like to see the BLM develop ways that the cultural resources they manage in Moffat County, as well as the wilderness areas and associated recreation, should be promoted to the tourism industry as well as to the local population. Most people whom I know who live in Steamboat Springs know nothing about the BLM treasures in northwest Moffat County. This kind of public education, including working with the Moffat County and Routt County chambers of commerce, should be in the RMP.
- 68
Northwest Colorado, through the Yampa Valley Economic Development Council, is engaged in the Northwest Colorado Cultural and Heritage Tourism Project.
- 70
I wish this to preserve sacred cultural and paleontological sites
- 78
I write in regard to resource management of paleontological resources (issue 7) in the Little Snake region, particularly in the area known as the Sand Wash Basin. This basin contains very important fossils from the Eocene Epoch that should be protected for scientific uses. The Eocene animals from the basin document a transitional time that is not well known elsewhere. In the early 1960s I collected there, with the resulting fossils being deposited at the University of Colorado Museum. Subsequently I worked there for Carneige Museum, and current studies are underway in the basin by Dr. Richard Stucky at Denver Museum of Science and Nature. Protection of these resources for scientific purposes is essential -- even when I worked there over 40 years ago

- important fossils were being damaged or destroyed by inexperienced people. Protection in the current management plan should prevent such abuses in the future, and promote the non-commercial investigation of the fossil record contained there. Should you have specific questions that I might answer, do not hesitate to get back to me.
- 873 Archaeological, Paleontological, and Historical Resources: What archaeological, paleontological, and historical resources should be protected in the Little Snake Area? How could these resources best be protected? What indicators should be monitored using best available science to determine if desired future conditions are met?
- 874 I have explored these areas extensively and hiked from one end of the Vermillion drainage to the other many times and know first hand the beauty of the land and it's irreplaceable archeology.
- 875 Protect visual, historical and cultural resources throughout the RMP.
- To help in the protection of these resources I propose that an active public education program to increase awareness and appreciation for the many archaeological and historical resources we have in northwest Colorado be created.
- 887 Protect visual, historical and cultural resources throughout the RMP.
- 888 The protection of the history and American Indian culture is important. There are sites that must be protected and respected. However due to our family's and predecessor's history in the area of vermilion creek we question the authenticity of the so called medicine wheel on our Bears ears allotment. This "discovery" was only made in the recent past however our knowledge of the area indicates that prior to the 1980's there was no evidence of the structure.
- 889 Cultural resources
Cultural resources must not prohibit the responsible use and development of other uses. The RMP should outline a desire program to understand and protect resources that the community deems important while allowing development. The policy of avoidance should be discontinued in favor of determining when we have enough information.
- 891 Cultural and Paleontological Resources²³
Cultural and paleontological resources are irreplaceable. Once marred or destroyed, they are forever lost to future generations. Such fragility demands the utmost care and caution. The RMP, therefore, should adopt a very conservative approach to managing these resources. Cultural and paleontological resources should be preserved in place so that their full scientific and cultural values can be evaluated and maintained. All permits, leases, contracts, rights-of-way or other agreements allowing private uses should require consultation and inventories prior to any surface disturbance to determine whether such resources are or may be present. Requiring private users to conduct inventories prior to conducting surface-disturbing activities, however, is not adequate protection for cultural and paleontological resources.
- ²³ BLM's management of cultural resources is governed by a host of laws, orders, and regulations. These include, but are not limited to, FLPMA itself, the Antiquities Act of 1906, the National Historic Preservation Act (NHPA), Executive Order 11593, the Archaeological Resources Protection Act (ARPA), and the Native American Graves Protection and Repatriation Act.
- The agency itself to "prepare and maintain on a continuing basis an inventory of all public lands and their resources and other values." 43 U.S.C. §1711(a). Surveys for cultural resources are mandated by ARPA. See 16 U.S.C. 470ii (requiring the Secretary of the Interior to develop plans for surveying lands to determine the nature and extent of archaeological resources and to prepare a schedule for surveying lands that are likely to contain the most valuable archaeological resources); Executive Order 11593, Protection and Enhancement of the Cultural Environment (requiring federal agencies to nominate to the Secretary of the Interior all sites that appear to qualify for listing on the National Register of Historic Places). NHPA mandates that the BLM establish a preservation program to identify, evaluate, and protect historic properties and to nominate qualifying properties to the National Register of Historic Places. See 16 U.S.C. § 470h2.
- BLM should conduct its own inventories of the Resource Area in order to identify sites of cultural and paleontological resources. Sites of known cultural or paleontological

resources, within the Resource Area should be designated and protected as ACECs. BLM's own guidance on cultural resources states that the need for any additional information should be evaluated and procedures for obtaining that information must be established at the outset of the planning process. See BLM Manual MS-8100.08.A.1.b.(2). In other words, not only must BLM examine the effects of other uses on cultural resources during preparation of the revised Little Snake RMP, it must evaluate whether or not the agency itself possesses sufficient information to assess the potential for such conflicts. If the agency lacks adequate information to make informed decisions, it must collect the necessary data according to a schedule established at the outset of the planning process.

In addition, BLM is required to consult with the tribes under FLPMA, NEPA, American Indian Religious Freedom Act, NAGPRA, and Executive Order 13007, in order to learn of their concerns and places of traditional religious or cultural importance to the tribes within the planning area. BLM Manual MS-8120.51.A ; see also BLM Handbook H-8160-1 (Procedural Guidance for Native American Consultation); BLM Manual MS-8160 (Native American Consultation).

BLM Manual MS-8120.32.A makes clear that BLM has the authority to prevent the loss of cultural resources through a variety of measures. These protective measures may include "withdrawal, closure to public access and ORVs, and special designations . . ."

The regulated areas must be of sufficient size to ensure protection of the resources at risk; designation of just the site itself may be inadequate to provide for effective management. BLM should consider closing culturally sensitive areas to mineral leasing and entry, grazing, and designating such lands as ACECs to protect these fragile resources. The RMP should limit ORV use to routes that do not pass near culturally sensitive areas. All ORV routes designated in the RMP should be surveyed for cultural resources to ensure the protection of those resources.

- 931 A system or strategy to protect native american artifacts should be adopted.
- 934 - No area closures for cultural-paleontological are necessary or appropriate.
- Site specific enclosures or signage is sufficient. Closing whole canyons (especially since travel is now limited to roads and trails) is excessive and deprives the general public access unnecessarily.
- 935 All of our cultural, paleontological, archaeological, and wildlife present and future must be protected at all costs, not removed.
- 940 We must continue the careful management practices now in place to preserve high-quality recreational experiences for all visitors and to preserve the unique historical and archeological treasures found here.
- 952 Cultural Resources
GOAL: Cultural resources should be inventoried, actively monitored, and given long-term protection extending beyond the life of this plan. -
Most if not all historical, archeological, and paleontological resources (hereinafter, "cultural resources") are strictly non-renewable: once marred or destroyed, they are forever lost to future generations. Such fragility demands utmost care and humility from BLM managers and planners. The RMP should reflect-and require-this conservative approach to managing these priceless and irreplaceable resources.
1. BLM should consult with Native American tribes in identifying sites that should be Protected through special designations, including ACECs.
 2. Sites of known cultural or paleontological resources should be considered for designation and protected as ACECs.
 3. For important historical or cultural sites identified by a tribe, BLM should place buffers in place that limit surface disturbing activities (including fluid mineral NSO stipulations on leasing). These buffers should not be waived for activities within the viewshed of significant historical or cultural resources.
- BLM's multiple-use mandate requires land managers to consider the value of cultural resources in their decision-making process. Unfortunately, these resources are frequently given short shrift in this calculus. Their value is not easily measured, and as a result they are sacrificed in pursuit of more obviously economically profitable resources. The RMP should ensure this problem is avoided. RMPs are the principle guide for the BLM's management of cultural resources. See BLM Manual MS 810008.~.1 .a. Therefore, BLM's preparation of the ~fviF' EIS provides an excellent opportunity for the agency to address concerns about these resources and to implement policies that will protect and preserve cultural resources.
- The BLM's management of cultural resources is governed and guided by a host of laws, orders, and regulations. These include, but are not limited to, the Antiquities Act of 1906, the National Historic Preservation Act (NHPA), Executive Order 1 1593, the Archaeological Resources Protection Act (ARPA), and the Native American Graves Protection and Repatriation Act

(NAGPRA).

BLM's decisions regarding cultural resource management are also governed by the FLPMA and NEPA. The BLM must adhere to these and other laws when preparing and implementing the RMP, and must provide evidence of cultural resource consideration as part of the EIS prepared as part of the RMP revision process. See BLM Manual MS-8100.08.A.I .b.(3). As noted above, the BLM's multiple-use mandate requires managers to balance resource use and resource preservation. BLM Manual MS-8100.08.A.1 .b.(2) states that land use plans should take into account the effects other land and resource uses may have on cultural resources. The manual notes that the need for additional information should be evaluated, responsibilities assigned, and schedules established at the outset of the planning process. See BLM Manual MS-8100.08.A.I .b.(2). In other words, not only must the BLM examine the effects of other land and resource uses on cultural resources, it must evaluate whether or not it possesses sufficient information to assess these potential resource conflicts. If the agency lacks enough information to make informed decisions, it must collect data according to a plan and schedule established at the outset of the planning process.

The BLM should clearly spell out the process the agency will follow in order to comply with the procedures outlined by BLM Manual MS-8100.08.A.I .b.(2). -Of particular concern in the planning process is the preparation and maintenance of cultural resource inventories. .FLPMA requires the Secretary of the Interior to "prepare and maintain on a continuing basis an inventory of all public lands and their resources and other values." 43 U.S.C. §171 1 (a). Surveys for cultural resources are also mandated by ARPA. See 16 U.S.C. 470ii (requiring the Secretary of the Interior to develop plans for surveying lands to determine the nature and extent of archaeological resources and to prepare a schedule for surveying lands that are likely to contain the most valuable archaeological resources); Executive Order 11 593, Protection and Enhancement of the Cultural Environment (requiring federal agencies to nominate to the Secretary of the Interior all sites that appear to qualify for listing on the National Register of Historic Places). Further, the NHPA mandates that the BLM establish a preservation program to identify, evaluate, and protect historic properties, and to nominate qualifying properties to the National Register of Historic Places. See 16 U.S.C. § 470h-2.

The RMP must ensure these legal mandates are fully complied with. The required inventories and programs can-and should-serve to identify areas of resource sensitivity and should be used proactively by the BLM in its planning and management in order to avoid resource conflicts. Another concern is consultation with Native American tribes during the planning process. BLM is required to consult with tribes under FLPMA, NEPA, American Indian Religious Freedom Act, NAGPRA, and Executive Order 13007, in order to learn of tribal concerns and places of traditional religious or cultural importance to the tribe within the planning area. BLM Manual MS-8120.51 .A describes consultation requirements during land use planning. See also BLM Handbook H-8160-1 (Procedural Guidance for Native American Consultation); BLM Manual MS-8160 (Native American Consultation). The BLM must specifically request the views of tribal officials, and must solicit the views of traditional leaders or religious leaders. BLM must be diligent in its pursuit of this information. BLM Manual MS-8120.32.A makes clear that the BLM can prevent unauthorized use of cultural properties through a variety of measures, including administrative protection measures. The manual specifically notes that the BLM's protective measures may include "withdrawal, closure to public access and off-road vehicles, special designations," etc. See BLM Manual MS-8120.32.A. The EIS should identify areas where cultural sites are at risk, and the RMP should employ one or more of these administrative measures to protect these resources. The areas designated should be of sufficient size to allow viable protection of the resources; designation of just the site itself may not allow for effective management. More specifically, the BLM should consider closing culturally sensitive areas to mineral leasing and entry, grazing, and designating ACECs to protect fragile cultural resources. Also, the RMP should specify a travel plan for ORVs that limits vehicle travel to routes that do not pass near culturally sensitive areas. All ORV routes designated in the RMP should be surveyed for cultural resources to ensure the protection of those resources. Finally, the EIS should address the impacts of oil and gas exploration and development activities on cultural resources, with particular attention being given to the effects of the use of explosives or "vibroesis" vehicles during exploration activities. The RMP should make provisions that ensure these activities will not destroy or alter cultural resources.

953

Vermillion Creek area should be preserved for it's historic, archeological values.

Form Letter

- Protect historical and cultural resources throughout the planning area;
- Protect the area's scenery and other important landscape values;

Form Letter

The whole of Northwest Colorado is a wonderland of archeological and paleontological sites. Both must be protected. People have roamed the canyons and hills of Moffat County and surrounding areas for untold hundreds of years. These sites, some discovered, and many undiscovered, must be saved from development, and in some

cases, even from public access. We must preserve these sites for future generations to study and enjoy.

They are the only remaining historical record of ancient peoples. Unlike many resources, such sites are totally non-renewable. Once they are destroyed they cannot be replaced.

Such sites are very fragile and are subject to looters and vandalism. The little Snake Resource area is home to some of the most exciting archeological treasures in all of Northwest Colorado. The Vermilion Creek petroglyphs, for instance, are still in excellent condition, despite some vandalism, and must be protected, not only for their historical significance but because they are such beautiful representations of Fremont era art. There are many examples of petroglyphs and pictographs throughout the Little Snake resource area. Many of these artifacts have been vandalized by people who are insensitive to the importance of this valuable resource. One often comes across signatures, bullet holes, evidence of chalking on Native American rock art, and even whole petroglyph panels removed from some sites. The medicine wheel near Irish Canyon is another example of a site that would be very much endangered by development of any kind. There is already an old jeep trail of some sort that crosses the site; it is, thankfully, currently closed to vehicular traffic. If the county is successful in its attempt to assert R.S. 2477 claims, this road would suddenly be accessible to motor vehicles of all kinds, and the wheel would be ripe for plunder and destruction. Burial sites are prevalent in the Diamond Breaks in Brown's park. To develop or vandalize such sites would be obvious desecration. There are also granaries and other structures in this area. Development would prevent preservation and study of these sites. Native American camps, quarries and chipping grounds abound all over the Little Snake Resource area. Without protection, these sites will quickly be destroyed and lost to archeological study forever, as is the case in much of Southern Wyoming, where oil and gas development, and the roads that go with it have trampled, covered and scattered an untold number of Native American sites. BLM should take the initiative and conduct a proactive inventory of the resource area to prevent any further molestation or destruction of culturally sensitive sites.

Fire Management

Comment Number

Comment

891

Fire and Fire Policy
 The EIS should address issues related to fires and fire policy. The revised Little Snake RMP should:

- . • Provide that fire suppression efforts and related vegetation management efforts (like thinning) are focused on the "wildland urban interface." Remote areas should not be subject to mechanical vegetation management activities.
- . • Establish an ecologically based fire restoration program so that fire can play its natural, and necessary, role in the Resource Area.
- . • Prohibit any mechanical treatments (e.g., thinning) of vegetation in lands proposed for wilderness designation.
- . • Prohibit road building as a means to accomplish any vegetation treatments in furtherance of the fire policy. If "non-permanent" roads are allowed, there should be strict assurances such roads will be temporary.
- . • Be consistent with the Western Governors Association's 10-year Comprehensive Wildfire Strategy prepared in 2001.
- . • Provide that riparian areas should be restored so that they can serve as natural firebreaks.

24 Where public access to public lands is illegally denied by private users, BLM must ensure that the public's ability to use and enjoy these lands is enforced. Land exchanges and other similar methods for preventing encroachment of homes and other structures within remote public lands should be addressed.

931

Prescribed fire and brushbeating are beneficial if done with consideration for their impacts.

Form Letter

Wildfires can be destructive or they can be nature's way to improve landscapes.

Over past decades fire suppression has been excessive and in many areas we now have the result, overgrown and decadent vegetation, of little value for foraging creatures wild and domestic. The benefits of fire, both natural and prescribed, should be viewed favorably and considered in fire management planning. The costly and damaging fire fighting efforts should be saved for situations truly critical to human health and safety.

General Comments

<i>Comment Number</i>	<i>Comment</i>
57	<p>I think that the public is not receiving sufficient financial benefit from the leases which are given and will be given to coal and oil and gas companies. There is no meaningful correlation between the cost to these private corporations for the leases and the millions of dollars which they are making from "public" lands.</p> <p>The BLM should definitely take a more active role in protecting the pristine, wilderness areas of northwest Moffat County. Drilling, coal and oil, and gas exploration must be forbidden in those areas which experts identify as deserving of wilderness designation and areas which are home to endangered species and wild horses. We only have one chance to get this right. Yes, there has to be coal, oil, and gas exploration. No, these companies can not be allowed to exploit public lands with no controls.</p> <p>Recreation is poorly developed in northwest Moffat County- I know this because I lived in Craig recently. Some roads and hiking and horse trails should be created as well as trails for offroad vehicles. More people need to be encouraged to drive the short distance of several hours from Steamboat and Craig to use these areas.</p> <p>Very importantly, the public needs to be communicated with not only during the process of revising the plan but also needs to be keep updated about the outcomes of the plan and the successes and/or failures of the BLM in achieving the outcomes and goals set out in the plan. The BLM needs to let people know the real picture of how much profit private companies are deriving from public lands and what the environmental consequences are.</p>
58	<p>I do not believe the land should be closed to energy development. I do not want fees to be charged for recreation use. No areas should be closed to motorized travel. I would like to see more recreation facilities developed by BLM. I would like to see common sense development in recreation, energy, and ranching.</p>
59	<p>I enjoy the outdoors, and prefer to keep as much of this land as possible open to the public to use for the enjoyment of nature, for example, camping, hiking, fishing, non-motorized sports (mountain biking), etc.</p>
63	<p>Management should be based on ecological outcomes that are agreed upon by users and land use managers.</p>
65	<p>What about letting nature manage and BLM protect for all?</p>
70	<p>Regarding the little snake RMP I hope that no new development happens as well as the bureau of land management to take a hands-off approach to "managing" this land. - I also do not support "</p>
72	<p>My position is that all public wilderness land should be preserved and protected to ensure minimal impact. I am against grazing, drilling, realty, mining, motorized use, land swapping, and destructive installments for various types of towers. The natural wilderness and its preservation is an issue bigger than the human species; I believe we have no right to destroy or damage ecosystems, endangered species, paleontological areas, soil, water, and air quality. This land belongs to the public and cannot be changed to benefit individuals, companies, or even this generation. The best course of action is to let the Earth maintain these areas for all of life now and future.</p>
77	<p>-I have been a Moffat County resident for 22 years. Please keep in mind, for your long term management plan for our public lands, that these lands are used by us, the public.</p>

- 81 Unrestricted motorized travel can destroy the pristine, wide open spaces which exist as only small percentages of our nation's undeveloped rural areas. Areas where humans have not seriously molested the natural world are becoming priceless. They are the essential heritage that should be passed on through generations of free people.
- 82 I would like you to add my comments to the Little Snake RMP.
- I think that all of the current interests using the Little Snake area should have the right to continue to use the resources in the same manner that they are currently using them. They have historically proven to be good stewards and continue to do so.
- In light of the historical uses and the lack of resource damage to date, the uses now in place pose no danger to the future quality of the area. The OHV, energy & mineral exploration & extraction, grazing, recreation and other uses should be allowed to continue in the same manner as before. To limit these activities in the future will deprive the local inhabitants of their historical way of life.
- The Vermilion Basin is a good example of no need to change policies. In the 30s thru the 60s there were hundreds of miles of mechanized travel ways created. Now the wilderness people say none of those exist. That should be proof that in a short amount of time the land will heal it's self and no intervention is needed. If a wilderness person cannot see the evidence of mans use in the past, and be able to document it, there is no need for any further "protection".
- 83 I would like to add my name to the list of Routt County residents who appreciate the incredible natural resources surrounding us. Please help us save the natural environment by limiting motorized vehicles on BLM, at least in areas around Steamboat Springs.
- 090 These lands belong to all americans not special local interests to profit from them. Grazers, oil interests and off road users should be restricted to certain areas. We must protect this land and its nature heritage.
- 102 Please find attached comments from the American Gas Association related to the Notice of Intent to Prepare a Resource Management Plan for the Little Snake Field Office. Should you have any questions, please do not hesitate to contact me at (202) 824-7335.
- We understand that the DEIS/RMP will focus on many components of land-use issues including, but not limited to, recreation management, cultural resource concerns, wildlife management, and energy and mineral development. As you begin to make decisions related to this effort, we would like to bring to your attention an important policy concern that we believe you should consider in the context of the development of this important plan.
- Nearly one-third of the United States is owned in common by its citizens, but is managed by BLM for divergent purposes including conservation of natural resources, recreation, resource extraction, and grazing. The Federal Land Policy and Management Act of 1976 (FLPMA) directs land managers to promote multiple use of federal lands in a manner that will ensure sustained yields from natural resources. The FLPMA requires land managers to balance the needs of the American public for open space and preservation, but also for natural resources that maintain and improve our quality of life. Multiple use management is a complicated task, requiring BLM to strike a balance among many competing uses to sustain the health, diversity, and productivity of the public lands for the use and enjoyment of present and future generations.(FLPMA) directs land managers to promote multiple use of federal lands in a manner that will ensure sustained yields from natural resources. The FLPMA requires land managers to balance the needs of the American public for open space and preservation, but also for natural resources that maintain and improve our quality of life. Multiple use management is a complicated task, requiring BLM to strike a balance among many competing uses to sustain the health, diversity, and productivity of the public lands for
- The American Gas Association (AGA) appreciates the opportunity to comment on the Little Snake Field Office's scoping process as it begins to draft an Environmental Impact Statement and Resource Management Plan (DEIS/RMP). We understand that the plan will include land in Northwest Colorado in Moffat, Routt, and Rio Blanco Counties and will guide future land use decisions on approximately 1.3 million acres of BLM-administered public lands and 1.1 million acres of subsurface mineral estate

- 103 We want to commend the Little Snake Office for taking on the task of revising the Resource Management Plan (RMP) for the Little Snake Resource Area (LSRA), and look forward to working with you and your staff on this endeavor. The LSRA encompasses an important corner of the state, and is rich with a wealth of wildlands, wildlife and other important public values. It is out of concern for these public values that we write, specifically to ensure that protection of the wild character of proposed wilderness lands within the Resource Area is a primary issue in the RMP revision process and is fully considered throughout the planning process and analysis of alternatives.
- 104 comment on page 3 - the nations' taxpayers support these federal lands. their interests in saving this land should be paramount.
- I do not think the BLM works with a broad range of americans. I think they work with profiteers only. they work with takers, users, miners, drillers, cattle baron profiteers and they ignore the general public and its wish to preserve, which it has been paying taxes for.
- comment on page 2 - I think the following should be banned in this area on this public land:
1. hunting
 - 2 trapping
 - 3 new roads
 - 4 all burning which causes deaths in humans/animals through lung cancer, asthma, heart attack and stroke
 5. all two stroke vehicles such as pwcs, atvs\\
 6. all mining, drilling, grazing, logging
- 105 No one has the right to pollute or degrade our public lands. BLM's job should be to protect the land, the animals, the plants, the water, the air, and our access to our lands.
- The Emerald mountain exchange appears to be an act of greed. If the State Land Board truly cares about public education then they should hand the land over to the Steamboat School District. Another solution would be a purchase by the Routt County or Steamboat Springs (which ever has the greater fiscal surplus) and the land become a park. It would be intolerable for the public to lose 10,000 acres in the exchange.
- Mostly all public property is surrounded by private property, therefore easements need to be introduced into the property deeds of the neighboring land owners so that access by the public will not be denied. This is supposed to be the greatest , most powerful country on Earth and yet the public is denied from our own public lands. Tell that to our children and our children's children.
- Greed is bad for the common good.
- 125 Isn't it time to err on the side of the preservation of our natural lands for the purposes of a healthier environment for all?
- 126 The most brazen situations came on Tuesday and Friday. On Tuesday, my 12 year old son and I were sitting on top of the hill where we usually hunt. The elk were very vocal that morning and we heard two bulls bugling to our east toward private land. I figured that those bulls would not come our way since they typically go to private land shortly after daylight. But, well after shooting light, we heard a bull bugle behind us to the west. I had been cow calling so we got ready to see elk, and we did. There was a herd of about 30 cows and yearling that eased over the hill toward us. I kept telling my son that the bull would be in the back of the herd and not to move until we saw antlers. The herd had just come over the hill and we were expecting to see antlers come over the hill any second when we heard...vroom. vroom. Three "hunters" on two four wheelers came driving through the area. They saw the herd and stopped just in time to spook

them. They watched where the elk went and drive to where they could cut off their movement to private land. They stopped and show a cow. My son and I watched the whole thing from our perch atop our hill. It was painfully obvious that these people did not know what they were doing because it took two men over an hour to field dress the cow, then it took them another half-hour to drag it down the side of a hill to their ATV. There is a steep hill that has ATV trails on it and looks to be a difficult climb on an ATV without pulling a full grown cow elk. Well, these geniuses tried for nearly two hours to pull the cow up that hill. Of course they were grunting their engines and spinning the tires. Finally they left the established four wheeler trail and went up a different route, right through the sage brush. My son and I got tired of hearing their ATV's so we left. On Friday, the same three "hunters" were sitting just below my son and I on an adjoining hill. There was a group of six to ten cows that walked within 50 yards of them and they did not shoot. I thought, "they must not have any more cow tags." Then about a half-hour later two more cows came within 100 yards of them. To me that confirmed that they only had bull tags. I guess two of the men got tired of sitting still. Just after the sun came up over the mountains, they walked to where they had parked their ATV and drive it to where their friend was standing. I had noticed a herd of about 50 elk at the base of the mountain. I assume the "hunter" who had stayed behind saw me looking at the herd through my binoculars and began looking in that direction. When his buddies returned with the four-wheeler I saw him talking to them and motioning toward the mountain. The other two men on the ATV's, rifles at the ready, quickly rode to the base of the mountain. The herd's attention was on another hunter who was hiding in a grove of aspens at the base of the mountain. The two men on the ATV rode as close as they could without putting the herd into a full sprint out of the area. I heard a shot and saw a cow and two yearlings separate from the herd. The men used the four-wheeler to keep the three elk from joining the rest of the herd over the side of the mountain. The remaining elk turned toward us, walked down a hill, stopped part way down and the larger cow lay down. The "hunters" actually got off their ATV, walked to the top of the hill where they could see the elk and began shooting again. I saw the cow drag her hind legs a few steps then right herself and continue. She would run for a distance, lay down and the men would walk close enough for her to get up and start running, then they would start shooting again. It was one of the most pathetic displays I have ever seen. My son and I, totally disgusted with the situation, walked to the truck and called it quits for the season. When we got to the pickup, approximately 45 minutes later, we could still hear occasional shots.

-personally, if I have another year like this one, I will not be traveling to Colorado to hunt until I get enough preference points to hunt in GMU number 2, which will probably be 12-15 years.

130

I urge you to make the management plan for the Little Snake Resource Area do the following, in order to really protect this "priceless", beautiful, area in Colorado, that is valuable in important ways that are not just for energy resources:

Mr. Casterson--PLEASE! We need your (BLM's) help! We who care, along with non-human species (plants and animals) and their/our habitats, who cannot send you an email, need you, the BLM, to do the right thing:

Please show the first Americans--Native Americans-- and other CARING Americans, that we "Americans" are not ALL "ugly" Americans who care ONLY or TOO MUCH, about ONE thing---\$\$\$\$ from oil, gas, etc., regardless of the destruction to valuable, IMPORTANT, non-money resources, such as are listed above, etc.

137

Please safeguard the following areas and do not include any oil or gas development or motorized vehicle access. These areas are worth saving for our succeeding generations (IN THEIR PRESENT CONDITION!!!)

177

As a resident of Colorado I take great interest in the future of our beautiful state, and wish to see it remain so.

180

We hope that you will preserve this area for our children, so they might share in the heritage that we have been so fortunate to experience in our lives. Thank you for your consideration.

187

I realize you have received the "No More Wilderness" mandate from some government entities. However, this mandate did not come from the people of this country who

- really have ownership of the land. I feel you can create a management plan that makes provision for "multi-use" while protecting from further degradation our precious wilderness.
- 200 As a long time Colorado resident and an active outdoor enthusiast, I am truly hoping that you will not take a short-sited or one-sided approach to how best to revise the usage plan for the Little Snake.
- 222 Millions of Americans (including me) and visitors from around the world enjoy hiking, camping, fishing, and simply sightseeing in Colorado's beautiful forests, mountains, canyons, streams, and plains. Please hear our collective voice. Preserve the beauty and majesty of these wilderness areas for us, our children, and their children.
- 224 The Bush administration is destroying enough wilderness and natural land as it is.
- 305 I live in Colorado and one of the biggest reasons I do, is because it is still one of the few states with wildlands that are protected.
- 325 As a 26-year resident of Colorado who appreciates the vast and different beauty of this state
- 326 I have personally visited this wonderful area on several occasions!
- 339 It is very important to me that public comment be preserved
- 386 No Nuclear Waste dumps please
- 387 Thank you for the chance to express my opinions in your upcoming public comment period regarding the Little Snake Resource Area (LSRA). There are several areas of concern to address in this matter.
- I thank you again for accepting and considering my comments and I trust the BLM to approach this issue with all due respect for public interest.
- 388 Please include this letter as our comment on scoping for the Little Snake RMP revision. I visited the LSRA in 1985 and was impressed by its wild lands. This plan revision should recognize the great increase in public use and appreciation of wildlands since the previous plan was adopted.
- The EIS should include an adequate range of alternatives on wilderness. At least one alternative should include wilderness designation for all the areas proposed in Rep. DeGette's bill. The alternative should provide interim protection of those areas until Congress makes the final decision.
- 390 The review process for gas and oil, ORV and motorized uses should be open to the public and given adequate time to respond.
- 456 Please forgive me for not writing this letter in its entirety. Although I grew up on the eastern slope, I went to school over in the northwestern corner of Colorado and have returned many times to enjoy the unique landscape and pristine beauty of that area. For that reason I join others in expressing my interests in the upcoming revision of the Resource Management Plan (RMP) for the Little Snake Resource Area (LSRA) in Colorado.
- 468 Speaking as a resident of the wonderful state, I believe wholeheartedly in the preservation of our wild lands. Please do all you can to insure this!
- 493 As a Colorado resident, I value our land and environment. We are so blessed to be here. Please honor the gifts of this area and protect it from oil and gas development.
- 505 Please keep these areas for our children and those to come.

- If we don't protect these areas, where will our children go for that sense of wonder and wildness these places give so freely to our souls.
- 506 As a longtime supporter of wilderness and a Colorado native, I want to thank you for providing an opportunity for the public to comment on what issues should be addressed in the upcoming revision of the Resource Management Plan (RMP) for the Little Snake Resource Area (LSRA) in Colorado.
- 512 The Little Snake Resource Area (LSRA) in Colorado is a special national asset, and it is a privilege to participate in the management planning process. As a member of the general public, I view the LSRA as a very special national treasure of which I have had a chance to personally enjoy its intrinsic beauty, and I hope that it is preserved for future generations to enjoy as well.
- I appreciate your consideration of my ideas about what is important, and I am confident that you will find a way to integrate them into the final plan for this area.
- 545 As a resident of Utah, I enjoy visiting our public lands in Colorado. I am writing to comment on what issues should be addressed in the upcoming revision of the Resource Management Plan for the Little Snake Resource Area in Colorado.
- 550 I am a Colorado resident. I love the state I live in. I love the country I live in. I am writing to comment about how I would like to see the RMP handled.
- Thank you for providing an opportunity for the public to comment on what issues should be addressed in the upcoming revision of the Resource Management Plan (RMP) for the Little Snake Resource Area (LSRA) in Colorado.
- 600 We need to leave our children something to enjoy -- and this area is one of the finest available!
- 610 Regarding your upcoming revision of the Resource Management Plan (RMP) for the Little Snake Resource Area (LSRA) in Colorado, I think that the LSRA is truly a national treasure
- 618 I also commented a couple of years ago on the Vermillion Bluffs Wilderness proposal, and those comments still hold true.
- 641 While it's important to take into account the wishes of the local community in Moffat County, the commissioners in that county have shown, at times, a reluctance to work with their constituents on matters such as this. Further, they quite often don't take into account the fact that these lands are federal public lands, and those who manage them are accountable to ALL American taxpayers, not just the Moffat County Commissioners.
- 645 The LSRA is a special national asset that should be open to the public for it's highest and best use -- land of many uses/multiple use -- and not closed off to a few wishing for solitude and opposed to everything. It is a privilege to participate in the management planning process, but if you would just use your best judgment and work at managing resources with existing BMPs and quit paralysis by analysis - wilderness is easy to manage...everyone stay out! But then you don't let it burn -- grass and trees which are renewable resources are lost...I suggest your agency become part of your rural communities again and let us go back to work on natural resources projects such as logging, cattle ranching, and natural gas extraction.
- It is interesting to note that most of the land that a few want to close off to the public have been heavily utilized by many

- over the year, but have held their beauty as Mother nature is resilient.
- 650 Furthermore, I would like to see an RMP that affords proper protection to the historical And cultural resources that propagate in the LSRA. I also encourage the protection of the visual resources in the area so that people may have the opportunity to view these and others in
- Being a native of Colorado, the unique lands of the LSRA are truly a national treasure, as they are home to some of the most spectacular elements of Colorado's natural heritage. I strongly urge the agency to take great care in deciding the future of the array of natural resources in the area, and wisely provide for its multiple uses.
- I appreciate your consideration of my ideas about what is important, and I am confident that you will find a way to integrate them into the final plan for this area.
- 652 As a local resident and avid backpacker I would ask that you please protect all our Federal lands that have been identified as Wilderness quality lands.
- 653 Protect our lands! You cannot re-build a tree!
- 669 First, I want to point out that people come to Colorado for the beautiful mountains, scenery, and outdoor opportunities, not to spend time among oil rigs. If you have ever lived in a highly urban area, or a state with no significant mountains or wildlife, you will understand the joy of coming to Colorado and seeing these things. I can't describe to you how thrilling it was to see mountains for the first time, big-horned sheep, and the endless pine forests of Colorado. I had never seen anything but cornfields and pig farms before I lived in Colorado.
- 679 Much of what was when we were young is no more forever. Please do the right thing for what is belongs to yours and mine, the generations that follow us.
- 722 As a child I spent many well remembered and loved weekends roaming around the Little Snake and Vermillion Creek area. It is one of those places so pure and free from human contamination the loss of it would show the true cruelty of man kind. I often speak of the wonderful Rock Art and deep canyons, Native American sights and fossils to my own children. Please preserve it so that one day I will be able to take them there.
- 747 Let's cut the crap right now! It's time to stop this wholesale MADNESS being ruthlessly carried out by this proto-fascist administration - on behalf of its biggest corporate donors - the biggest polluters of all time. In this case it's oil and gas (not to mention the industry that supports off-road vehicle recreation). Not only are our wilderness areas going extinct, but the very future of this planet is in the balance RIGHT NOW. If you would just take a minute to read the facts from our leading environmental scientists, you would discover the worst of all realities. It's time to be accountable for our actions! - The question is whether you want to be concerned with the facts or continue to let the truth be dictated by politics - big money, big favors, and political squeeze plays and blackmail (coming from the very top). We can no longer afford the latter!
- 750 We live on the eastern slope of Colorado, but often visit the western slope. We are, therefore, interested in the Bureau's responsibility for our public lands and private lands in the area.
- 790 We are thankful that you are allowing public input and comment on issues that will affect not only us but many other species. Each day the newspapers carry scientifically-based articles

- about how we are affecting the planet. Instead of continuing blindly forward, it is prudent for all of us to begin to open our minds to what is happening around us.
- 830 We need more BLM-administered land that is not poked with heavy-handed human use. The land should be managed for a variety of uses. One use that has been neglected in recent years is wilderness.
- 846 The most precious of our wild places seem to be under constant attack these days. It's time that we start thinking of future generations, and what legacy we will leave for them. Desert landscapes scarred beyond recognition by off-road vehicles, oil roads, timber access roads and the like, are not my idea of a legacy- more like a crime. Please consider taking action to preserve our heritage.
- 866 Thanks for the opportunity to comment on the scoping phase. I have spent quite a bit of time in the area camping, four wheeling, hiking, doing bird monitoring transects and as State Natural Area Steward
- 868 I'm writing to express my views on what resource issues, I feel, should be a priority when crafting the Little Snake Resource Management Plan Revision.
- The lands of the Little Snake Resource Area contain some of our most unique and undeveloped landscapes in Colorado. This past Fall my family and I took a trip to the Vermillion Basin and Cold Spring Mountain. It was our first journey to NW Colorado and we were amazed at the incredible beauty and diversity of the landscapes. I was also shocked at the amount of oil and gas exploration that is taking place.
- 869 Years ago I co-owned a ranch in Browns Park, which is now a major part of the BP NWR. Since that time I have spent a lot of time visiting and exploring in that area of NW Colorado. I have several thoughts on the development of your new Management Plan.
- 870 I grew up in Browns Park in the 50's and 60's and have been visiting, working and playing there ever since. My wife, two children and I get away to visit the Vermillion badlands, Cold Spring Mtn. , Douglas Mtn. Cross Mtn. or Diamond Breaks whenever we can. In fact, I was one of the original proponents of the Cross Mtn. area as wilderness.
- I appreciate your interest in my input and trust in your ability to implement a management plan that protects this unique area and its assets from further degradation.
- 871 I would like to add my personal reflections to your input pile of public comments. I have been fortunate in living next door to RMNP, in Estes Park, for 24 years. During this time, I have been incredibly fortunate in volunteering for the Park, and the Colorado State Forest Service.
- I admit I've been spoiled by RMNP, where my hikes are free from the sounds of motorized vehicles, and the fear of hunters' errors. What a responsibility your office has, trying to appease all the different interests of drilling, ORV users, probably some grazing permits, timber sales. I have a good friend in California who is BLM, and he talks about trying to balance it all. So I put in my opinion and hope it weighs something.
- 872 3) Open and welcomed multiple use, collaboration, conflict resolution and education should be the primary objective of the BLM. NOT - regulation,
- I have been a resident of Northwest Colorado for 30+ years and have recreated in the Sand Wash, Vermillion Breaks, Irish Canyon areas on a year round basis for all of that period.
- I am an avid outdoor enthusiast and my experience in the Little Snake Resource area include camping, hiking, hunting, horseback riding, mustang watching, off highway vehicle recreation/racing, trail mapping and trail maintenance.
- I apologize for the brevity of comments here, and hope to expound with more details as the full scoping and public comment period unfolds. Please

include my name, address and E-mail into the distribution for all updates and information distribution lists for the LSR-RMP.

Formal comments should be forthcoming from, Timberline Trailriders, COHVCO, AMA and other Local OHV advocates resulting from my initiative after attendance at the Public Meeting 05/Jan/05 in Steamboat.

5) Specific area improvements and projects can be funded and effectively implemented through collaborative efforts of organized user groups and should be actively solicited and promoted by BLM staff and planners. Inventive and ingenious plans such as special area User Fees should be investigated proposed (at least on a trial or study basis), to offset budgetary shortfalls for effective recreation management in the Little Snake.

6) The BLM is surely in the spotlight for the new found emphasis of scrutiny for public lands use of any kind. The unique opportunity to re-think and adapt to 21st century multiple use recreation planning and contrast the ineffective management by "lock-out and exclusion" adapted by the USFS in response to preservationist threats, should not be missed.

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Overall Ecosystem Health: What is the current condition of overall ecosystem health in the Little Snake Resource Area (LSRA)? Given the BLM's multiple-use objectives and outcomes, what is the desired future condition of overall ecosystem health in the LSRA and what will it take to get there? What indicators should be monitored using best available science to determine if desired future conditions are being met while minimizing any negative impacts to the social and economic health of the community? How can BLM implement multiple-use in a way that best serves our communities and

What is NWCOS?

The Northwest Colorado Stewardship (NWCOS) is a collection of highly diverse individuals and organizations committed to improving public lands decision-making by promoting commonly held values and principles. The Department of Interior recognizes NWCOS as a pilot project aimed at demonstrating Secretary Norton's 4C's- conservation through communication, consultation, and cooperation.

NWCOS meets on a regular basis in Craig, Colorado and as there is no formal membership, all individuals interested in public lands decision-making are invited to attend and participate in meetings. Additional information regarding NWCOS can be found at www.nwcoss.org or by calling Kristi Parker Celico at 800-842-7485, ext. 5848.

Why is NWCOS Submitting RMP Consensus Scoping Comments?

NWCOS is very interested in the RMP process and appreciates that BLM is willing to actively participate in its meetings. In recent months, NWCOS has spent a great deal of time learning about the BLM RMP process and its strengths and weaknesses. As part of this learning, we have identified two related challenges that are common to the BLM RMP scoping process.

1. Individual Public Comments not Seen in Final Scoping Report. Members of the public submit public scoping comments and BLM records all of these comments. Typically then, BLM or its contractor summarize these comments by category and issue in the main text of the scoping report. Often, individual comments are included in an appendix. This re-framing of the issues in the main text often reduces 100's of pages of sometimes repetitive ideas into a ten-page summary. It also allows BLM to frame the issues at the appropriate level for RMP decision-making and using the language required by laws governing BLM planning processes. For example, a member of the public might comment about their concern regarding access to a particular piece of public property. Since the RMP does not typically address specific pieces of property, this comment will be incorporated, but in the category regarding access to public lands.

Although the individual submitting public comments and BLM synthesizing the comments makes sense in the abstract, it often leads to great public frustration. The public cannot see how their individual comments were incorporated and often feels that BLM did not hear them at step one in the RMP process. Often representatives of the public wonder why they took the time to participate since the bureaucracy ignored them anyway and then simply opt out of participating until the final RMP comes out, at

which point they might pursue legal recourse regarding their interests. BLM ends up equally frustrated as to why community members that care deeply about land issues don't participate in the public process along the way, but instead chose to "hide in the weeds" until a final document is produced.

2. BLM and Community Do Not Reach Agreement on Key RMP Issues. A second concern noted by NWCOS is that BLM's summary of key issues in the scoping report often ends up looking like a laundry list. There is typically no real prioritization of key issues or attempt to seek buy-in from the public on key issues the RMP must address.

Without this initial agreement on what the issues are, BLM and the community are often trying to solve different problems in the same document and thus begin with failure in mind.

Given these two common challenges with BLM's scoping process, NWCOS decided to draft up a short list of key questions that they thought the RMP process must address.

They framed all of their issues in the form of questions to acknowledge that they didn't yet have agreement on how to proceed—but they did have agreement that these are the key questions that must be addressed in the RMP.

How Was This Consensus Achieved?

NWCOS invited all of its 100+ members to complete a survey identifying their key issues and concerns they would like addressed in the RMP. From this survey, NWCOS participants met in small groups to list the issues they would like addressed in the RMP. At this point, BLM provided a tutorial for NWCOS on the level of questions that RMPs typically address and helped the group focus their issues at this appropriate level. NWCOS was able to simplify this list to approximately one page of key questions they hope the RMP addresses. With the one-page document in hand, all NWCOS members were encouraged to attend the public scoping meetings and to see if NWCOS had missed key issues that are of importance to the greater community. With this additional input, NWCOS finalized its scoping comments.

Does NWCOS Speak for the Community?

Although NWCOS is made up of a wide variety of the community that work, live, and/or play in the Little Snake Resource Area, NWCOS does not formally represent the community and BLM will incorporate NWCOS scoping comments into their scoping summary in the same way that they include comments from all members of the public.

NWCOS has no special status. However, in pursuing this task, we hope that we have clarified to the best of our ability what we think are the key issues that NWCOS hopes to address in the RMP process. In other words, that it will help focus our work. And to the extent that it is useful, we hope that members of the public that are not involved in the NWCOS process read this summary and are encouraged to come participate in our endeavor to improve public decision-making on public lands.

874

Thank you for providing an opportunity for the public to comment on what issues should be addressed in the upcoming revision of the Resource Management Plan (RMP) for the Little Snake Resource Area (LSRA) in Colorado. While I may presently live Grand Junction, these areas are very dear to me and I have spent years exploring and photographing these exceptional areas. I lived northwest of Craig and also live and worked in Dinosaur National Monument. I actually find it outrageous that the fate of these areas is still in jeopardy. We successfully held off the dam builders in Cross and Juniper Canyons. We managed to keep the drilling rigs out of some of the most spectacular areas in the days of James Watt. That we now have an administration that is even more hostile to the pristine lands of the west is still no reason to allow the rape of our special places. The LSRA is home to some of the most spectacular elements of Colorado's natural heritage and its unique lands are truly a national treasure. I urge the agency to take great care in deciding the future of the area's array of natural resources and truly provide for multiple uses across the resource area.

875

As a resident of Moffat County for 25 years, I would like to give my input for the development of the Little Snake RMP.

I support the Friends of Northwest Colorado's statement that has been submitted. In addition, I believe that the cultural resources of the Little Snake Resource Area are precious and nonrenewable.

876

On behalf of the several hundred members of Center for Native Ecosystems, we are submitting the following scoping comments for consideration in the development of management alternatives for the Little Snake Planning Area. Our members have a longstanding interest in the Little Snake Field Office due to their recreation in the area and their interest in preserving the native species and biodiversity of the southern Rockies region. We appreciate this opportunity to comment and commend the Bureau of Land Management in undertaking this planning process.

We would like to begin by thanking you and the rest of the Little Snake Field Office staff for your hard work and dedication to the public process around developing the new Resource Management Plan for the Little Snake area. Your commitment to seeking public input and weighing the interests of citizens, including our members, is recognized and appreciated.

Center for Native Ecosystems and its members strongly believe that, through the resource management planning process, the integrity of the Little Snake's natural values must be protected for the long term. We know that for future generations to get the chance to see sage grouse displaying on their lek grounds, rare native wildflowers in bloom, native trout running up a stream, or wild horses running free, we must maintain the health of the larger ecosystems these plants and animals depend on. Therefore, we urge the BLM to adopt a new management plan for the Little Snake area that protects and restores the ecological health of the entire region through the maintenance of healthy wildlife populations, the preservation of the area's most special plants and animals, and the balancing of other land uses such as recreation and resource extraction with the natural values found here.

In principle, we seek a management plan that:

- Maintains and restores healthy ecosystems
- Maintains and restores healthy wildlife populations
- Preserves special plants and animals of the Little Snake Field Office
- Ensures that the stipulations for resource extraction, recreation, and other uses are in line with these principles of ecosystem health and preservation of natural values

To preserve these species and others found in the Little Snake Planning Area, we urge the BLM to adopt a management plan that maintains and restores healthy ecosystems and wildlife populations and protects the special plants and animals of the region. To do this, the BLM should adopt a plan that will provide special management for the special species and places that need it, meet BLM's obligations regarding Sensitive Species, and manage so as to maintain healthy ecosystems and native biodiversity.

More broadly, BLM has a duty to protect the diversity of all native wildlife on public lands by providing for ecosystem-based management. FLPMA requires public land management to protect ecological and other values and also requires that lands be managed for multiple use and sustained yield. 43 U.S.C. §§ 1701(a)(7)-(8). NEPA requires BLM to fulfill its trustee obligation for future generations, assure productive surroundings, avoid environmental degradation, preserve important natural aspects of our national heritage, and enhance the quality of renewable resources. 42 U.S.C. §§ 4331(b)(1)-(6). The Clean Water Act established the objective of restoring and maintaining the chemical, physical, and biological integrity of the Nation's waters, which of course includes the Little Snake Resource Area. 33 U.S.C. § 1251. The ESA establishes the purpose of conserving the ecosystems upon which threatened and endangered species depend. 16 U.S.C. § 1531(b). BLM's livestock grazing standards and guidelines establish standards of ecological health applicable not only to livestock grazing, but to resource management generally. See 43 C.F.R. subpt. 4180. The Clean Water Action Plan establishes the need to manage public lands on a watershed—that is, ecosystem—basis. Read together, these and other legal standards establish that BLM must ensure the ecosystems it manages are fully protected so as to enhance biological diversity.

It is critical to note that biological diversity encompasses far more than just species diversity. Genetic diversity and the diversity of biological communities are also components of biological diversity. Consequently, the RMP should make provisions for maintaining these elements of diversity, although our reservations regarding increasing edge should be borne in mind relative to modifying community level diversity.

It is also critical to note that protecting biological diversity can only be dealt with appropriately at the planning level; it certainly cannot be dealt with appropriately or effectively at a project-specific level. The reason for that is readily apparent:

fragmentation, connectivity and other factors affecting biological diversity are inherently landscape level considerations, not site specific. The project level is simply too small a scale to effectively consider what are inherently ecosystem level concerns and processes. The import of this is that the RMP should establish specific, binding limits on road densities and other disturbances that cannot be exceeded in the planning area. This is the only way to ensure biological diversity is preserved, and that ecosystem attributes are not “nickel and dimed” to death by individually small but cumulatively significant site-specific projects. The BLM should consider bio-regional plans developed by the Heart of the West Conservation Coalition and the Nature Conservancy in assessing broad-scale needs relative to biodiversity protection.

Part and parcel of planning for maintaining biological diversity via ecosystem-based management is a need to ensure that indirect and cumulative impacts of management actions are fully considered. As noted above, the NEPA regulations provide guidance in this regard. Cumulative impacts are the incremental impacts of actions, past, present and future, regardless of whom undertakes them. See 40 C.F.R. §1508.7. Indirect effects of an action are further removed from the action itself, but still are reasonably foreseeable. See 40 C.F.R. §1508.8. See also 40 C.F.R. §1508.25(c). It is worth noting that the ESA provides somewhat similar definitions for these concepts that are applicable to listed species. See 50 C.F.R. § 402.02 (defining actions, action areas, and effects of the action in very broad terms). The RMP EIS must take special care that these “second-order” impacts are fully considered and analyzed if BLM is to meet its legal mandate for ecosystem management and preserving biological diversity. Again, these considerations should not and cannot be left to the project level because the perspective at that point is too constrained to permit meaningful ecosystem level analysis.

Again, Center for Native Ecosystems values the opportunity to provide BLM with these comments. Thank you for your attention and careful consideration. Should you have any questions regarding our comments or the materials referenced herein, please contact us whenever you wish. We look forward to continuing to work with the Little

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These comments are made on behalf of the Rocky Mountain Chapter of the Sierra Club, of which organization I am the Conservation Chair.

The Sierra Club has a wide interest in public land use issues of all sorts. We are relying on our representative on the NWCOS, Rich Levy, to submit comments through that collaborative group on those land use management matters that do not involve RS2477 claims by Moffat County and the management of lands that the Sierra Club (along with other groups) believes have potential to be designated as wilderness. Although some of the draft comments from NWCOS on scoping that I have seen appear to have a bias for resource extraction and local economies and against the protection of wilderness and critical wildlife habitat, we do not have the final scoping comments from that group on hand to make a judgment one way or another. There are certainly many land use management issues outside of wilderness protection that deserve serious examination, and it seems probable that the NWCOS process will make some good scoping recommendations.

879

Thank you for providing an opportunity for the public to comment on what issues should be addressed in the upcoming revision of the Resource Management Plan (RMP) for the Little Snake Resource Area (LSRA) in Colorado. The LSRA is home to some of the most spectacular elements of Colorado's natural heritage and its unique lands are truly a national treasure. I urge the agency to take great care in deciding the future of the area's array of natural resources and truly provide for multiple uses across the resource area.

The LSRA is a special national asset, and it is a privilege to participate in the management planning process. I appreciate your consideration of my ideas about what is important, and I am confident that you will find a way to integrate them into the final plan for this area.

880

This area is a local and a national asset and I appreciate your consideration of my ideas about what is important to me and many others in this state. I am confident that you will find a way to make the best use of this wonderful area for the benefit of all.

I wanted to thank you for providing an opportunity for the public and myself to comment on the upcoming revision of the Resource Management Plan for the Little Snake Resource Area in Colorado. This tract of land is vital to the people of Colorado as it has much scenic, environmental, and cultural importance to our people, as well as providing an important benefit as a watershed and wilderness area.

881

Good day to you. I am writing and asking you to protect Colorado's very precious public lands in northwestern Colorado. Being a fifth-generation Coloradoan and seeing the first hand growth of this state, it would be a welcome site to see the BLM protecting these critical habitats from development and motorized vehicles. These lands need to be preserved so my children and their children can enjoy them as much as I have been able to. Please resist those large oil and gas companies and the politics that they impose on all of us. Thank you for your time. Have a wonderful 2005!

883

1.0 Introduction

My concerns for management of our Public Lands within the Little Snake Field Office (LSFO) jurisdiction, specifically Moffat County, is depicted within this document. My vision of the public lands within Moffat County is the restoration to what it was 150 years ago. While that is not possible, or even desirable, there are some advantages. There was a full range of wildlife and vegetation. Much of that has disappeared. Much of the wildlife can be, and should, be restored. The Canada lynx has been reintroduced within Colorado. Whether historical lynx habitat is on Black Mountain, is open for debate. Bison were surely present. Were wolverines present prior to settlement? Black footed ferrets were here, as were white-tailed prairie dogs. Wolves are beginning to make their way south from the Greater Yellowstone Ecosystem, of which I believe the northern part of Moffat County is the southern end of the GYE. The bottom line here is, we, the BLM and the private sector, need to work together to create a healthy ecosystem. There is not a complete trophic cascade present. One only has to look to Yellowstone National Park to see the effects of a somewhat complete trophic cascade has had on the landscape. It is the result of the reintroduction of a keystone species, canis lupus, the gray wolf. The lack of a complete trophic cascade is evident by the inability to have a successful reintroduction of the black-footed ferret. It does not have a healthy population of its prey species, the whitetail prairie dog. There are people who suggest we are in the third wave of the "Pleistocene-Holocene Extinction Event." I have listed specific issues that I see that need to be addressed. It is not my intent to preclude any activity in this document; I only want to see activities that I have listed, more environmentally conscience in its use of the land. To use a phrase by Aldo Leopold, "Think like a mountain." In modern day terminology, we need to think more biocentrically, rather than an anthropogenically.

7.0 Adaptive Management

Monitoring resources is the backbone of adaptive management (AM). AM will need to be applied to all aspects of BLM activities within the resource area. It will take more time to do the needed field work, but the results will be a healthier ecosystem. Every activity that the BLM does needs to be monitored. Monitoring will reveal all aspects of an activity, both adverse and positive. This will allow the BLM to make changes in the activity, depending on what the monitoring tells the specialist. Am must be

9.3 Pollution

Pollution is a very contentious issue. However, since pollution is a cause for extinction, the BLM must use extreme care to prevent any kind of air, water or land pollution. As an example, it is said that methane coal bed extraction exhaust waters can be very polluted. Therefore, BLM must be very cautious that these operators do not discharge waste waters onto the land or into waterways. There are other industries that have waste discharges. BLM must do the very best to reduce these pollutants.

9.4 Overexploitation

Overexploitation is a very serious issue. In most cases with Federal lands, it is overexploitation of the land. Oil and gas development grazing are the most visible. Not only is over use of the land a detriment, it also destroys habitat. How many species are extirpated from overexploitation? BLM must reduce this very real threat to all taxa existence

9.5 Disease

Whirling Disease and Chronic Wasting Disease are what face BLM today. I am unaware of other flora and fauna diseases at this time. Disease is an insidious killer. We have seen what disease can do to humans. Whole species can be wiped out in a relatively short time. I illustrate the upper respiratory disease syndrome that affected the desert

- tortoise. There was a very significant reduction of this species that warranted listing under the ESA. Also, the black-footed ferret was almost lost due to disease. This can happen in this resource area with different diseases and different species. The BLM must be watchful and attempt to detect diseases early in their infectious stages
- 884 Thank you for listening to the public comments on what issues should be addressed in the upcoming revision of the Resource Management Plan (RMP) for the Little Snake Resource Area (LSRA) in Colorado.
- I've been there and live in CO, I know. Let's try and be forward thinking in CO and put our efforts towards finding other ways to fuel our transportation rather than using the last of what we have left.....what are we going to do when it's gone? Let our kids worry about that?
- The LSRA is a special national asset, and it is a privilege to participate in the management planning process. I appreciate your consideration of my ideas about what is important, and I am confident that you will find a way to integrate them into the final plan for this area.
- 886 Thank you for providing an opportunity for the public to comment on what issues should be addressed in the upcoming revision of the Resource Management Plan (RMP) for the Little Snake Resource Area (LSRA) in Colorado. I urge the agency to take care of Colorado's natural heritage and its unique lands in planning the future, and to truly provide for multiple uses across the resource area.
- 887 As an almost 20 year resident of Moffat County, I would like to give my input for the development of the Little Snake RMP.
- 888 Multiple uses are very important use to keep and maintain in the management plan.
- The RMP should be consistent with the local plans of Moffat County such as the land use and weed management plans.
- 889 Ecosystem health
As reflected in our AMS comments we believe that LSRA has a relative intact and functioning ecosystem. However that system suffers from Pinion- Juniper encroachment and general decadence of the sage brush steppe from the absence of fire. This has adversely affected our preference AUMs as noted by a reduction in carrying capacity in our permit renewal. The BLM is mandated through the Taylor grazing act (TGA), Public Range Land Management Act (PRIA), Multiple Use and Sustained Yield Act (MUSYA) to provide for the stability of the grazing industry. We therefore request that the RMP require a desired plant community and future condition that supports full historic grazing preference AUMs.
We support the reintroduction of fire use, back into the ecosystem by the BLM and Moffat County fire plans. Adequate funding must be secured to implement those plans. Most of the vegetation communities in the LSRA are fire dependant and have been seriously degraded by a history of fire suppression. This action has decreased livestock and big game carrying capacity, lowered ground cover thereby increasing the potential for erosion and imperiling special status species like sage grouse. We recommend developing a desired plant community that enhances and supports all of these uses including livestock grazing.
- On behalf of my family I would like to thank you and the Bureau for the opportunity to provide scoping comments for the Little Snake Resource Management Plan (LSRARMP). We reserve the right to extend our comments in the future. By reference I am including our previous AMS comments into these scoping comments as well.
- Out come based management
We support and encourage the BLM to adopt a simple RMP outlining the desired outcomes (goals) for each resource use. Reject the traditional prescriptive approach. Leave the flexibility to implement those goals to the activity level through the use of adaptive management objectives. The RMP should recognize and support "net affects".
- Multiple Uses

We support the responsible multiple use of public lands by recreation, oil and gas as well as other users so long as they are held to the same standards as grazing users. Specifically we support responsible use and development in vermilion basin that respects our grazing needs.

890

Thank you for the opportunity to provide scoping comments on the revision of the Resource Management Plan for the Little Snake Resource Area. The Colorado Mountain Club (CMC) is submitting two sets of comments. The first set is submitted by a coalition of conservation-based organizations that cover the spectrum of topics listed in the scoping solicitation. The second set of comments is this letter, which provides detailed discussion on travel and recreation. We would also like to incorporate the comments by reference that we submitted in November 2003 on travel management in Sand Wash Basin.

We are dividing these comments into two sections. The first section outlines a series of general concepts related to travel and recreation management that we hope will assist you in crafting the plan revision. The second section focuses on the specifics of travel and recreation management planning, with descriptions of basic tenets and then a detailed outline of a planning methodology. We designed this methodology after working on several travel and recreation management plans on Bureau of Land Management (BLM) lands in Colorado, and have sought and incorporated feedback on the methodology from BLM employees.

5. Strategy to protect natural quiet. Natural quiet is a resource that unfortunately has not often been actively planned for to the detriment of our backcountry lands. However, as development of private lands increases and the hum that accompanies our urbanized existence becomes increasingly present, the importance of natural quiet in the backcountry heightens. We urge the BLM to analyze the impacts of each alternative on natural quiet. The National Park Service has planned for and modeled natural quiet in some of their units, including the Grand Canyon, Rocky Mountain National Park, Hawaii Volcanoes National Park, and Yosemite National Park.

Although it may seem unnecessary under current visitation levels to develop natural quiet standards for seemingly remote BLM lands, such standards will be extremely useful in the future as a tool to manage recreation and resource management concerns in the face of increasing visitation.

Consider distinguishing areas accessible by street legal four-wheeled vehicles and ATVs/dirt bikes. In some areas, limited motorized access for hunting or quiet camping is desirable, yet access by ATVs, dirt bikes, or other thrill-oriented motorized vehicles is not, because these types of thrill vehicles are not compatible with a quiet and natural experience. Consider limiting motorized access in areas where a quiet experience is the desired condition to street legal, four-wheel drive vehicles. Consider as well instituting speed limits on roads that would allow excessive speeds.

(1) BLM should include and implement education and outreach in the plan.

Policy: Once BLM has determined roads and routes that will be open and the limitations that will apply to their use, it is vital for the public to understand these decisions. Compliance with restrictions on travel can only be achieved if the users of the public lands are made aware of them. BLM can achieve this by developing an approach to inform the public of the decisions and ensure that the public understands the distinctions among the variety of roads and routes open, closed or available for limited use (including the types of limitations that apply). This approach must be ongoing and comprehensive throughout the duration of the plan, in order to ensure that the information will be available to and absorbed by the public. If the public is contacted and educated regarding the basis for closures and use limitations, as well as the importance of complying with these decisions, then the objectives for land use underlying travel management decisions are more likely to be achieved and enforcement may be easier for the agency, as well.

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The following comments are submitted on behalf of the National Wildlife Federation and the Colorado Wildlife Federation for consideration during the scoping process for the Little Snake Field Office Resource Management Plan (RMP) revision and associated environmental impact statement (EIS).

The Federal Land Policy Management Act (FLPMA) and related regulations require the Bureau of Land Management (BLM) to manage the public lands and their resources pursuant to an RMP. All future actions on the Little Snake Resource Area must conform to the terms and conditions established in the RMP. Given the importance of

this planning document, BLM must ensure careful adherence to the legal requirements of both FLPMA and the National Environmental Policy Act (NEPA). In addition to strict compliance with the letter of these laws, we encourage BLM to honor their spirit as well. One of the underlying goals of both NEPA and FLPMA is to achieve environmentally sound management of the Nation's lands and natural resources.

With both the legal requirements and the underlying goals in mind, we ask BLM to consider the following comments. The first section of these comments discusses requirements applicable to the scoping stage of any EIS. Next, we ask BLM to ensure the RMP complies with FLPMA's requirement to prevent unnecessary or undue degradation of the public lands. The third section presents several requirements specifically applicable to land use planning as set forth in FLPMA. In the fourth and longest section, we offer a number of our resource-specific concerns regarding the Resource Area and the legal requirements applicable to those concerns that both the EIS and the RMP must resolve. The final section of these comments addresses desired outcomes for the RMP and alternatives that should be considered in the EIS. The Little Snake Resource Area (LSRA) presents exceptional opportunities and challenges for public lands management. BLM faces the delicate task of balancing demands for energy production, economic development, recreation, and preservation of wildlife habitat and wild lands and rivers. The LSRA contains a variety of resources, including: most of Colorado's habitat for the dwindling greater sage grouse; important wilderness-quality wildlands in Vermillion Basin and elsewhere; oil and gas resources; extensive range resources utilized by both livestock and wildlife; and a variety of communities that depend on the area's public lands for a wide variety of economic and recreational needs. We encourage BLM to make the planning process for the LSRA a genuinely open one, and to approach the planning process with the goal of seeking solutions that will affirmatively seek to protect and restore sage grouse habitat, riparian areas, big game ranges, and other wildlife habitats, rather than merely viewing these resources as an impediment to increased energy extraction and livestock grazing levels. In addition, we urge BLM, to the extent it incorporates concepts of adaptive management into its land use plan, to utilize a rigorous and defensible definition of accessible management—one that incorporates clearly-defined targets, a guaranteed commitment of time and resources for necessary monitoring, and adequate provisions in mineral leases, grazing permit terms, and the like to allow for meaningful management changes if necessary to meet defined objectives.

I. REQUIREMENTS APPLICABLE TO SCOPING AND THE PREPARATION OF AN ENVIRONMENTAL IMPACT STATEMENT

The "scoping" stage of preparing an EIS requires BLM to make two determinations: (1) what is the scope of the project – in this case the RMP – to be analyzed in the EIS and (2) what are the issues that will be analyzed "in depth" in the EIS. 40 C.F.R. § 1501.7(a). See also BLM Handbook H-1790-1.V.B.1; BLM Handbook H-1601-1.III.A.1; 43 C.F.R. § 1610.4-1 (requiring scoping for RMPs to comply with Council on Environmental Quality (CEQ) regulations). In addition, other environmental reviews (such Biological Assessments and consultation for species listed pursuant to the Endangered Species Act) should be identified during the scoping process so that they can be completed concurrently with the EIS and integrated with it.

In determining the scope of the EIS, BLM must consider "connected actions," "cumulative actions," and "similar actions." 40 C.F.R. § 1508.25. Connected actions include any reasonably foreseeable activities that would not occur "but for" the authorization provided in the RMP. For example, oil and gas development would not occur but for the decision in the RMP to make lands available for leasing. Thus, the EIS should address the full progression of oil and gas development from the issuance of leases to full field production.

Similar actions include comparable activities on state and private lands in or adjacent to the geographic area of the RMP, as well as these activities on other federal lands in the area. For example, the environmental impacts of oil and gas development on private lands on watersheds or wildlife habitat also impacted by such development on the public lands of the Little Snake Resource Area must be addressed.

Cumulative actions are actions that, when combined, have significant impacts, even if the impacts of each individual activity is minor. Impacts that should be addressed in a cumulative fashion include, but are not limited to: soil and vegetation disturbance, changed habitat structure, habitat fragmentation, and air or water pollution. Such cumulative impacts result from a number of activities authorized on BLM-administered lands and other lands, including oil and gas development, logging, mining, grazing, and off-road vehicle (ORV) use. The EIS must include consideration of both direct and indirect effects of these activities. 40 C.F.R. § 1508.25.1

Regulations adopted by CEQ require a reasonable range of alternatives to be presented and analyzed in the EIS so that issues are "sharply defined" and the EIS provides "a clear basis for choice among options . . ." 40 C.F.R. § 1502.14. CEQ regulations and court decisions make clear that the discussion of alternatives is "the heart" of the NEPA process. Environmental analysis must "[r]igorously explore and objectively

evaluate all reasonable alternatives." Objective evaluation is compromised when agency officials bind themselves to a particular outcome or foreclose certain alternatives at the outset. BLM must use the scoping process to develop alternatives that emphasize needed environmental protection, for example, even if such alternatives limit and/or strongly regulate other actions. BLM's obligations under FLPMA to manage the public lands for multiple uses in a sustained manner and to prevent unnecessary or undue degradation of the lands and their resources demand no less.

BLM must bear in mind that the "primary purpose" of an EIS is to "insure that the policies and goals defined in [NEPA] are infused into the ongoing programs and actions of the Federal Government." 40 C.F.R. § 1502.1. The policies and goals of NEPA include:

Encouraging a "productive and enjoyable harmony between man and his environment," Promoting "efforts which will prevent or eliminate damage to the environment and biosphere," Using "all practicable means and measures . . . to create and maintain conditions under which man and nature can exist in productive harmony . . .," Fulfilling "the responsibilities of each generation as trustee of the environment for succeeding generations," Assuring "all Americans safe, healthful, productive and esthetically and culturally pleasing surroundings," Allowing beneficial use of the environment "without degradation . . . or other undesirable or unintended consequences,"

1 In this regard we ask BLM to consider the report "Fragmenting Our Public Lands, The Ecological Footprint From Oil And Gas Development," The Wilderness Society (C. Weller et al., authors) (September 2002).

Preserving "important historic, cultural and natural aspects of our national heritage . . .," Achieving a "balance between population and resource use . . ." and Enhancing "the quality of renewable resources" and maximizing recycling of depletable resources. 42 U.S.C. §§ 4321-4331; see also BLM Handbook H-1790-1.V. B.2.a(3). Thus, the issues that BLM must identify for analysis in its EIS include the above goals and policies, and we ask BLM to "insure" that these considerations are "infused" into the land management decisions considered in the EIS and authorized by the final revised RMP.

NEPA requires BLM to address a number of other factors that BLM should not overlook as it completes the scoping process for the Little Snake RMP and EIS. NEPA requires the BLM to "insure that presently unquantified environmental amenities and values" are given consideration, "recognize the worldwide and long-range character of environmental problems and thus support international efforts to prevent declines in the world environment," and "initiate and utilize ecological information in the planning and development of resource-oriented projects." 42

U.S.C. § 4332, 40 C.F.R. § 1507.2; see also BLM Handbook H-1790-1.V. B.2.a.(3). In revising this RMP, BLM should consider, analyze, and, wherever appropriate, facilitate international efforts to prevent environmental decline. These include a number of international agreements and treaties for resource protection, such as United Nations biosphere reserves, migratory bird treaties, the Convention on International Trade in Endangered Species, and other international efforts related to biological diversity preservation. Second, the EIS supporting the RMP should explicitly address those environmental values, such as scenery and solitude, for which an economic price is not easily set. Finally, the best available ecological information should be utilized in developing the EIS and RMP.

The BLM NEPA Handbook requires BLM to identify the purpose and need of the project being analyzed. BLM Handbook H-1790-1.V.B.e. According to the Pre-Plan documents prepared by BLM, the primary purpose for revising the Little Snake RMP is to address issues which were not included in the previous RMP, including: developments in the management of wildlife species, including white-tailed prairie dogs, black-footed ferrets, Canada lynx, sage grouse, and grey wolves; wilderness characteristics identified for the Vermillion Basin area; the appropriate management of energy and mineral resources; the creation of the Moffat County Land Use Plan; increased OHV use; appropriate livestock grazing levels, areas, and practices; appropriate balances between cultural site preservation and recreation; and Wild and Scenic Eligibility and Suitability studies for Yampa and Little Snake River segments. We agree that these issues are suitable and important for consideration. Currently, approximately 1.9 million acres of BLM-administered mineral estate within the Little Snake Area are open for oil and gas leasing and development. We hope that BLM will use this planning process as a opportunity to re-evaluate whether it truly is appropriate to allow the industry free reign to determine the course of oil and gas development on majority of the Resource Area.

We also urge the agency to consider carefully whether the existing restrictions on such development and the mitigation measures in place are adequate to protect the other important resource values in the Little Snake Resource Area. We hope that this planning process will be more than simply a surrender to the designs of the oil and gas industry. The issues facing the Little Snake Resource Area provide BLM with an opportunity to make this planning effort a model for preserving non-extractive

resources in the face of increasing oil and gas development pressure. BLM's Land Use Planning Handbook requires BLM to identify desired outcomes or desired future conditions resulting from implementation of the RMP. BLM Handbook H-1601-1.II.B.1.

BLM should determine the desired outcome from oil and gas development and how such development will impact the desired future condition of wildlife habitat, recreation, air and water quality, and energy reserves. Mechanisms available for resolving conflicts between oil and gas development and other resource values should be identified in the EIS and adopted in the RMP. The requirement for BLM to prevent unnecessary or undue degradation of the public lands should propel the choice of these mechanisms. Closure of lands to some uses, such as oil and gas development or logging or grazing, is specifically acknowledged as a means to achieve desired outcomes for other resource values. BLM Handbook H-1601-1.II.B.2.

Moreover, some statutes, such as the Clean Water Act (CWA), the Clean Air Act (CAA), and the Endangered Species Act (ESA), require that where there are conflicts between what may be desirable commodity development and the obligations imposed by such laws, development must recede. The RMP should acknowledge this and make provisions for meeting these legal requirements.

It is rarely possible to obtain perfect information. BLM should not allow this to pre-empt informed decision-making. The agency should gather the best information possible in all but the narrow range of exceptions permitted by CEQ's regulations. See 40 C.F.R. § 1502.22. If BLM concludes that information is not essential to a reasoned consideration of alternatives, or the cost of obtaining the information is exorbitant, or the means for acquiring the information are unknown, BLM must nevertheless present "credible scientific evidence" on reasonably foreseeable significant adverse impacts (including low likelihood but catastrophic impacts) so that the impacts can be assessed based on approaches that are "generally accepted in the scientific community." See 40 C.F.R. § 1502.22(b); see also 40 C.F.R. § 1502.24 (requiring professional and scientific integrity in an EIS).

Monitoring of RMP implementation and the impacts resulting from plan implementation are crucial. A number of legal requirements apply to plan monitoring, and BLM must meet these obligations. See, e.g., 43 C.F.R. §§ 1610.4-9, 1610.5-3; BLM Handbook H-1601-1.IV-VII. Moreover, the RMP should make provision for the effective enforcement of its provisions. The standards and requirements developed in an RMP are mandatory and must be implemented whether or not site-specific projects are pursued. See *Southern Utah Wilderness Alliance v. Norton*, 301 F.3d 1217 (10th Cir. 2002).

II. "IN MANAGING THE PUBLIC LANDS THE SECRETARY SHALL, BY REGULATION OR OTHERWISE, TAKE ANY ACTION NECESSARY TO PREVENT UNNECESSARY OR UNDUE DEGRADATION OF THE LANDS"

This provision from FLPMA is a mandatory requirement applicable to all resource uses and decisions affecting BLM lands. 43 U.S.C. § 1732(b). Consequently, it must serve as a foundation for all analyses in the EIS and all activities undertaken pursuant to the RMP.

"Unnecessary or undue degradation" should not be defined by default. For example, BLM should reject the suggestion that because an oil and gas lease conveys the right to "use so much of the leased lands as is necessary to explore for, drill for . . . and dispose of all of the leased resource . . ." essentially anything an oil and gas lessee proposes to do to develop a lease is permissible. In both its regulations and its standard lease terms, BLM claims to have retained substantial discretion to regulate oil and gas development despite issuance of a lease. See, e.g., 43 C.F.R. § 3101.1-2. What is either unnecessary or undue must be defined on the basis of today's technology not the industry standard of twenty or ten or even five years ago. Finally, BLM must look at the significance of the resources placed at risk in any determination about whether their loss is acceptable under this standard.

III. BLM MUST ENSURE COMPLIANCE WITH THE LAND USE PLANNING REQUIREMENTS OF THE FEDERAL LAND POLICY AND MANAGEMENT ACT
Under FLPMA, land use plans for public lands are to "use and observe" multiple use and sustained yield principles, give priority to designation and protection of areas of critical environmental concern, and provide for compliance with pollution control laws. 43 U.S.C. § 1712(c). See 43 U.S.C. § 1711(a); BLM Handbook H-1601-1.

The Requirement To Manage For Multiple Use And Sustained Yield Has Substantive Components

The definition of multiple use in FLPMA is lengthy. Key provisions include the following: (1) public lands and their resource values must be managed so that they "best meet the present and future needs of the American people;" (2) some land be used "for less than all of the resources;" and (3) all resources must be managed "without permanent impairment of the productivity of the land and the quality of the environment with consideration being given to the relative values of the resources and

not necessarily to the combination of uses that will give the greatest economic return or greatest unit output.” 43 U.S.C. § 1702(c). Sustained yield as defined in FLPMA can be achieved either by “high-level annual” or “regular periodic” output of resources, so long as this is accomplished in a way that can be maintained in perpetuity and is consistent with the definition of multiple use. 43 U.S.C. § 1702(h).

Pursuant to FLPMA, the purpose of this planning process must be to produce an RMP that “best” meets the present and future needs of the American people. What is best now, however, may not meet future needs. Since future needs may be unknown, the only way to “best” ensure that future needs can be met is to develop and select management actions that have a significant margin of safety and flexibility.

Therefore, the preferred alternative for the Little Snake RMP, as identified in the EIS, should emphasize resource conservation in order to preserve future use and users. FLPMA explicitly provides that BLM need not accommodate all resource uses on all lands. BLM must consider the relative value of the resources involved. There are no replacements or substitutes for some resources on the public lands, such as crucial wildlife habitats, cultural and paleontological resources, clean air, clean water, and wilderness-quality lands. As such, they have a greater relative value than resources that can be provided by other means or in other locations. The alternative plans that are developed, and particularly the preferred alternative, must give special emphasis to preserving rare resources.

Since sustained yield can be achieved by providing for regular periodic outputs of renewable resources, BLM must consider this measure of sustained yield rather than just high-level annual measures. Occasional (periodic) outputs of some resources may be far more sustainable than attempts to produce the resource annually, especially at a “high-level.” For example, drought may render livestock grazing unacceptable some years.

In addition to the requirement to manage for multiple use and sustained yield, Congress declared that the public lands are to be “managed in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archeological values . . . as well as to preserve and protect certain public lands in their natural condition and provide food and habitat for fish and wildlife. 43 U.S.C. §1701(a)(8) (emphasis added). Alternatives that do not meet these criteria should be rejected without further consideration.

Noise

BLM should address issues related to noise and its impact on wildlife populations as well as its impact on that sense of solitude many recreationists seek on the public lands. The RMP should provide requirements to minimize the noise created by oil and gas activities, especially the noise from compressors and compressor stations. Noise associated with the use of heavy machinery for mineral extraction and logging should be limited, as well as the engine whine associated with ORV use.

Visual Resource Management

Visual resource management (VRM) classes must be assigned to all public lands as part of the Record of Decision for RMPs. We submit that all areas proposed for wilderness designation, whether citizen-proposed or otherwise, must be designated as VRM I “to preserve the existing character of the landscape.” See BLM Instruction Memorandum 2000-096. Areas within the viewshed of National Trails and WSRs should also be designated as VRM I.

Management actions authorized under the RMP should reflect these VRM classifications. For example, withdrawal from the operation of the General Mining Law and/or NSO stipulations may be required to assure compliance in some VRM I areas.

V. ELEMENTS OF THE RESOURCE MANAGEMENT PLAN STATEMENT OF DESIRED OUTCOMES AND ALTERNATIVES FOR CONSIDERATION IN THE ENVIRONMENTAL IMPACT STATEMENT

Statement of Desired Outcomes

As required by the ESA, BLM should seek to conserve the ecosystems upon which endangered and threatened species depend on in the RMP area. As required by the Clean Water Act, BLM should seek to restore and maintain the chemical, physical, and biological integrity of all waters in the Little Snake Resource Area. Additionally, the plan should seek to eliminate the discharge of pollutants into waters in the Area, “provide for the protection and propagation of fish, shellfish, and wildlife,” and provide for “recreation in and on the water[s].” 33 U.S.C. § 1251(a)(1)-(2). The Clean Air Act declares a national purpose to “protect and enhance the quality of the nation’s air resources so as to promote the public health and welfare . . .” 42

U.S.C. § 7401(b)(1). Pursuant to FLPMA, BLM should ensure that public lands in the Little Snake Resource Area are managed to protect the “quality of scientific, scenic,

historical, ecological, environmental, air and atmospheric, water resource, and archeological values,” as well as ensure compliance with the definitions of multiple use and sustained yield. 43 U.S.C. §§ 1701(a)(8), 1702(c) and (h). No unnecessary or undue degradation of the public lands can be allowed. 43 U.S.C. § 1732(b). BLM’s Fundamentals of Rangeland Health and the grazing standards and guidelines are a blueprint for ecosystem-management-based goals that BLM should apply to all activities in the RMP area. See 43 C.F.R Subpt. 4180. Likewise, the Clean Water Action Plan and Riparian-Wetlands Initiative establish goals for watershed planning that should be adopted in the RMP. The Wilderness Act should provide the desired outcome for all BLM roadless areas, namely they should be managed so that they remain “an area where the earth and its community of life are untrammled by man, where man himself is a visitor who does not remain.” 16 U.S.C. § 1131(c). Taken together, these laws define what BLM’s statement of desired outcomes should be under the revised Little Snake RMP and the RMP itself should ensure such outcomes are implemented on the ground.

Alternatives

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To ensure the above desired outcomes occur, BLM must develop alternatives in the EIS that explicitly incorporate the above legal obligations, and the preferred alternative certainly must meet these legal standards. Alternatives embodying these elements must not be treated as straw men whose only function is to provide “extremes” against which to contrast “moderate” alternatives because all of the elements (affirmative protection of endangered species, restoration of the ecological integrity of the Nation’s waters, etc.) are legally required and have been established as the desired outcome for the public lands by Congress. To the contrary, BLM must provide full, careful, and objective consideration of alternatives embodying these elements. As noted above, under the CEQ regulations, rigorous analysis of all reasonable alternatives is “the heart” of an EIS. Under FLPMA, the chosen alternative must “best” meet the needs of the American people as a whole. FLPMA makes it explicitly appropriate that not all uses be accommodated in all areas, and requires consideration of the relative values of resources that cannot be defined in solely economic terms. While coordination between BLM and local land-use planning is essential, BLM must also not abdicate its own legal responsibilities to manage resources of national importance as required by FLPMA and other governing federal statutes.

Thank you for considering these comments.

Sincerely,

Signed by Kathleen C. Zimmerman Signed by Kathleen C. Zimmerman for:

Kathleen C. Zimmerman Dennis Buechler Land Stewardship Policy Specialist Colorado Wildlife Federation Michael Saul P.O. Box 280967 Associate Counsel Lakewood, CO 80228 National Wildlife Federation 303-987-0400 Rocky Mountain Natural Resource Center 2260 Baseline Road, Suite 100 Boulder, Colorado 80302 303-786-8001

- 897 The most precious of our wild places seem to be under constant attack these days. It's time that we start thinking of future generations, and what legacy we will leave for them. Desert landscapes scarred beyond recognition by off-road vehicles, oil roads, timber access roads and the like, are not my idea of a legacy- more like a crime. Please consider taking action to preserve our heritage.
- 933 Please safeguard the following areas and do not include any oil or gas development or motorized vehicle access. These areas are worth saving for our succeeding generations (IN THEIR PRESENT CONDITION!!!)
These lands belong to the PUBLIC to me and I insist that they be preserved for future generations as they are.
- 934 I am writing to submit my comments in connection with the scoping for the Little Snake RMP revision. I have been a resident of Routt County, CO for in excess of 25 years and during those years have regularly visited the Little Snake BLM lands. I am also writing on behalf of Timberline Trailriders, Inc., a not for profit corporation comprised of over 125 families from northwest Colorado who enjoy off road motorcycling on public lands. We promoted the Timberline Enduro held on Routt Nation Forest land for 23 years. We have facilitated grants in excess of \$500,000.00 to maintain and improve the Hahn's Peak multiple use trail system. A large majority of our members regularly utilize the Little Snake BLM for various recreational pursuits, including, but not limited to, motorcycling, hiking, bicycling, camping and hunting. Please consider the following comments from myself individually and as President of Timberline Trailriders, Inc.:
- SUMMARY
 - keep the area multiple-use friendly
 - avoid the mistakes of the Forest Service in the Forest Plans. They are unreadable,

- unintelligible and attempt to micro-manage every square inch of the lands with restrictive provisions. No member of the public has the time to review and comment on the mass of these designations. Then, having been stuck with the worthless plan, their future flexibility is severely restricted.
- keep the management prescriptions broad and friendly to all future uses. Allow the local management team to have flexibility to deal with future needs reasonably.
- 935 The importance of protecting our Public lands is beyond words. The land and all it encompasses is far too valuable. The cultural, archaeological, geological, paleontological and the wildlife factor, among other far too numerous to mention, require that we look long and hard at the trade-offs we may make.
- Law enforcement- rangers are our only hope of enforcing the protection of our wildlands. BLM needs more than one officer/ranger they are allotted here. The sandwash basin alone needs a full time ranger. We have a large area to protect, additional rangers that know or are willing to know, the area quickly, that know or will know private from public accurately would be invaluable. The ranger we have now is terrific, but she is only one, more eyes, more knowledge, more presence would serve to protect and preserve our public lands.
 - what do we want to leave the generations to come? Death and destruction in the form of oil fields and overgrazed acres? Unwatchable wildlife (because of its absence)? There are other energy sources available, fossil fuels are going the way of the dinosaurs. Lets not ruin mother Earth over a passing fuel source. Let's rather protect her and learn from her about ourselves and leave a beauty, unspeakable, as legacy to our children.
- 949 Impacts effect visitors and natural values in Dinosaur National Monument should be analyzed in the EIS, such im[pacts of oil and gas drilling and impacts of excessive livestock grazing in riparian zones upstream from the monument. The plan should avoid authorizing activities that would harm visitors' experiences in the monument.
- 950 These lands are as vital to the people of Colorado as it has scenic, environmental, and cultural importance to our people, as well as providing an important benefit as a watershed and wilderness area.
- 951 Moffat County appreciates the chance to provide the following scoping comments as a local government, a Cooperating Agency, a member of the community and Northwest Colorado Stewardship (NWCOS). We are encouraged by the Bureau of Land Management's (BLM) effort to involve the citizen interests through NWCOS. This is an important step that we all hope proves fruitful as the Resource Management Plan (RMP) develops.
- In accordance with the September 2,2004 Memorandum of Understanding between Moffat County and the BLM, we are encouraged to assist the BLM in practical aspects of developing the RMP. The County is particularly interested in helping to create an RMP that is consistent with Moffat County planning documents, adequately balances social and economic needs with a healthy and productive landscape, uses local input to develop alternatives, and incorporates valid existing rights throughout the planning process and implementation.
- The attachments accompanying these comments includes supporting documentation for positions Moffat County has taken relative to the following comments.
- 1) County Land Use Plan and other Local Government Plans- In addition to several state and federal Laws, the Code of Federal Regulation, and the National Environmental Policy Act (NEPA), Section 202 of the Federal Land Policy and Management Act (FLPMA) requires consistency and coordination of federal plans with local government plans. Moffat County has numerous position statements and recommended action steps to achieve the County's positions in the 2001 Land Use Plan.
- The County Land Use Plan highlights a significant portion of Moffat County's policies regarding federal land actions and we request full consistency by the BLM with this and the below mentioned planning documents.
- The September 2002, Northwest Colorado Working Landscape Pilot Project outlines a vision for Moffat County's viability which is based on a healthy social, economic, and environmental structure. It outlines Moffat County's desire to enhance ecosystem health and local economic stability through an interactive land management decision-making process across landscapes directly involving all stakeholders. Although this Pilot Project plan is visionary, it identifies a process by which the RMP process will involve the citizens and users of the land affected by the RMP process and outlines a vision for "Adaptive Management."

In addition, Moffat County has a current Undesirable Plant Management Plan, a County Fire Plan, four community-specific Pre-emergency and Wildfire Mitigation Plans, a very specific "Right to Farm and Ranch Policy," and a Master Plan. Moffat County expects full consistency in the RMP with all county planning documents, and any RMP process' or outcomes that are not consistent with them shall be accompanied by a full and detailed explanation as to why consistency did not occur.

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As BLM is aware, the Little Snake Resource Area is home to seven areas that have been proposed for wilderness protection in the Citizens' Wilderness Proposal (CWP). We would like to again thank the little Snake Field Office for listening and considering our views on the protection of CWP lands and for the comprehensiveness of the inventory and report on the Vermillion Basin. The status and management of these CWP lands has been the subject of great discussion over the past decade, and the BLM's re-inventory and finding of wilderness character in Vermillion Basin in particular was the primary motivation for the Little Snake Field Office to initiate an amendment or revision of the area's Resource Management Plan (RMP). This field office has done a tremendous job in working with diverse groups with interests in the management of these lands and has made a bold step forward in the decision to revise the RMP. The public expects the issue of the management of these wildlands to be a major component of the plan revision, and indeed the BLM is legally obligated to ensure that this issue is fully addressed.

Scoping is a critical aspect of this planning process where BLM should have identified protecting lands with wilderness character as a major planning issue in public documents and should have provided the public with full information on existing wilderness character within the Little Snake Resource Area. As we send this letter to the BLM at the close of the scoping period, we feel that these obligations have not been met. We are also concerned that these issues and the opportunity for dissemination of information on the recent BLM inventories finding wilderness character in relation to this RMP revision, despite our continued requests, have been overlooked.

We acknowledge BLM recognized wilderness character in the Notice of Intent published in the Federal Register on November 18, 2004, Lands with wilderness characteristics may be managed to protect and/or preserve some or all of those characteristics. This may include protecting certain lands in their natural condition and/or providing opportunities for solitude, or primitive and unconfined types of recreation.

In addition to the NOI, and recognizing the issue as to whether members of general public read the Federal Register, BLM published other literature to inform the public about scoping and the RMP planning process. BLM drafted two press releases (November 23, 2004 and December 21, 2004) and a planning bulletin (mailed late December 2004) to inform and engage members of the public. The NOI, both press releases and the planning bulletin directed members of the public to a website published in late December to gather further information on the Little Snake Resource Area and the RMP planning process. However, none of these additional sources mention protection of lands with wilderness character as a major planning issue, nor acknowledge the recently re-inventoried lands with wilderness character or its driving force behind why BLM is revising the RMP. Additionally, the BLM prepared numerous handouts and maps that were distributed at the public scoping meetings in northwest Colorado on January 3, 4 and 5, 2005, which were later published on the planning website in late January 2005. While "Should BLM protect wilderness characteristics found in areas outside current WSAs? If so, where and how?" is stated as a planning issue on one of these handouts, the BLM's maps prepared for the meetings did not illustrate the full extent of wilderness character within the resource area including two areas BLM has inventoried and found wilderness character outside WSAs. Moreover, on one occasion described below, these maps were displayed without even illustrating the lands currently managed as Wilderness Study Areas (WSAs) in the 1989 RMP.

Conservation groups raised concerns related to BLM's consideration of wilderness character through scoping in a letter to BLM dated December 21, 2004. We incorporate that letter by reference into these scoping comments and note that BLM received this letter over a month before the close of the scoping period, ample time to respond and address these issues. Despite our requests, at the first public scoping meeting (Steamboat Springs on January 4, 2005) where roughly half of total public scoping meeting attendees visited, the BLM not only failed to disclose the lands the conservation groups have proposed for wilderness designation, but the BLM also failed to disclose the lands BLM has inventoried and found wilderness character including lands currently managed in the 1989 RMP as WSAs and the recently re-inventoried lands in the Vermillion Basin and along the Yampa River.

While information provided in handouts at the public meeting acknowledged that management of lands with wilderness characteristics would be an issue, these public attendees were not available the additional information that there actually are lands within the resource area that contain wilderness character. At the later two public meetings, the BLM corrected this map to illustrate the WSAs retained in the 1989 RMP,

but the "Special Management Areas and Wilderness Characteristics" resource station at all three public meetings, consistent with the maps currently on the RMP planning website, neglected to provide information or illustrate the additional lands BLM inventories have recently concluded contain wilderness character. As a contrast, the public was available detailed information through maps showing grazing allotments, important wildlife habitat, rights-of-ways, existing oil and gas leases, OHV designations, and detailed information of the geologic structures potentially containing coal and oil and gas throughout the resource area.

The need for BLM to immediately address these issues is paramount. We cite numerous missed opportunities above where BLM could have informed the public on the full extent of wilderness character during scoping, yet the only place where information can be found related to the BLM's re-inventory of the Vermillion Basin exists on the general Little Snake Field Office website outside where the public is directed to the RMP planning website. On the general LSFO website, information on the Vermillion Basin's re-inventory can only be read as assuring that issues related to management of those lands will be addressed in a plan amendment (See "Dear Interested Citizen" letter, June 26, 2001). We are concerned that individuals reading the current RMP planning website, in conjunction with this information on Vermillion Basin (supposing they found it), would reasonably conclude that in the nearly four years since BLM announced the intention to initiate a plan amendment, that the issues related to the management of wilderness character in the Vermillion Basin have been resolved. While we encourage the BLM to leave all this information available to the public, the history of the Vermillion Basin and prior attempted planning measures must be made clear. We feel that in not informing the public on the full extent of wilderness character and its management within in the resource area through scoping, the BLM may actually be misinforming the public, though perhaps inadvertently. information regarding existing wilderness character within the resource area should have been widely disseminated during scoping. In light of our requests, and in light of relative ease in which this information could have been included and the detailed information that was provided on other resources, we are left to wonder whether BLM has consciously decided to shield the public from information on existing wilderness character within the resource area or its relation to this RMP revision. Should the BLM decide to change course, providing full information on the BLM's existing wilderness inventories and citizen proposals throughout the planning process will assist the public in understanding values of wilderness-quality lands and the potential effects of other multiple uses on wilderness character. This information will further aid the public in communicating comments or concerns regarding the management of these lands to BLM. In responding to the specific information, BLM will be in a better position to clarify any misconceptions and provide complete responses throughout the planning process.

We ask that, in addition to the resource management issues raised below, the BLM address these concerns and those raised in the December 21, 2004 letter including the following: Why did the BLM decide not to list management of lands with wilderness character as major planning issue? Why issues related to management of lands with wilderness character-specifically after the re-inventory of Vermillion Basin-are never mentioned as a major reason for this RMP revision? And, why did BLM decide not to provide the public information during scoping (through public meetings, documents or through the planning website) that reflects the full extent of existing wilderness character within the Little Snake Resource Area including the recent BLM inventories?

-Inventory and Monitoring Goal:

At the outset of this RMP planning process. BLM must analyze current resource uses, existing inventory data, and fill inventory "gaps" before proceeding to alternative development and NEPA environmental analysis.

In enacting the Federal Land Policy and Management Act (FLPMA), Congress set forth a policy establishing a dual regime of inventory and planning stating, "the national interest will be best realized if the public lands and their resources are periodically and systematically inventoried and their present and future use is projected through a land use planning process... ." 43 U.S.C. 1701 (a)(2) (emphasis added). Furthermore, FLPMA emphasizes ongoing inventory in land planning processes stating, "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.

43 U.S.C. 171 1 (a) (emphasis added). Section 171 1(a) of FLPMA can be read as stating two interrelated principles, the first dealing with the obligation of the BLM to continually inventory resources within the Little Snake Resource Area, and the second

dealing with the use of such inventory in prompting changes in land management. In considering the first principle, BLM must prepare an inventory of the resources within the planning area and must not merely rely on an inventory of the BLM and other agencies' files, often decades old, in the preparation of the Analysis of the Management Situation document. Moreover, the second principle of Section 1711 (a) as well as Section 1701 (a)(2), contemplates the use of this inventory in connection with projecting future land uses and changes in management of the public lands. Since the BLM has already decided (through initiation of this RMP revision and EIS process) to analyze a "change of the management use of public lands," such changes must be grounded on current inventory and baseline analysis of current land uses. In the preparation of management plan, FLPMA provides that the plan should "rely, to the extent it is available, on the inventory of public lands, their resources, and other values." 43 U.S.C. 1712(c)(4).

In light of the obligation under Sections 1711 to continually prepare such inventory, and the national interest stated in Section 1701 that land use planning be tied to periodically and systematically inventoried lands, it is inexcusable that BLM should endeavor to prepare a management plan without the best available understanding of the current resource conditions. While reliance on an inventory for creation of land planning is with the caveat "to the extent it is available," this caveat does not excuse the BLM from the obligations to continually and systematically inventory their lands especially where proceeding with a discretionary land use plan revision where BLM is aware that the current inventory is lacking. The BLM should identify areas through the AMS where inventory data is lacking or has not been maintained on a continuing basis and seek such information before proceeding with the planning process. The BLM's inability to or decision not to acquire such inventory data at the outset seriously calls into question the agency's ability to provide an adequate baseline of the affected environment against which to measure potential environmental impacts or carry forward the purported goal to use principles of adaptive management and monitoring.

Adaptive Management (AM)

Goal: Adaptive managements should strengthen BLM's ability to conserve resources within the multiple use mandate and should not be employed to relieve BLM of specific obligations, restrictions on development, or use of appropriate management tools such as special designations.

We understand the BLM will attempt to employ adaptive or "outcome-based" management (AM) at some level in this management plan. While we are skeptical in several areas of how application of AM in this plan will improve resource conservation and reverse any current trend toward environmental degradation, we do believe that AM, properly applied to various resources, could have beneficial effects. We view AM in its fullest form as providing the BLM a protocol to fully and actively manage the resources beginning with inventory and continuing through monitoring and analysis of impacts.

Our deepest concerns with AM are related to BLM's ability to conduct even the basic monitoring and inventory phases needed for a robust AM plan. While the existence of a community group (namely NWCOS) seems to be one of the largest factors in BLM's decision to move toward AM in this RMP, the BLM has not sought commitment from the group (over the 20 year life of the plan) or expressed plans for convening any federal advisory council to perform any monitoring or analysis functions the BLM currently does not, by itself, maintain adequate personnel numbers to perform.

Another major concern is the integration of AM into the requirements of NEPA in preparation of this EIS and any implementation decision based on this plan or resting on the adequacy of the RMP EIS alone under a DNA. -

When specific agency policy on AM becomes available, we look forward to reviewing and the opportunity of comment on its application to this plan and hope to continue to provide BLM with our comments on AM throughout the planning process. For now, we set forth some general principles of AM and recommendations below that we hope can guide BLM in these early phases of the planning process.

AM should start small and pace development with level of learning.

While the philosophical underpinnings of AM are rooted in not avoiding "prescriptive" management, the early life of the plan should very much limit actions that may cause environmental impact until such a time where inventory, monitoring, and analysis can confirm that the resources are tending toward the desired goal. On the day the ROD becomes effective, the breadth of resources through which the BLM is managing under any AM scheme should be not be too cumbersome for the BLM or any supplementary community or federal advisory group through which the BLM will seek advice.

While we are aware that AM can provide efficiency in approval of agency action, never should such efficiency take place as a result of the BLM's inability to perform the monitoring and analysis that might otherwise direct a recommendation to deny such action. Furthermore, the principles of NEPA still apply, and BLM should seek meaningful public comment on resource commitments. The BLM's ability to attain such

comment is dependent on not only BLM's level of learning through inventory, monitoring and analysis, but also the public's ability to understand how all the pieces of AM fit together in light of the resource and the desired outcomes.

Define in detail what the AM process will and will not address.

BLM should prepare a monitoring protocol that guides whether or not BLM plans to use AM with specific resources. The prep-plan describes an "AM filter" through which BLM will determine which resources, if any, are appropriate for AM. Throughout the planning process the BLM should disclose which resources, if any, BLM believes it can apply principles of AM. The DEIS should also describe the resource in terms of each step of the AM filter so the public can provide meaningful comment on both what resources or actions should be included in the AM process or how the AM filter was not properly applied to a specific resource or action.

Ensure solid baseline prior to starting AM.

BLM should prepare detailed analysis of current inventory status to accompany the EIS that clearly specifies resources and locations for which BLM's lacks inventory data and establishes a timeframe to accomplish inventories for resources or locations where data is lacking. As part of this inventory, BLM should prepare a baseline air quality and analysis report (see discussion of Air Quality under Resource Management below). FLPMA and NEPA require such baseline whether or not the agency is embarking on AM, and the strength of this plan and ability to analyze the environmental consequences of proposed actions relies on an understanding of the current uses and resource conditions (see discussion of Inventory and Monitoring above).

Ensure agency commitment to fund monitoring.

commitment of adequate resources for administration of this AM process Should be an integral part of the "AM filter." Funding commitments should be such that they would support the full implementation of AM and facilitation of any community participation.

The AM plan must not rest on shifting the financial and personnel burden of AM to various user interests or the cooperating community or federal advisory group.

Funding, lack of agency commitment to staffing AM, and industry's lack of enthusiasm to shoulder this financial burden has staggered meaningful AM oversight of development in other resource areas, namely the Pinedale Anticline Project Area, and should not occur in this plan.

Have fallback plan should monitoring or AM process not be fully carried out.

The OPEC definition of adaptive management BLM is currently operating under states AM is a system of management practices based on clearly identified outcomes, monitoring to determine if management actions are meeting outcomes, and if not facilitating management changes that will best ensure that outcomes are met or to re-evaluate the outcomes.

(Prep-Plan at 9-10, ESM03-6) The BLM's Prep-Plan "AM filter" describes the requirement for "clearly defined and measurable performance standards" (Prep-Plan at 10).

Between these two definitions is an area that is so vague as to potentially render AM or its future goals or objectives meaningless. To require that a resource in the AM filter be one of clearly defined standards, yet provide no such requirement as to when or how the outcome would be reevaluated if it were not being met, would leave a gaping hole in a management plan. This is especially troubling if such reevaluation or amending of the desired outcomes would take place outside of preparation of a new EIS or EA through an RMP amendment. Without answering the specific issues as to what is the threshold tolerance or margin of error that will be built into the planning process that would trigger reevaluation of an outcome, we are concerned that clear desired future conditions and impact analysis in the EIS will simply represent a straw man subject to continued re-evaluation without further environmental analysis.

The agency's ability to reevaluate or amend desired outcomes should not be the sole fallback if either the AM process is not working or outcomes are not being met. As stated above, in the early life of this AM plan it would be wise for the BLM to begin slow and pace development with learning. Should the AM process and feedback loop completely fail or stall for a significant duration (such as in the Pinedale Anticline Planning Area), clear management prescriptions must guide the BLM. The BLM should build into the plan situations based on new information, circumstances, regulatory requirements, or discontinued agency funding for monitoring that would trigger a plan amendment or revision under a new EIS. Doing so is the only way to provide confidence that the plan itself can be truly "adaptive" while managing for the multiple use and conservation of resources.

Process should be managed so citizens can actively and effectively participate.

The AM process should be managed so citizens can actively and effectively participate. This resource area is broad; citizens interested in the resources of the Little Snake Resource Area reside across the country; and, involvement of citizen participation in AM process can be both timely and costly to individuals. The BLM should, in addition to seeking funding commitments for fund monitoring and analysis, seek funding for citizen participation.

The BLM should also begin planning now on how the citizen involvement will meet the

requirements of the Federal Advisory Committee Act (FACA), and such planning should not be left to the citizens or community groups wishing to collaborate or advise the BLM.

Northwest Colorado Stewardship (NWCOS)

Goal: BLM should continue to utilize input from, and appropriately support the existence of, NWCOS corroborative group. However, BLM should remain cautious that NWCOS might not provide

A lative cross-section of the interested public for all topics that will be addressed in this RMP.

We commend the forward thinking of this field office in its patience and continued support of NWCOS.

While the BLM has experimented with collaborative approaches to land use planning elsewhere, the long-term commitment of the Little Snake Field Office is evident in its ability to work closely and endure the struggles of the diverse communities of place and interest. The commitment of this field office to collaboration is further evident in scale to which the BLM personnel wish to utilize the collaborative efforts of NWCOS- this RMP revision. The BLM should continue to be clear with NWCOS the relative importance of NWCOS input on various aspects of the planning process, including resource management and more traditional planning issues, while being sympathetic to the complexity of issues its members are wrestling with.

Providing community training on topics such as NEPA, RMP processes, c6rnunity collaboration, and the upcoming socioeconomic workshop provide the community exposure and understanding of the laws and regulations that guide the BLM in the planning process. The BLM should continue to use such trainings where appropriate to educate NWCOS of the "decision space" and clear legal sideboards within which NWCOS is able to function.' Additionally, BLM should regularly monitor NWCOS in the context of the Federal Advisory Committee Act and provide additional training or guidance on these legal sideboards as needed.

Finally, in recognizing that these are public lands managed in the interests of all Americans, BLM should strive to make available all information that is open for NWCOS comment and consideration widely available to all interested members of the public. The BLM should also regularly update the general public on issues and questions the BLM wishes NWCOS to provide input. Generally, the broad requirements of NEPA should be met throughout this planning process, and the use of a local community collaboration should supplement the traditional BLM functions and requirements for broad public participation not supplant them.

' See generally Bureau of Land Management and the Sonoran Institute, A Desktop Reference Guide to Collaboration ,Community-Based Planning

Cooperating Agencies

Throughout this planning process, BLM should disclose the list of areas of expertise or Other qualifications of agencies or local governments seeking or granted cooperating agency status. BLM should provide training to cooperating agencies on their responsibilities, limitations, and duties, and encourage cooperating agencies to establish and share with BLM their internal protocols guiding flow of recommendations or advise to the BLM from within the participating cooperating agencies staff members' given chain of command.

Multiple Use

The definition of multiple use in FLPMA is long, but key provisions include the following: (1) Public lands and their resource values must be managed so that they "best meet the present and future needs of the American people;" (2) It is appropriate that some land be used "for less than all of the resources;" and (3) There must be harmonious and coordinated resource management that is done "without permanent impairment of the productivity of the land and the quality of the environment with consideration being given to the relative values of the resources and not necessarily to the combination of uses that will give the greatest economic return or greatest unit output."

43 U.S.C. § 1702(c). Sustained yield as defined in FLPMA can be achieved either by "high-level annual" or "regular periodic" output of resources, so long as this is accomplished in away that can be maintained in perpetuity and is consistent with the definition of multiple use. 43 U.S.C. §1702(h).

These definitions give substance to the requirement that land use plans and resulting management actions are to use and observe multiple use and sustained yield principles. The purpose of this planning process must be to produce a plan that "best" meets the present and future needs of the American people. The RMP cannot adequately meet these needs, or generally meet these needs, or largely meet these needs, it must "best" meet them. FLPMA explicitly requires that what is "best" must be viewed from the perspective of the present and the future and all alternatives, including the proposed action, must be designed to satisfy this requirement. What is best now may not meet future needs, and since future needs may be unknown in some respects, the only way to "best" insure that future needs are met is to develop and select alternatives that have a large built in margin of safety. To achieve a large built in margin of safety the plan should emphasize resource and ecosystem protection, which will best ensure that future options are retained.

Furthermore, what is "best" must be determined with reference to the needs of the American people as a whole, not a small subset of the American people. FLPMA explicitly provides that the alternative plans that are developed need not accommodate all resource uses on all lands. This provision has special significance relative to oil and gas leasing, exploration, and development because too often essentially all lands are made available by BLM for oil and gas extraction such as in the current 1989 RMP for the Little Snake Resource Area. Therefore, we request that the alternatives developed for consideration in the EIS include a wide range of options relative to allocating lands in this area to oil and gas extraction activities. Moreover, FLPMA provides that areas where less than all resource uses are allowed should be "large enough to provide sufficient latitude for periodic adjustments" to accommodate changing circumstances. 43 U.S.C. §1 702(c).

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

Since sustained yield can be achieved by providing for regular periodic outputs of renewable resources, we ask that BLM consider this measure of sustained yield rather than just high-level annual measures. Occasional (periodic) outputs of some resources may be a far more sustainable means to manage for multiple use in perpetuity than to attempt to produce the resource annually, especially at a "high-level." For example, drought could well make livestock grazing ill-advised and unsustainable in some years if other resource values such as wildlife are to be protected and maintained.

In addition to the requirement to manage for multiple use and sustained yield, Congress declared a policy in FLPMA that public lands are to be "managed in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archeological values" as well as to "preserve and protect certain public lands in their natural condition" and provide "food and habitat for fish and wildlife." 43 U.S.C. §701(a)(8) (emphasis added). Consequently, Congress has made clear that strong environmental protection must be provided through the planning process for these public assets. The EIS should reflect this Congressional guidance in all alternatives that are developed and considered, especially in the plan that is finally selected.

Toxic and Hazardous Wastes and Chemicals; Stormwater Runoff

The use of hydraulic fracturing and the impacts of drilling fluids (muds) and chemicals must be considered in the EIS. Hydraulic fracturing and drilling fluids contain a wide array of chemicals, many of which are clearly toxic or hazardous. The appropriateness of using these chemicals must be addressed in the EIS, and in particular the EIS and the final RMP should ensure compliance with the Clean Water Act, Safe Drinking Water Act, Toxic Substances Control Act, Resource Conservation and Recovery Act, and the Comprehensive Environmental Response Compensation Liability Act (CERCLA-the Superfund) relative to the use of these and other toxic and hazardous substances.

We specifically recommend that, if "fracking" is contemplated, the option of requiring water only - i.e., prohibiting the use of toxic chemicals - be considered. The RMP should provide specific guidance regarding the requirements oil and gas companies must abide by to meet the requirements of these laws, and provide for complete and thorough compliance, monitoring, and enforcement by BLM. Spill prevention and cleanup requirements must be specified, and provisions for collecting and disposing of these wastes must be provided for in detail, again with sufficient monitoring and enforcement to ensure compliance. While Federal pollution and toxic and hazardous waste law may provide some exemptions for the oil and gas industry, BLM still has sufficient authority, and responsibility, under NEPA and FLPMA to require inventory and monitoring of these chemicals, as well as spill prevention, cleanup, and mitigation plans. See, e.g., 43 U.S.C. 1732(b); 43 C.F.R. §§ 3162.4-1(a), 3162.5-1(c)- (d); Onshore Oil and Gas Order No. 1, Ill.G.4.b.(7). See also Executive Order No. 13,016 (delegating authority to land management agencies to enforce CERCLA on lands they manage); BLM Manual MS- 1703 (Hazardous Materials Management). In a related issue, BLM should ensure that oil and gas drilling operations (including well pads) comply with any applicable stormwater discharge requirements, including acquiring NPDES permits, as required.

BLM should work with the EPA relative to regulation of hazardous and toxic wastes generated from oil and gas development activities. EPA's report on the oil and gas extraction industry (see footnote 2) provides information regarding these substances and data on rates of inspection and enforcement actions for this industry. These data show oil and gas extraction facilities receive little in the way of inspection and enforcement relative to the other 29 industrial sectors, despite the significant levels of toxic and hazardous materials used and generated by the industry. The RMP should

make provisions for ensuring that, in cooperation with the EPA, the rate of inspections (and as necessary, enforcement) is increased.

Visual Resources

GOAL: BLM should ensure that scenic value is a resource that is conserved and must establish clear management direction describing areas inventoried and possesses high scenic importance with clearly defined objectives that limit surface disturbance within important viewsheds.

1. Lands proposed for wilderness should be managed as Class I.
2. Lands within viewshed of Dinosaur National Monument and Browns Park National Wildlife Refuge (that are not proposed for wilderness) should be managed as Class II.
3. Lands within popular and the easily accessible vantage points (e.g. Lookout Mountain And Cedar Mountain) should be managed for visual resources, including clear provisions Dealing with oil and gas development and other human disturbance.
4. ACECs should be used to protect scenic landscapes and lookout points within the Resource area with stipulations specifically addressing and managing human development impacts.
5. Existing ACECs for visual resources should be retained with additional management prescriptions addressing human impacts to visual resources and be managed as Class I. It is BLM policy that visual resource management (VRM) classes are assigned to all public lands as part of the Record of Decision for RMPs. The objective of this policy is to "manage public lands in a manner which will protect the quality of the scenic (visual) values of these lands." BLM Manual MS-8400.02. Under the authority of FLPMA, the BLM must prepare and maintain on a continuing basis an inventory of visual values for each RMP effort. 43 U.S.C. § 1701; BLM Manual MS-8400.06. In addition, NEPA requires that measures be taken to ". . . assure for all Americans . . . aesthetically pleasing surroundings." Once established, VRM objectives are as binding as any other resource objectives, and no action may be taken unless the VRM objectives can be met. See IBLA 98-144, 98-168, 98-207 (1 998). The RMP must make clear that compliance with VRM classes is not discretionary.

In order to comply with the laws and regulations, the visual qualities of all lands within the RMP area must be inventoried, and VRM classifications for such lands must be analyzed in the EIS.

We submit that all areas proposed for wilderness designation, whether citizen-proposed or otherwise, must be designated as VRM I "to preserve the existing character of the landscape." This would also be true for any visual ACECs identified during the RMP revision process. Visual sensitivity within these areas is very high; the visual quality of these areas is of deep concern to thousands of individuals and local and national organizations; and any action that would impact visual resources within these areas would be extremely controversial and typically unnecessary or undue.

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

Cumulative Effects Goal: The BLM should address in a comprehensive manner the "connected," "cumulative," and "similar actions" associated with the variety of human activities including regional oil and gas development. 27 Profile of the Oil and Gas Extraction Industry, EPA Office of Compliance, Sector Notebook Project, October 2000.

In order to take the "hard look required by NEPA, BLM is required to assess impacts and effects that include: "ecological (such as the effects on natural resources and on the components, structures, and functioning of affected ecosystems), aesthetic, historic, cultural, economic, social, or health, whether direct, indirect, or cumulative." 40 C.F.R. § 1508.8. (emphasis added). To ensure that the combined effects of separate activities do not escape consideration, NEPA also requires BLM to consider cumulative environmental impacts in its environmental analyses. See *Davis v. Mineta*, 302 F.3d 1104, 1125 (10th Cir. 2002); see also *Grand Canyon Trust v. Federal Aviation Admin.*, 290 F.3d 339, 345-47 (D.C. Cir. 2002). The NEPA regulations define "cumulative impact" 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.

40 C.F.R. § 1508.7. (emphasis added). The analysis of impacts included in the FEIS does not adequately address the cumulative impacts of oil and gas operations within the region

or the impacts inherent in the proposed action. -Based on these regulations, the EIS must provide useful analysis not only of the indirect effects of the proposed action, but also of these effects in combination with past, present, and future actions. City of Carmel-By-The-Sea v. U.S. Dept. of Transp., 123 F.3d 1142, 1160 (9th Cir. 1997). As the court in Grand Canyon Trust 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. For determining the scope of the impacts associated with the likely impacts of a project, the Council on Environmental Quality's regulations require that federal agencies consider "connected actions" and "cumulative actions" together with "direct" and "indirect" impacts (40 CFR 5 1508.25). According to NEPA connected actions are those that:

1. "automatically trigger other actions" which may require an EIS;
2. actions that cannot or will not proceed without other previous or simultaneous actions; and,
3. actions that are "interdependent parts" of a larger action and "depend on the larger action for their justification." (emphasis added, 40 CFR § 1508.25(a)).

Additionally, the CEQ regulations define similar actions as those which "have similarities that provide a basis for evaluation their environmental consequences together, such as common timing or geography." Currently, there are proposals to construct two interstate pipelines bisecting the Little Snake Resource Area, one a 330 mile 42 inch pipeline with the initial capacity of 1.3 billion cubic feet/day (See Entrega Gas Pipeline Project, FERC, Docket No. PF04-7-000) and the second a 143 mile 24 inch pipeline (See Piceance Basin Expansion Project, FERC, Docl,et No. PF04-13-000). These projects are associated with development similar, in both timing and geography, to that which is occurring within this resource area and will provide increased transmission capabilities reasonably foreseeable to be connected to this resource area and increased development south of the Little Snake Resource Area. The unprecedented development already approved in the Piceance basin to the south, along with all ongoing oil and gas projects in southwestern Wyoming, should be considered as BLM analyzes impacts of development within this resource area. There are regional impacts this EIS must consider, in terms of changes to the water quantity and quality, and cumulative impacts to the common airshed, to which oil and gas projects in northeastern Utah, northwestern Colorado, and southwestern Wyoming all contribute in common. Because these environmental parameters share a common geography, BLM must analyze 4 of the impacts that affect them. Similarly, changes to the environmental parameters will affect the core habitat and linkages that : re critical for survival of wildlife and vegetation in this region. While federal agencies have considerable discretion in determining the scope of a NEPA document, there are situations where an agency must consider several related actions in a single NEPA document. In Fritiofson v. Alexander, the U.S. Court of Appeals for the Fifth Circuit held that in a cumulative impact analysis, an agency should consider7(1) past and present actions without regard to whether they themselves triggered NEPA responsibilities and (2) future actions that are 'reasonably foreseeable,' even if they are not yet proposals and may never trigger NEPA-review requirements. 772 --F.2d 1225, 1245 (5th ~i;, 1985). i h e cob stated: Sections 1508.7 and 1508.27 require an analysis, when making the NEPA-threshold decision, as opposed to the EIS-scoping decision, whether it is "reasonable to anticipate cumulatively significant impacts" from the specific impacts of the proposed project when added to the impacts from "past, present, and reasonably foreseeable future actions," which are "related" to the proposed project. The regulation does not limit the inquiry to the cumulative impacts that can be expected from proposed -- projects; rather; the inquiry also extends to the effects that can be anticipated from "reasonably foreseeable future actions." Id. at 1243 (emphasis added). In this case, BLM's obligation to analyze impacts extends beyond the -immediate impacts of the project at hand to include the cumulative impacts of the project, taken together with the impacts of existing, proposed, or reasonably foreseeable projects, on the environment. in doing so, the BLM must describe and analyze such impacts beyond the borders of the Little Snake Resource Area. North of the Little Snake Resource Area, in Wyoming BLM is currently evaluating or has approved a number of oil and gas projects pending in the Washakie Basin of the southern Red Desert, including those summarized in the table below:

The distribution of these projects in the Red Desert and in geographic relation to the Little Snake Resource, as well as their relationship to sage grouse leks and big game habitat, Birthing grounds and migration routes within this resource area are illustrative of the need to address the regional impact!~ of development. Each of these projects will have a connected and cumulative effect on resources ranging from elk and pronghorn herds to bird of prey populations, sage grouse populations, air quality, water quality (and erosion and sedimentation), and overall potential for primitive recreation and hunting opportunities in the area. Therefore, the impacts of these projects and similar project:: in Colorado, Utah and Wyoming should be taken into account as part of the analysis of cumulative impacts associated with the additional development of the EIS. A failure to include a cumulative impact analysis of actions within a larger region will render NEPA analysis insufficient. See, e.g., Kern v. U. S. Bureau of Land Management, 284 F.3d 1062, 1078 (gth Cir. 2002) (analysis of root fungus on cedar timber sales was necessary for entire area).

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

Under the CEQ regulations, rigorous analysis of all reasonable alternatives is "the heart" of an EIS. Under the FLPMA, the chosen alternative must "best" meet the needs of the American people as a whole. FLPMA makes it explicitly appropriate that not all uses be accommodated in all areas, and requires consideration of the relative values of resources, which cannot be defined in solely economic terms. The elements of an alternative outlined here are appropriate and reasonable under these standards, and thus should be fully considered in the EIS and adopted by BLM in the RMP.

If you have any questions, or need help locating the various references not included in hard copy with these scoping comments, please feel free to give me a call at 970.871.5241.

953 One question I have is, when you come out with your "4terr@ive", will the public be given an opportunity to comment on these alternatives? I believe that this is a very important part of your process. I look forward to following the development of your plan. (3mld you keep me informed of important decisions made? In light of resource preservation, protecting native wildlife, plants and plant communities, protecting wilderness values in special areas, protecting visual resources and landscapes, restoring heavily impacted areas, limiting OHV use to designated roads and providing areas for non-motorized recreation opportunities, I see this management plan revision 8s a great opportunity to set the example in a responsible, well-thought out plan for future management of the BLM Little Snake area.

954 Thank you for holding a Little Snake Open House in Steamboat Springs as part of your scoping process January 4,2005. I found the people and materials very informative. I have had a long involvement and love affair with the BLM lands under the management of the Little Snake Field Office. These places are one reason my wife and I moved to Steamboat five years ago. I have enjoyed hunting and photographing this high plains region for close to fifty years. As a biologist and educational film producer working with various land use agencies I have had many opportunities to study and record the area. In general my observations are that the area has been well managed. This may be because human populations have never been high, and the region is not close to big population centers. No doubt in the future population pressure will increase and should be

955 On behalf of the several hundred members of Center for Native Ecosystems, we are submitting the following scoping comments for consideration in the development of management alternatives for the Little Snake Planning Area. Our members have a longstanding interest in the Little Snake Field Office due to their recreation in the area and their interest in preserving the native species and biodiversity of the southern Rockies region. We appreciate this opportunity to comment and commend the Bureau of Land Management in undertaking this planning process. We would like to begin by thanking you and the rest of the Little Snake Field Office staff for your hard work and dedication to the public process around developing the new Resource Management Plan for the Little Snake area. Your commitment to seeking public input and weighing the interests of citizens, including our members, is recognized and appreciated. Center for Native Ecosystems is a non-profit conservation organization dedicated to protecting imperiled species and their habitat throughout the greater Southern Rockies region. We seek to preserve native biodiversity and restore natural functioning to ecosystems of all kinds. We are concerned about the lands within the Little Snake Planning Area due to their high biological value for many species as well as their representation of native ecosystems, including many rare, sensitive, and imperiled species. In many ways, the Northwestern corner of Colorado contains some of the most unique landscape in all of the state.

Center for Native Ecosystems and its members strongly believe that, through the resource management planning process, the integrity of the Little Snake's natural values must be protected for the long term. We know that for future generations to get the chance to see sage grouse displaying on their lek grounds, rare native wildflowers in bloom, native trout running up a stream, or wild horses running free, we must

maintain the health of the larger ecosystems these plants and animals depend on. Therefore, we urge the BLM to adopt a new management plan for the Little Snake area that protects and restores the ecological health of the entire region through the maintenance of healthy wildlife populations, the preservation of the area's most special plants and animals, and the balancing of other land uses such as recreation and resource extraction with the natural values found here.

In principle, we seek a management plan that:

- Maintains and restores healthy ecosystems
- Maintains and restores healthy wildlife populations
- Preserves special plants and animals of the Little Snake Field Office
- Ensures that the stipulations for resource extraction, recreation, and other uses are in line with these principles of ecosystem health and preservation of natural values

It is critical to note that biological diversity encompasses far more than just species diversity. Genetic diversity and the diversity of biological communities are also components of biological diversity. Consequently, the RMP should make provisions for maintaining these elements of diversity, although our reservations regarding increasing edge should be borne in mind relative to modifying community level diversity.

It is also critical to note that protecting biological diversity can only be dealt with appropriately at the planning level; it certainly cannot be dealt with appropriately or effectively at a project specific level. The reason for that is readily apparent: fragmentation, connectivity and other factors affecting biological diversity are inherently landscape level considerations, not site specific. The project level is simply too small a scale to effectively consider what are inherently ecosystem level concerns and processes. The import of this is that the RMP should establish specific, binding limits on road densities and other disturbances that cannot be exceeded in the planning area. This is the only way to ensure biological diversity is preserved, and that ecosystem attributes are not "nickel and dimed" to death by individually small but cumulatively significant site-specific projects. The BLM should consider bio-regional plans developed by the Heart of the West Conservation Coalition and the Nature Conservancy in assessing broad-scale needs relative to biodiversity protection. Part and parcel of planning for maintaining biological diversity via ecosystem-based management is a need to ensure that indirect and cumulative impacts of management actions are fully considered. As noted above, the NEPA regulations provide guidance in this regard.

Cumulative impacts are the incremental impacts of actions, past, present and future, regardless of whom undertakes them. See 40 C.F.R. 51508.7. Indirect effects of an action are further removed from the action itself, but still are reasonably foreseeable. See 40 C.F.R. § 1508.8. See also 40 C.F.R. #1508.25(bc). It is worth noting that the ESA provides somewhat similar definitions for these concepts that are applicable to listed species. See 50 C.F.R. 5402.02 (defining actions, action areas, and effects of the action in very broad terms). The RMP EIS must take special care that these "second-order" impacts are fully considered and analyzed if BLM is to meet its legal mandate for ecosystem management and preserving biological diversity. Again, these considerations should not and cannot be left to the project level because the perspective at that point is too constrained to permit meaningful ecosystem level analysis.

Again, Center for Native Ecosystems values the opportunity to provide BLM with these comments. Thank you for your attention and careful consideration. Should you have any questions regarding our comments or the materials referenced herein, please contact us whenever you wish. We look forward to continuing to work with the Little Snake Field Office throughout the planning process.

956

The Rocky Mountain Recreation Initiative (RMRI) works to protect Colorado's wild backcountry from high impact recreational uses such as off-road vehicles, by promoting recreation planning that incorporates biological principles and the habitat needs of wildlife. The Little Snake Resource Area (LSFO) contains outstanding BLM open space and wildlife security areas, rare to find in roaded and developed landscapes elsewhere Colorado. The LSFO is therefore of great interest to RMRI. We appreciate the opportunity to provide scoping comments on the LSFO Resource Management Plan (RMP) revision. RMR17s scoping comments will focus on travel planning aspects of the RMP revision.

BLM Public Land Health Standards

We recommend that the RMP travel planning process start with an assessment of how well the resource area is meeting BLM State Public Land Health Standards for soils, vegetation, riparian areas, wildlife habitat and water quality. The RMP should then lay out specific measures for assuring compliance with these standards, including the establishment of maximum road and trail densities necessary to prevent undue degradation of resources and habitat fragmentation (and accounting for future oil and gas leasing roads and other development).

We note that with 28% of BLM lands assessed statewide as of 2001, 32% of Colorado BLM lands did not meet the Land Health Standards and 51% were in fair or poor condition. Only 48% of riparian habitat statewide is in proper functioning condition and 40% of BLM lands have weed infestation (Report on the Health of Public Lands in Colorado, January 2001, DOI, BLM).

Conclusion

In closing, we would like once again to thank LSFO for the work you are doing to revise the 1989 RMP. We look forward to continuing to work with you on travel planning

958

On behalf of our members and our associations we wish to provide the following comments on the revision of the Little Snake Resource Management plan (LSRMP).

Outcome based management

We encourage the BLM to reject the prescriptive form of management and adopt a RMP based on desired outcomes. The RMP should allow the flexibility and the use of adaptive management to achieve those outcomes. This will lessen the regulatory burden placed on permittees and encourage innovation as well as cooperation.

Net effects

BLM lands are intricately linked with the private lands and the social and economic aspects of our communities. An example of this relationship is when private lands are retained in open space, which benefits wild life and are in many permittee's cases, directly attributable to continued access to grazing on public lands. Therefore the concept of net effects needs to be taken into account when analyzing decisions.

Local plans

We support the BLM in being consistent with local plans. Specifically, Moffat County's Land Use plan, Right to Farm Ordinance, Weed management plan and Fire plan.

959

The Nature Conservancy respectfully submits the attached Scoping Comments for consideration in the Little Snake Field Office (LSFO) Resource Management Plan Revision.

The Nature Conservancy is an international conservation organization dedicated to preserving the plants, animals and natural communities that represent the diversity of life on Earth by protecting the lands and waters they need to survive. The Nature Conservancy has an organization-wide commitment to working with partners to accomplish this mission in a science based, collaborative manner.

Working with partners to take a proactive, science-based approach to conservation planning, The Nature Conservancy has completed assessments of the biological resources of the region containing the LSFO Planning Area. These analyses identify the LSFO Planning Area as supporting species and habitats which are important in a region wide, and world wide context.

With the input of the best available data and knowledge from the Wyoming, Utah and Colorado Natural Heritage Programs, and a range of private, academic, state and federal scientists and land managers, The Nature Conservancy has identified the species and plant communities within this region and within the LSFO Planning Area.

This special attention is warranted because these species, plant communities and systems are documented to be endemic, vulnerable, declining and/or imperiled. These analyses support the importance of the species that the Bureau has listed as Special Status Species in Colorado, and also identify some additional species and plant communities in need of special management attention.

In addition to identifying species and habitats of concern, our analyses have identified an array of geographic areas which optimize inclusion and coverage of the largest number of these species and habitats for conservation. These areas represent one scenario that, with appropriate management, could conserve these species and habitats in an efficient manner. However, it is not the only such array that could be identified, and we would welcome the opportunity to work with your planning team to provide a more thorough explanation of how these analyses were conducted.

Our hope is that these scoping comments will highlight information and issues that can enhance the LSFO staff's ability to make wise and balanced resource management decisions.

Management Concerns

The following are some management concerns that should be addressed to ensure the successful development and implementation of a scientifically credible LSFO RMP:

A. Will the LSFO RMP utilize the best and most current available scientific information on the special status species occurrences, distribution and habitat trends? (Colorado Natural Heritage Program, Colorado Division of Wildlife, Rocky Mountain Bird Observatory, etc.)

B. Is there a system in place to regularly update the information on special status species occurrences and threats to those species and their habitats?

- Small amounts of lands either BLM or private should be bought or sold. When lands are developed every effort should be made to keep surface damage to a minimum. Weed and land control a must.
- 105 As our population increases so does our need for public land. Yet public land is being sold off at an alarming rate. This land should be considered sacred for not only the current generation but generations to come.
- * Public land should not be sold or traded.
- 386 BLM exchange for lands- not a bad idea. Do not sell BLM lands otherwise, unless surrounded by private and trades do not work. Public access must be maintained. Lets watch gas and oil develop responsibly. We can't have wells every few hundred feet. Lets preserve hunting and recreation areas- our best assets
- 873 Valid Existing Rights: What valid existing rights are present within the LSRA? How, if at all, will the RMP affect and be affected by these valid existing rights?
- 876 It may be impossible to fully protect biological diversity (and to effectively manage many other resources) without considering other landowners and landholdings, including the State Land Board sections, within the RMP area. Therefore, we request that the EIS consider other landholdings relative to BLM's efforts to protect biological diversity and other resource. Land exchanges could be warranted in some circumstances, and if so the RMP should provide for initiating any needed legislative authority or other processes. The Land and Water Conservation Fund, as well as the Land Conservation, Preservation and Infrastructure Improvement Fund, are two funds that might allow acquisition of important inholdings, or other lands, in fee simple or perhaps via other mechanisms such as conservation easements. The RMP should establish a program or at least guidance for how BLM will attempt to work with other landowners relative to biodiversity protection efforts, and make provision for accessing funding needed to implement those efforts.
- 889 Agricultural Trespass
Lands with Ag trespass should be designated for disposal to the affected landowners based on net affects.
Valid existing rights
The RMP must consider and recognize all valid rights and their impacts on the plan. These rights include but are not limited to: Water & ditch rights, Public rights of way including stock drive ways, and the prior right of grazing use (preference).
Local plans
We support the BLM being consistent with local plans
- 931 It should be BLM policy to block up Federal land, in areas of fragmented ownership, through exchanges and sales with adjacent private owners. This would greatly improve manageability for all and reduce trespassing problems for private land. Current grazing permit holders should be given preference for exchanges involving those permits.
- 934 - the only lands considered for exchanges should be isolated tracts
- are you showing bias by indicating some public lands have a greater "value" than others?
- all public lands have public value and should remain open and available to multiple uses.
-purchase of in holdings in a course of action that should be reasonably pursued, provided the seller is truly willing
- strong arm tactics such as utilized by the Dinosaur NP staff in attempting to drive out the Mantel Ranch must be avoided.
- all historic access to BLM lands across private lands should be vigorously defended. Too often public agencies fail to fight for historic rights of way that are well established under colorado law.
- condemnation of rights of way should also be effectively used. The public lands must be reasonably available to the public. Backing down to the groundless demands of private land owners should be avoided.
- all of the traditional and historic roads and tracts from Highway 318 and Irish Canyon must be preserved or reopened.
- 955 It may be impossible to fully protect biological diversity (and to effectively manage many other resources) without considering other landowners and landholdings, including the State Land Board sections, within the RMP area. Therefore, we request that the EIS

consider other landholdings relative to BLM's efforts to protect biological diversity and other resource. Land 2 - o r more information about wildlife linkages in the Little Snake Planning Area see the Heart Of the West Conservation Vision. which we incorporate by reference and was submitted under earlier cover by Center for Native Ecosystems. exchanges could be warranted in some circumstances, and if so the RMP should provide for initiating any needed legislative authority or other processes. The Land and Water Conservation Fund, as well as the Land Conservation, Preservation and Infrastructure Improvement Fund, are two funds that might allow acquisition of important inholdings, or other lands, in fee simple or perhaps via other mechanisms such as conservation easements. The RMP should establish a program or at least guidance for how BLM will attempt to work with other landowners relative to biodiversity protection efforts, and make provision for accessing funding needed to implement those efforts.

958

Valid existing rights
 We support the recognition by BLM that valid existing rights exist on public lands within the LSRA some of which predate the creation of the BLM. These include but are not limited to: Public rights of ways, Water rights including ditch and reservoir, the prior right of use by grazing permittees (Preference), Specific rights associated with the BLM leases or permits and Utility corridors.

Land Boundary adjustments
 Where there are agricultural trespass situations we support the BLM selling or exchanging those lands with the effected land owners.

Livestock Grazing

Comment Number

Comment

- 62 Permitted AUMs remain at current levels. Permitted preference not to be reduced or "taken off the books". I may not put the maximum amount of cattle because of the draught, but I don't want to lose the right to use that amount in the future.
 - Retain full preference AUMs on grazing permits.
- 69 - set aside areas for wild horses and keep vehicles away from their watering holes
- 77 Please do a little more study on our own, so called wild horses out there as those horses aren't too wild. There are groups out there that would like to see sand wash shutdown for OHV because of them. I've seen them grazing by oil drilling rigs out there- Not too wild to me.
- 104 cut all grazing by 1/2 this year and by 10% each year thereafter.

 1.3 million acres in this proposal should be saved for those wild horses. throw the rich cattle barons off the land with their environmentally destructive cattle. I see no reason for them to rent land for \$5.00 acre a year when that is so cheap it doesn't cover the degradation their cattle do.
- 390 grazing permits should be open to public review and comment and monitored by the BLM in a timely fashion and enforced.
- 869 Some, but not all, of the grazing lease holders within the LSRA have quite severely over used their allotments for years. And while they all claim to be good stewards of the land, the evidence to the contrary is overwhelming. I do feel that for these people they are so used to what they see every day that it is normal to them. If they could be shown well managed allotments perhaps they might get the message.
- 870 It is also evident that there is severe overgrazing damage of the resource area. I recommend that leases be more carefully monitored or cut back so that damaged areas can begin to recover. There have been many decades of overgrazing that some of the "stewards" are apparently unaware of.
- 873 Grazing: What is the current landscape condition of livestock grazing allotments?

What is the desired future condition to sustain and enhance livestock grazing allotments? Which areas are appropriate for livestock grazing and under what conditions? What indicators should be monitored using best available science to determine if desired future conditions are being met?

883

5.0 Grazing

5.1 Introduction To Grazing

For many years, this author has advocated managed grazing. As a former member of Colorado Riparian Association, I was exposed to many different grazing practices. Moreover, I took a three day seminar in Rock Springs, Wyoming (1998), on managed grazing, by Miles Keogh (after Allan Savory). Keogh advocated moving livestock to a different pasture as the stubble height approached threshold height. What his premise was, "Intensive grazing over a short duration." Applying Keogh's premise, I raise the following issues that the BLM should address during the RMP revision. My concern is for better range health.

5.2 Grazing Issues

° Grazing allotments shall be divided up into smaller "sub-allotments" so that grazing can be managed.

° Grazing shall be managed by the of stubble height of the particular sub-allotment, rather than the time in the sub-allotment. When the stubble height reaches a predetermine threshold, the livestock shall be moved to the next sub-allotment.

° Grazing shall be controlled in riparian areas. Close attention shall be given to sedge stubble height.

° Willow and cottonwood shall be monitored closely to ascertain foraging damage. When damage reaches a pre-determined threshold, livestock will be excluded from that particular riparian zone.

° Livestock must have access to water. However, water quality must remain as high as possible. Livestock must not stand in the middle of the water source for extended periods of time. It is suggested that off-channel watering be developed by the BLM and allotment permit tees.

° If it is found that livestock are not utilizing the off-channel watering facilities, the area must be fenced to exclude the livestock from the water source.

° Gaps in the riparian zone may be utilized for livestock water crossings. If gaps do not occur naturally, BLM and the permitted may develop water crossings in appropriate locations.

888

Grazing is a historic use of both Douglas Mountain and Vermillion basin. The BLM is required under national laws to support grazing. The RMP plan should support our full grazing preference and the management actions needed to continue

889

Livestock Grazing

BLM must support and enhance livestock grazing operations as required by TGA, PRIA, and MUSYA. To that end we request that the RMP support the development of a desired future condition for the range land that sustains and enhance the livestock industry and at a minim maintains historic grazing allocations.

Livestock grazing on public lands directly contributes to the continuation of private lands in open space the BLM RMP must consider and recognize this interrelationship in its decisions.

891

Livestock Grazing¹³

Livestock grazing has had profound adverse impacts on wildlife and the public lands. See 43 U.S.C. §§ 1901(a)(1) (determining that "vast segments" of the public rangelands are in unsatisfactory condition), 1751(b)(1) (finding that much federal rangeland "is deteriorating in quality"). Recognizing this, BLM adopted standards and guidelines for grazing administration in 1995 that were designed to restore and protect range health and degraded range conditions. See 43 C.F.R. Subpt. 4180. The RMP should provide a clear and binding schedule for ensuring that the three steps the grazing rules establish for determining if grazing needs to be modified are accomplished in a timely manner.¹⁴

For allotments that have already been assessed, provision should be made in the RMP for future assessments and determinations—the standards and guidelines are intended to be an ongoing, prominent factor in grazing management, and the Fundamentals of Rangeland Health are continuing requirements.¹⁵

BLM's own (partially-completed) Landscape Health Assessment for the LSRA shows that some seven of ten landscape areas evaluated to date are not meeting standards and guidelines for riparian/wetland areas and for native species.¹⁶ In addition, as discussed elsewhere, only 27% of streams evaluated within the LSRA are currently in properly-functioning condition. Although livestock grazing is by no means the sole cause in every case of poorly or non-functioning riparian areas, it is a significant contributing factor in many cases. BLM's own draft Management Situation Analysis

indicates that it has taken little or no action on grazing-related objectives, monitoring tasks, or development of Allotment Management Plans as prescribed in the 1989 RMP.¹⁷ The new RMP should make meaningful, enforceable commitments to address

13 BLM's standards and guidelines and the Fundamentals of Rangeland Health addressed in this section have potential applicability and utility for properly managing all resource uses in the Area. For example, many standards and guidelines and the Fundamentals of Rangeland Health would be appropriate as stipulations to oil and gas leases to ensure against unnecessary or undue degradation. Consequently, as part of this planning effort, the BLM should consider what changes if any are needed to extend the standards and guidelines and Fundamentals of Rangeland Health to all other programs, and the RMP should provide for their adoption as requirements to guide all future management activities and decisions. The standards and guidelines, and the Fundamentals of Rangeland Health provide a convenient means to meet many of the requirements highlighted in these comments.

14 The three steps are: assess rangeland health, determine if grazing is a significant factor causing unhealthy rangelands, take appropriate actions to eliminate or modify grazing by the start of the next grazing season.

15 It is also worth noting that pursuant to the Public Rangelands Improvement Act (PRIA), "the goal" of rangeland management "shall be to improve the range condition of the public rangelands . . ." 43 U.S.C. § 1903(b) (emphasis added).

16 Draft AMS at 3-3 to 3-4.

17 Draft AMS at 4-7.

and manage the impacts of livestock grazing practices on rangeland health, particular the health of riparian areas.

We also ask that BLM address compliance with the "Comb Wash Decision" in the EIS and the RMP itself. *National Wildlife Federation v. BLM*, 140 IBLA 85 (1997). This decision not only affirmed the longstanding rule that NEPA requires the BLM to analyze the site-specific impacts of grazing, it must also engage in "reasoned decision-making" on the question of whether to allocate lands and associated resources to this particular use. The EIS should include the required analysis of site-specific impacts of grazing and the required discussion of the balancing of values that will ensure that grazing best meets the present and future needs of the American people. As noted above, this balancing is required so as to meet the requirement that public lands are managed on the basis of multiple use and sustained yield. See 43 U.S.C. §§ 1702(c), 1732(a). The Comb Wash Decision held that this balancing is mandatory, and the plan should reflect both that this balancing was carried out and what its results were, on a site-specific basis.

In accordance with the standards and guidelines, the Comb Wash Decision, and provisions in the FLPMA and PRIA, the EIS should determine the suitability of lands within the RMP area for livestock grazing and the RMP should require adjustments accordingly. There is no doubt BLM has this responsibility and authority.¹⁸ See 43 U.S.C. §§ 315 (grazing districts must be chiefly valuable for grazing), 315a (BLM can do "any and all things" necessary to manage grazing), 1701(a)(8) (public lands to be managed to protect environmental values), 1702(c) (multiple use management allows for areas to be deemed unsuitable for certain uses and requires consideration of relative resource values), 1712(a)-(c) (land use plans to be based on multiple use), 1712(d) (land use classifications can be modified or terminated), 1712(e) (allowing for elimination of principle or major uses), 1732(c) (revocation of permits authorized), 1752 (allowing discontinuation of grazing permits and a determination in land use plans of whether lands "remain available for domestic grazing"), 1903(b) (allowing for discontinuation of grazing pursuant to land use planning decisions). See also *Public Lands Council v. Babbitt*, 529 U.S. 728 (2000) (holding that allocation of forage in a land use plan pursuant to 43 C.F.R. § 4100.0-5 does not, on its face, violate the Taylor Grazing Act). Livestock grazing, like all land uses, should only occur in areas where it has been carefully determined, pursuant to the land use planning process, to be a suitable use of the land. The suitability determination should be made in the RMP at two levels: (1) for the RMP area as a whole and (2) for site-specific areas. The RMP should adopt mandatory measures to address the impacts of grazing in riparian areas. BLM's Riparian-Wetlands Initiative acknowledged the importance of ensuring that livestock grazing is compatible with riparian habitat protection, and set an ambitious goal for the agency to achieve. However, it is now years past the deadline set in the Initiative, so BLM has no excuse.¹⁸ Particularly with respect to those lands currently under lease for oil and gas development, BLM should assess the potential conflicts between grazing and oil and gas production. Moreover, the agency should acknowledge that lease issuance may have constituted a de facto determination that such lands are no longer chiefly valuable for grazing and should be removed from grazing districts within the Resource Area.

for failing now to ensure the Initiative's goals are finally achieved. This may require reducing or eliminating livestock grazing in some riparian areas.

Upland areas, too, may require special livestock management in order to ensure the

restoration of fragile areas and cryptobiotic soils or to protect remnant high condition/seral stage vegetation. BLM should not rely on water developments as a way to transfer grazing pressure from riparian areas to other (usually upland) areas. This approach often does not solve problems; it just moves them from ecosystems with a relatively high ability to recover due to the availability of water (riparian areas) to ecosystems with little or no ability to recover from excessive livestock grazing (uplands).

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

BLM should recognize and analyze the significant adverse impact of livestock grazing on cultural resources and fulfill its obligation to identify and pro-actively protect cultural resources.

BLM should also analyze all economic impacts of livestock grazing, including the direct and indirect costs of the grazing program. Only by doing so can the BLM determine the costs and benefits of the proposed action and alternatives to the proposed action. Such analysis will help determine whether grazing should occur on the relevant allotments.

- 931 Livestock grazing should continue with moderate utilization of forage and browse. Rotational or deferred grazing systems should be implemented for each allotment. Water development and fenced riparian areas should be pursued. Strategies and grazing systems to adapt to long-term drought and/or global warming should be identified.
- 934 - grazing should continue in its present form. The BLM should work with ranchers to better provide water and feed for increased range utilization
 - range improvement actions should continue. Listen to the ranchers.
 - no areas should be restricted from grazing
 - grazing and other uses have minimal impact on erosion. The soils in the area are highly erodible and nothing people or animals do increases that propensity. The lands will continue to erode whether you bar all people and animals or whether the current mix of usage continues.
 - there are very few riparian issues to concern yourself with. Vermillion creek is the only thing that resembling a year round stream and vehicle crossings and grazing have no adverse effect.
- 935 Grazing interests have always leaned towards the "good 'ole boys" way of thinking. Whatever the big rancher needs, he takes, regardless of the consequences. The time has come to pull them back. The wildlife have no winter graze land left- its covered with sheep or cattle or domestic horses and when they are done with it for the winter there's nothing left but dust and weeds. Numbers need to be cut and monitoring done more closely and more often. There should be no grazing permits within the sandwash
- 952 Range Management and Grazing
 GOAL: Manage grazing in a sustainable manner: monitoring and avoiding overgrazing; managing the compatibility of livestock grazing with other multiple-use values: careful determination of lands that are "open" to grazing through evaluation of locations where lands are in "poor" condition or that management for other multiple use values warrant lands unsuitable for grazing.
 1. Manage sufficient forage after grazing of livestock and wild horses to support wildlife.
 2. Scheduled monitoring and adaptive management moving allotments in direction of Improved range conditions.
 3. Avoid impacts of range improvements (fences, water developments) that would interfere with wildlife dispersal and migration.
 Livestock grazing has the potential to inflict profound impacts on wildlife and the public lands. See 43 U.S.C. 55 1901 (a)(l) (determining that "vast segments" of the public rangelands are in unsatisfactory condition), 1751 (b)(l) (finding that much federal rangeland "is deteriorating in quality"). Recognizing this, BLM adopted standards and guidelines for grazing administration in 1995 that are designed to restore and protect range health and degraded range conditions. See 43 C.F.R. Subpt.4180. The RMP should provide a clear and binding schedule for ensuring that the three steps the grazing rules establish for determining if grazing needs to be modified are accomplished in a timely manner.
 Furthermore, for allotments that have already been assessed, provision should be made in the RMP for future assessments and determinations-the standards and guidelines are

intended to be an 25 The three steps are: assess rangeland health, determine if grazing is a significant factor causing unhealthy rangelands, take appropriate actions to eliminate or modify grazing by the start of the next grazing season. ongoing, prominent factor in grazing management, and the Fundamentals of Rangeland Health are standing national requirements. It is also worth noting that pursuant to the Public Rangelands Improvement Act (PRIA), "the goal" of rangeland management "shall be to improve the range condition of the public rangelands . . ." 43 U.S.C. 5 1903(b) (emphasis added).

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

In addressing livestock grazing in this plan, we urge the BLM to pay special attention to the following.

Monitoring and follow-up monitoring needed to ensure any changes necessary to meet the standards and guidelines must be provided for in the RMP. The condition of springs and riparian areas, including biotic and abiotic components, and whether they are in proper functioning condition must be given special attention. The condition of upland areas, including cryptobiotic crusts must be carefully monitored and protected. In all cases where these important resources and areas are not functioning properly, the BLM must include in the RMP mandatory steps that will be taken to remedy these failures.

We also ask that BLM address compliance with the "Comb Wash Decision" in the EIS and the RMP itself. *National Wildlife Federation v. BLM*, 140 IBLA 85 (1997). That appeal not only affirmed the longstanding rule that NEPA requires the BLM to analyze the site-specific impacts of grazing, it must also engage in "reasoned decision-making" on the question of whether to allocate lands and associated resources to this particular use. The EIS should include the required analysis of site specific impacts of grazing and the required discussion of the balancing of values that will ensure that grazing best meets the present and future needs of the American people. As noted above, this balancing is required so as to meet the requirement that public lands are managed on the basis of multiple use and sustained yield. See 43 U.S.C. §9 1702(c), 1732(a). The Comb Wash Decision held that this balancing is mandatory, and the plan should reflect both that this balancing was carried out and what its results were, on a site-specific basis.

In accordance with the standards and guidelines, the Comb Wash Decision, and provisions in the FLPMA and PRIA, the EIS should determine the suitability of lands within the RMP area for livestock grazing and the RMP should require adjustments accordingly. There is no doubt BLM has this responsibility and authority. See. 43 U.S.C. §§ 315 (grazing districts must be chiefly valuable for grazing), 315a (BLM can do "any and all things" necessary to manage grazing), 1701(a)(8) (public lands to be managed to protect environmental values), 1702(c) (multiple use management allows for areas to be deemed unsuitable for certain uses and requires consideration of relative resource values), 1 71 2(a)-(c) (land use plans to be based on multiple use), 171 2(d) land use classifications can be modified or terminated), 1712(e) (allowing for elimination of principle or major uses), 1732(c) (revocation of permits authorized), 1752 (allowing discontinuation of grazing permits and a determination in land use plans of whether lands "remain available for domestic grazing"), 1903(b) (allowing for discontinuation of grazing pursuant to land use planning decisions). See also *Public Lands Council v. Babbitt*, 529 U.S. 728 (2000) (holding that allocation of forage in a land use plan pursuant to 43 C.F.R. § 4100.0-5 does not, on its face, violate the Taylor Grazing Act).

Livestock grazing, like all land uses, should only occur in areas where it has been carefully determined, pursuant to the land use planning process, to be a suitable use of the land. The suitability determination should be made in the RMP at two levels: (1) for the RMP area as a whole and (2) for site-specific areas.

As noted above, the impacts of grazing on riparian areas should receive particular attention in the EIS, and the RMP should make binding and mandatory provisions to deal with the impacts of grazing in riparian areas. BLM's Riparian-Wetlands Initiative acknowledged the importance of insuring that livestock grazing is compatible with riparian habitat protection, and set an ambitious goal for the agency to achieve. It is now years past the date the Initiative set, so the BLM has no excuse for failing to include, in the RMP, binding benchmarks to ensure its goal is finally achieved. This could require reducing or eliminating livestock grazing in some riparian areas due to their overwhelming ecological importance and the generally recognized negative impacts of grazing on riparian areas.

Upland areas, too, may require special livestock management in order to ensure the restoration of fragile areas and cryptobiotic soils, or to protect remnant high condition seral stage vegetation. BLM should not rely on water developments as a way to transfer grazing pressure from riparian areas to other (usually upland) areas. This approach often does not solve problems; it just moves

them from ecosystems with a relatively high ability to recover due to the availability of water (riparian areas) to ecosystems with little or no ability to recover from excessive livestock grazing (uplands).

Requirements related to the Clean Water Act were mentioned above, but they bear repetition in the context of livestock grazing. BLM should ensure there is sufficient water quality monitoring relative to the impacts of livestock grazing, and take concrete steps to guarantee that livestock grazing does not adversely impact water quality or impair designated beneficial uses of these waters.

The BLM must collect all data necessary to evaluate and achieve compliance with water quality standards, including in particular standards related to fecal coliform bacteria. Compliance with the Safe Drinking Water Act should also be addressed.

BLM should recognize and analyze the significant adverse impact of livestock grazing on cultural resources and fulfill its obligation to identify and proactively protect cultural resources. It should also analyze the full suite of economic impacts of livestock grazing, including the direct and indirect costs of the grazing program. The public, the taxpayer, the BLM, the permittees, and the neighboring communities are impacted economically by management choices for grazing on BLM lands. These impacts must be thoroughly analyzed. Only by doing so can the BLM determine the costs and benefits of the proposed action and alternatives to the proposed action. Furthermore, such analysis is part of the FLPMA balancing test and will help determine whether grazing should occur on the relevant allotments.

953 In reference to grazing and herd levels, I would suggest putting some restrictions on herd levels, so as to not destroy the resources available for other wildlife grazing in the area. I am a river runner. One summer three years ago I went on a Yampa trip and was appalled at the number of dead cows that were floating, huge and bloated down the river. We counted over 100 cows. Something is not in balance somewhere when there are this many dead cows floating down a river.

958 Multiple Use
We support the multiple use of public lands which includes Livestock grazing. Grazing has been one of the longest sustained uses of public land in the Little Snake Resource Area predating the BLM.
Grazing is an important component of this area's custom, culture and economic diversity. Grazing on public lands is intricately tied to the maintenance of private land open space. We support the responsible use by other industries and recreational users so long as they are held to the same standards for public land health and responsible for their impacts as the grazing users are.

Livestock Grazing

The Taylor Grazing Act requires the BLM to manage public lands to provide for the sustainability and the viability of the livestock industry and their associated communities. The Public Range Lands Management Act (PRIA) and Multiple Use and Sustained Yield Act (MUSYA) also direct the BLM to manage rangelands for the benefit of the industry through sustained yield. We request that all lands historically used for grazing remain open for grazing and that the BLM RMP retain the full historic livestock grazing preference AUMS. We request that the BLM implement a plan to manage the desired plant community and the desired future condition of the range lands to support the historic grazing preference of allotments and enhance the viability of our industry.

962 Continuing conflicts and grazing competition between wildhorses and livestock in the Sandwash Wild horse herd management area, we strongly recommend that the area be divided into separate individual use areas for each class of the grazing animals. One area be identified and described and managed for livestock grazing only and the other area be managed for wild horse grazing only exclusive of livestock use. BLM has already allocated the amount of use (AUMs) for wildhorses in the area. The location and area would need to be identified that would allow for the proportion of total AUMs for wildhorses. Some fencing would be required- this would certainly resolve a multitude of problems, and allow for much easier overall management.
Good Junction- Book Cliffs HMA has managed in this manner and has proven very successful over the years.

963 Ranching is an historical occupation (in the Snake River Resource Area) that is renewable, sustainable and has restorative powers to the ecosystem. I want to add that it is also one of the few Western occupations that has produced a continuing way of life. As much is this way of life a positive force to our culture, and the industry good for the landscape, that I need to express a goal for our RMP: If a rancher runs cows on a WSA and a team of scientists recognize wilderness characteristic nurtured and preserved under that same ranchers stewardship, than I propose wilderness designation unnecessary and a detriment to our way of life, land health, and jeopardization of our treasured local land open space character. If public land dependent ranchers go under than intersecting private lands could be ate up by less desirable uses.

Form Letter Livestock grazing should strive for moderate utilization of forage and browse through rotational or deferred grazing systems and appropriate numbers. Existing fences should be utilized to achieve the number of pastures necessary for rotational grazing. Water development or piping should be done to achieve better livestock distribution, rotational grazing, and to protect natural riparian areas.

Minerals and Energy Resources

Comment Number	Comment
55	<p>I would like to express ultimate concern for the last of the enchanted frontier in America, in due regards to my adventures out in this area I find the land in NW COLORADO and more namely the Brown's Park area precious in the sense; that it is untouched and has yet not been trampled over for the momentary monetary gain of companies, and more namely people who are still using FOSSIL FUELS in the day and age when technology is advancing as brilliantly as our peak potential. However, in America IM DISGUSTED with putting our money before the well being of the environment we breath in bi-products of FOSSIL FUELS as we poison the worlds water supply and simultaneously, America and its people and friends of ours produce food which has detrimental chemicals in it.....</p> <p>In short NO energy extraction shall take place in the area..... The energy companies should and if they don't they are killing their own children, SHOULD focus energy on putting windmills up using solar power and cleaning up the nasty mess they've made.....because I don't have any other choice.....Windmills would be ok with me...Any other type of energy extraction is a humans of these companies not living up to their own potential.</p>
56	<p>There needs to be a compromise that includes as much oil, gas, and coal development as there3 is wilderness designation. See comments on special designations</p>
57	<p>Coal and oil and gas companies must contribute much more money towards building both social and physical infrastructure for the communities they impact-primarily Craig and surrounding areas. Craig has huge methamphetamine problems, high suicide rates, little money for mental heath and social services. I know because I was the Director of Community Care for the Visiting Nurse Association in Craig. The BLM must take a leadership role in ensuring that Moffat County is impacted positively, not in a devastating way, by the influx of people which the planned oil and gas exploration will</p>
61	<p>I would like to see the entire resource area open to energy and mineral development as long as the most protective and up-to-date technologies are used.</p>
69	<ul style="list-style-type: none"> - WSA's and other citizen proposed areas should be withdrawn from lease sales - O&G is often a single use application- eliminates opportunity for recreation, quality wildlife habitat, destroys archaeological resources - Look for balance in resource area of O&G vs. preservation- have to evaluate what has already been leased - drilling shouldn't be allowed on basis of just possible mineral recovery- these surveys are unreliable - pipelines should parallel other pipelines- judge on usefulness don't duplicate just to have different companies interests - visual considerations-beige oil wells are still oil wells and painting them the color of the desert wont help mitigate visual harm- roads are visual impacts - emphasize directional drilling and no surface occupancy standards that are non-variable
79	<p>Limit the number of permits in an area and require repair of an area after production.</p>
80	<p>In preparing the draft RMP, we encourage you to consider the importance of allowing reasonable access to land for development of energy resources.</p>
81	<p>We would like to submit our comments concerning management of the Little Snake Resource Area.</p> <p>While we are not opposed to carefully regulated oil and gas development followed by reclamation of the sires to their natural, unspoiled condition, we also believe strongly in the intangible values intrinsic to wilderness qualities.</p> <p>Development and resource extraction are fine if thoughtfully managed but it should not</p>

be necessary to develop every square mile of the natural world. Let's set aside some appropriate areas where nature can exist without man's marauding motors.

102

The American Gas Association represents 192 local energy utility companies that deliver natural gas to more than 53 million homes, businesses and industries throughout the United States. AGA member companies account for roughly 83 percent of all natural gas delivered by the nation's local natural gas distribution companies. AGA is an advocate for local natural gas utility companies. Natural gas meets one-fourth of the United States' energy needs and is the fastest growing major energy source.

Currently, one of our Nation's most pressing concerns is to reduce our reliance on foreign energy. The vast energy and mineral resources under BLM's jurisdiction gives the agency a natural and key role in ensuring that our country has an adequate supply of energy necessary for the safety and security of our families, our communities, and our Nation. These priorities can be met without diminishing the BLM's ability to manage other important interests.

AGA believes that BLM's DEIS/RMP should take into consideration the natural gas development opportunities that exist in the planning area and to consider an approach that will help meet current and future demand for this clean fuel. Natural gas is the cleanest fossil fuel, which has made it increasingly desirable for home heating, appliances, and electric generation. As a result, demand has been steadily rising in recent years. We need to be sure that enough natural gas supply reaches consumers to meet this demand.

The "gas bubble" of the late 1980s and '90s, is gone. No longer is demand met while unneeded production facilities sit idle. The valves are wide open, yet demand has been outpacing supply, and the result has been both higher and more volatile prices. See AGA's Study Avoiding the Wild Ride – Ways to Tame Natural Gas Price Volatility (<http://www.aga.org/WildRide>).

Natural gas utilities and customers are in the same boat when prices go up—we are all hurt. Higher and more volatile prices have made customers shocked and angered by their monthly natural gas bills. Our member companies have borne the brunt of that anger, even though we simply pass the costs we pay for that gas on to the customer—with no mark-up or profit. In addition, utilities must write off hundreds of millions of dollars in uncollectible bills, while regulators -- using perfect hindsight -- disallow gas-purchase costs that the utilities had to incur to meet their obligation to serve under state laws.

There are only two ways to solve this problem. We must decrease demand and increase supply. Americans have already significantly decreased their per capita use of energy—by around 20 percent per person during the past decade. Yet overall demand for natural gas is rising due to population increases and regulatory pressure for using clean natural gas for electric power production. Conservation alone is not the answer. Instead, we must also increase supplies of natural gas to meet rising demand. We need both conservation and increased supplies to ensure a healthy, vibrant economy with sustained growth. See AGA Study From the Ground Up – America's Natural Gas Supply Challenge (<http://www.aga.org/FromTheGroundUp>).

This two-pronged policy approach was recently advocated in the National Commission on Energy Policy's December 2004 report. In order to provide the ample, secure, clean and affordable energy supplies the nation requires, the Commission recommended "policies to expand and diversify available supplies of natural gas" among other things. Furthermore, the Commission notes that natural gas is a "fuel that is critically important to the nation's energy supply and that is likely to play a substantial role in the transition to a lower-carbon energy future." See Ending the Energy Stalemate, A Bipartisan Strategy to Meet America's Energy Challenges (<http://www.energycommission.org>).

Public health and welfare is also at stake. Poor families have had to struggle to pay to heat their homes in recent winters. Applications for charitable assistance and federal assistance under the Low Income Home Energy Assistance Program (LIHEAP) soared last winter. And many working poor families do not qualify for such assistance. Many poor families have to make hard choices between being warm and being fed. This tough fact often seems forgotten in the debate over natural gas drilling in the West.

From a broader public welfare perspective, if the current supply-demand imbalance and the resulting price volatility are allowed to continue, it could cause natural gas customers to switch to other less efficient, less secure and less environmentally friendly fuel sources. An AGA study estimates that a 50 percent increase in natural gas use could reduce oil imports by approximately 2.6 million barrels a day, while reducing emissions of our principal greenhouse gas, carbon dioxide, by some 930 million tons every year. See Fueling the Future – Natural Gas & New Technologies for a Cleaner 21st Century (2001 Update) at page 1 (<http://www.aga.org/FuelingTheFuture>).

Indeed, just this week a coalition of major manufacturers, three environmental groups

and energy-efficiency groups have written to President Bush and Congress calling for new U.S. natural gas policies to strike a much needed balance between growing natural gas demand and limited supply while ensuring that gas development takes place in an environmentally responsible manner. See Letter to President Bush and Congress, January 3, 2005 (<http://aceee.org/energy/natgasprinciples.pdf>).

To ensure that the United States has adequate supplies of natural gas to meet demand and to moderate prices, it must pursue new gas supply options in a timely and environmentally responsible manner and diversify domestic sources of gas supply. BLM has an opportunity at this juncture to do just this. By balancing the varied uses in the planning region, it can increase natural gas supply and ease the nation's energy burden and natural gas demands.

We recognize that it is not easy to balance other competing interests with the public interest in obtaining a reliable, clean, domestic supply of energy. We believe that BLM can develop a workable and well thought out approach as it begins to draft the EIS/RMP, but must consider the policy initiatives discussed herein when finalizing its work. AGA urges you to give appropriate weight to the broad environmental, economic, national security, and public health impacts when considering access to natural gas supply at a time when we need to increase supply to meet rising demand.

If you should have any questions, please call Susan Wegner at 202-824-7335.

Respectfully submitted,
American Gas Association

104 we do not want oil and gas profiteers and every other slimy profiteer out there to be allowed to decimate this land.

energy production can be achieved by getting americans to conserve and use less instead of outrageous destruction of more and more land for wasteful and spendthrift oil and gas wells. I do not think it appropriate for oil and gas company interests to rule america.

"energy and mineral development" means allowing mines to destroy the pristine open spaces.

119 I believe there are just some areas too wild and valuable to use for resource extraction. I understand that you are under pressure to allow oil and gas drilling in many areas so I urge you to do your utmost to insure minimal impact and reclamation as much as possible. Thanks.

129 We don't need to make it easier to get oil and gas. What we need is more incentive to make the transition to renewable resources. If you are weighing the pros and cons of oil, gas, & mineral extraction vs. preserving natural, cultural, and historical resources please cast my vote in favor of preservation.

130 8) Promote non-"oil", alternative energy resources, to lessen the "need" to import foreign (middle east) oil, and to lessen the "need" to drill for domestic oil & gas on such irreplaceable, valuable, scenic lands as the Little Snake Resource Area.

a) bio-diesel, using oils from domestic crops such as soybeans, corn, etc., (promote government subsidies of this, instead of subsidizing tobacco farming) and, from re-cycling restaurants' used oils such as cooking oils, etc.

b) solar power, where it's sunny,

c) wind, where it's windy

d) geothermal, where there are hot springs

e) hydroelectric, without dams (water wheels, etc., that don't harm fish, etc.), where there are rivers and streams,

134 Mineral extraction in the LS area should not create booming economies that, due to its inevitable sustainability, would eventually bust and disenfranchise local communities. Thus, mineral extraction should be limited to 1% annual growth.

- 146 I am writing today to urge you to protect the NW Wild Canyon Country. It seems all I read about anymore in the news is the vast destruction of the western slope due to oil and gas development. I am terribly disturbed by all of this as lifting protection of this area will just allow more of the same destruction we are seeing in the SW area of the state.
- 384 use renewable energy technologies, which will begin to produce energy as soon as they are in place. Only a fool spoils his nest- as drilling fouls our beautiful country- and it squanders precious water.
- 386 of course wells that go down, then horizontal will minimize the number of wells. There are many areas that conflict with other public land uses, as far as gas and oil
- 387 While I completely understand that the BLM must manage and designate these lands for a variety of uses, we must consider ways to allow industrial use such as oil and gas development to proceed while at the same time protecting the environment by minimizing the effects of these practices.
- 388 We ask the BLM to include a requirement on all future mineral leases that operations be conducted with the best available technologies. Lease activities should be barred from sensitive wildlife habitats such as those used by sage grouse and prairie dogs.
- 390 If areas are going to be open to oil and gas, they need to be excluded from critical areas of environmental concern, wilderness areas and wildlife habitat needed for sage grouse, elk, pronghorn and deer.
- gas and oil leases, exploration and drilling should not receive the highest priority when managing BLM land.
- 460 Please don't allow oil and gas development or motorized vehicles in these areas. We are fast running out of pristine land. Please do your best to protect it.
- 785 I urge you to please protect the Little Snake Resource Area from oil and gas development. So many of our protected lands are being developed, drilled and opened up to motorized vehicles.
- 866 As with our area here in Delta County, it seems like the major threat to our public lands up there is oil and gas development, and its accompanying fragmentation and weeds. Any management practices to minimize your requirements to totally open this area up to unmanaged energy development would probably be in everyone's best interest in the long run.
- 868 I feel strongly that all citizen proposed wilderness areas within The Little Snake should be protected and off-limits to oil and gas leasing. It's these pristine, road-less lands my family and I always seek out when we have free time to travel and explore. It's inevitable that oil and gas extraction is going to occur. I just feel there are more appropriate areas to drill that won't compromise these wilderness quality lands. Saving these special landscapes for future generations to enjoy isn't an unreasonable request. It really is our obligation. Also, the BLM should ensure that all future drilling within the Little Snake should use the best available technology and practices.
- 869 There is much oil and gas development in the area and probably more will take place. The LSRMP should address future exploration and development so that the work is done in a way to preserve the natural character of the area, with as few roads and as little footprint as modern technology allows.
- 873 Energy and Minerals: Where are energy and mineral resources located? Which areas are appropriate for energy and mineral leasing and development and under what conditions? What indicators should be monitored using best available science to determine if desired future conditions are being met? What special management considerations, if any, should be made for split-estate lands? How will management of surface resources affect availability of lands for energy and mineral development?

- How can impacts of energy and mineral development on other key resources be
- 875 3) Limit oil and gas development to non-sensitive areas and insist on the use of the best available technology.
- 878 Please limit future mineral development to appropriate areas, respecting the objectives above.
- 882 In the areas where drilling is allowed, please make sure that it has the least impact possible. I believe the long term economic and other value of this area is its wild character for recreation.
- 883 2.0 Oil and Gas
Oil and Gas development has been on the upswing. My concern is the infrastructure that is associated with it. Moffat County needs no more roads. It has long been documented that roads are detrimental to wildlife. Disruption of soils also has deleterious effects on wild things, both flora and fauna. Moreover, the sage grouse is at risk due to this development. Even if it is not listed on the endangered species list, continued loss of habitat will result in extirpation of this species.
There is a new study by Hall Sawyer, et al, who is employed by Western Ecosystems Technology, and underwritten by Questar Exploration and Production Company and the BLM. The study examines the impacts of drilling and road construction on the mule deer in the Pinedale Anticline Project Area (PAPA). http://www.west-inc.com/reports/papa_2004_report.pdf The Uniform Format for Oil and Gas Lease Stipulations (1989) needs to be updated to reflect today's issues. It is old and outdated.
- 2.1 Oil and Gas Issues
°Oil and Gas exploration and development must be accomplished by using the latest technologies. No excuses will be tolerated.
° All drilling must be accomplished with self-contained drilling rigs. Sludge ponds should not be permitted.
° Drilling pads may only be the width and length of the total rig dimension.
° Vegetation must be removed with the anticipation of restoring that vegetation when drilling is complete.
° Access to the drill site may only be by "two-track." No new roads will be permitted.
° Restoration of the site shall be completed within 60 days after completion of work.
° Can construction of well sites be completed by helicopter as construction is achieved in other industries?
- 887 3) Limit oil and gas development to non-sensitive areas and insist on the use of the best available technology.
- 888 The developments of minerals are an important economic resource for the local, state and national economies. We support the responsible development of these resources in vermilion basin through proper management and reclamation. This development must respect our use as well.
- 891 IV. THE ENVIRONMENTAL IMPACT STATEMENT MUST ADDRESS THE FULL RANGE OF RESOURCE ISSUES AND THE RESOURCE MANAGEMENT PLAN MUST ADOPT NEEDED PROTECTIONS FOR THOSE RESOURCES⁴
- Energy Development⁵
Energy development is, in many ways, an environmentally harmful activity. Wildlife habitat is fragmented, scenic vistas marred and obstructed, air quality degraded, vegetation crushed and altered, and water sources drained and polluted. Natural areas, in essence, are converted into industrial zones. On "split-estates," the lives and livelihoods of private surface owners can be severely impacted.⁶ For these reasons, energy development on the public lands must be strictly regulated on the Resource Area.
- Oil and Gas Leasing and Land Use Planning Issues
3 BLM has the obligation under FLPMA and additional authority pursuant to the terms of its standard leases to impose conditions on oil and gas development within the Resource Area to preserve air quality.
4BLM's Land Use Planning Handbook provides guidance on many of the resource needs, issues, and protections addressed below. BLM should fully comply with its provisions. See BLM Handbook H-1601-1, Appendix C.
5 Many of the recommendations in this section are in conformance with the report "Land Use Planning and Oil and Gas Leasing on Onshore Federal Lands." National Academy of Sciences, 1989. We request that BLM consider and respond to this report as the agency develops the revised LSRA RMP.

6 The concerns expressed in this section with regard to oil, gas, and coal development also generally apply to other leasable minerals, including but not limited to tar sands, oil shales, phosphate, and gilsonite. The EIS should make similar analyses relative to these minerals.

The revised RMP for the Little Snake Resource Area should prohibit future oil or gas leasing prior to completion of an EIS that analyzes the full site-specific impacts of oil and gas development. It is crucial that this “look before you leap” policy be followed in order to ensure that additional leases are not issued before the potential impacts on other resource values in an Area are fully understood. This is necessary to make certain that an informed decision can be made pursuant to NEPA as to whether leasing is appropriate, or whether other resource values might outweigh the economic benefits of oil and gas development.⁷

The policy of allowing the industry to nominate and then lease and develop lands helter-skelter across the entire Resource Area should be abandoned. Instead, the revised RMP should call for staged development in which some blocks of lands are open to leasing and some are temporarily withdrawn from leasing until a later time.

To avoid undue impacts, some lands should be withdrawn permanently from oil and gas development or protected with stipulations prohibiting any adverse impacts to surface resources. These lands include:

- . • ACECs.
- . • Lands within three miles of sage grouse leks.
- . • Lands within one mile of Columbian sharp-tailed grouse leks.
- . • Lands within 500 feet of surface water and riparian areas.
- . • Lands within one mile of active raptor nests.
- . • Prairie dog colonies larger than 1000 acres or those associated with other vulnerable species such as black-footed ferrets, mountain plovers, burrowing owls, ferruginous hawks, and swift fox.
- . • Lands where biological soil crusts still constitute a major component (>50%) of total ground cover.
- . • Lands within ½ mile of sites eligible for listing on the National Register of Historic Places.
- . • Lands within the viewshed of Native American cultural and religious sites.
- . • Lands within the 100-year floodplain.

No new leases or development should be authorized in crucial big game habitats until BLM has conducted a thorough and public analysis of the on-the-ground efficacy of existing stipulations

7 Alternatively, the RMP should specify that all leases will be issued with a No Surface Occupancy (NSO) stipulation on the entire lease pending compliance with NEPA.

These recommendations are consistent with the provisions in BLM’s Land Use Planning Handbook. See BLM Handbook H-1601-1, Appendix C at 16.

and other mitigation measures and the agency has adopted additional measures to preserve the ecological function of these lands.

Moreover, because much of the Resource Area currently is under lease, BLM should use the RMP process as an opportunity to examine whether the agency should suspend, buy back, or exchange out some of those leases in order to ensure that other resource values are not lost to oil and gas development and a more balanced approach to such development can be achieved. The RMP should explicitly prohibit the issuance of new leases and new oil and gas development should be proscribed whenever the reasonably foreseeable development scenario (RFD) has been exceeded, especially if development is the result of changes in technology or unforeseen shifts in the market.⁸

Coalbed Methane Issues

Although there is a low level current coalbed methane (CBM) development within the LSRA, BLM has identified three major areas of CBM potential in the area.⁹ Planning for the impacts of CBM development before major commercial exploration and production begins is essential for avoiding undue impacts to other resources within the LSRA.

As the Interior Board of Land Appeals and the Tenth Circuit Court of Appeals have ruled, CBM development is significantly different from conventional oil and gas activities. For example,

8In the EIS discussion of socio-economic impacts of these and other restrictions, BLM should focus its analysis on realistic estimates of economically recoverable resources, not just “technically recoverable” resources. The recently released study done pursuant to the Energy Policy and Conservation Act (EPCA) failed to do this. If oil and gas is not economical to extract, there will be no adverse impacts on supply from stipulations designed to protect wildlife, archeological sites, recreation sites and other public assets. BLM should use well-supported high and low range estimates of gas and oil prices in any analysis of the amounts of oil and gas affected by stipulations. We believe these stipulations and other protections are fully warranted despite any effect they may have on energy supply and the BLM should acknowledge this.

The EPCA study had other shortcomings as well. While criticizing the use of economically recoverable resources due to variability and change in economic conditions, the study proceeded under a number of other assumptions that are also variable: the technology for extracting oil and gas is constantly changing, applicable lease stipulations change with time, and estimates of oil and gas resources are constantly changing. Thus, variability and change, standing alone, provide no basis for not considering resource availability from an economic perspective. Furthermore, the EPCA study presented the total amount of oil and gas present on all lands in several basins, yet only analyzed the amount of oil and gas on federal lands subject to various "restrictions," thus inflating the proportion of oil and gas that is purportedly off limits. The study assumed that old leases without stipulations potentially limiting access effectively do have currently-applicable stipulations because conditions of approval act as a "proxy" for the "missing" stipulations. Despite these limitations, all of which inflate the amount of oil and gas purportedly subject to "restrictions," the EPCA study clearly showed that the vast majority of Federal oil and gas resources are available for development. Even where limitations apply, the study showed that most drilling can still occur from 6-9 months during the year. The EPCA study can be used as a starting point but due to its shortcomings it should not be used for decision-making without supplemental information.

⁹ See Draft AMS at 3-83.

CBM fields often have a much higher density of wells than occurs in conventional gas fields. Because of this, adverse impacts such as habitat fragmentation, loss of habitat, air and water pollution, and damage to visual resources are magnified. In addition, coalbed methane development is also distinguished by large quantities of produced water, with impacts that include aquifer drawdown, water quality problems, questions of disposal, and impacts on soils and vegetation. The RMP must ensure that the unique impacts of CBM development are examined prior to leasing and other CBM activities. Such analyses cannot simply parrot evaluations completed for conventional oil and gas development. As BLM acknowledges, "[s]ince the impacts of CBM development are different than conventional oil and gas (e.g., water disposal and compressor stations), resource development requirements specific to CBM should be developed through the RMP revision process."¹⁰

CBM also requires BLM to adopt additional measures to protect other resource values. For example, CBM development has severe impacts on water quality. The RMP should prohibit discharge of water extracted from coalbeds onto the ground or into surface waters. This is particularly true of saline or sodic "produced" water. Produced water is often contaminated with heavy metals. Selenium is of particular concern because of its impacts on aquatic and avian species. When produced water is stored in reservoirs or pits, heavy metals can become concentrated. The RMP must address the problem of produced water storage pits/reservoirs leading to concentrated chemical solutions that harm wildlife. Compliance with the Migratory Bird Treaty Act, for example, may require that such storage facilities be covered.

In most instances, water from CBM development should be re-injected in a manner that ensures groundwater supplies are not contaminated. If water from CBM production is discharged, directly or indirectly, into streams, the impacts of augmented flows and increased concentrations of salts (ions) and dissolved solids on the ecological characteristics of the streams (perennial or intermittent) should be analyzed. Such analyses must account for the full range of variations in stream flow, effluent (produced water) concentrations, and sensitivities of different species at different life-stages. Impacts from altering stream thermal conditions and the timing of flows must be analyzed. Effects of discharged produced water on adjacent riparian areas and the effects of increased turbidity and sedimentation should be considered. The analysis should consider lethal and sub-lethal effects on biota. The RMP should adopt measures to prevent or mitigate these impacts. If produced waters are or become a "discernible, confined and discrete conveyance . . . from which pollutants are or may be discharged," they must be treated as point source discharges of pollutants and a National Pollution Discharge Elimination System (NPDES) permit must be required. 33 U.S.C. §§ 1362(14), 1342.

In addition to the impacts associated with the discharge of produced water, BLM must address the environmental effects of dewatering the coal seam. CBM development can lower water tables and have serious impacts on the accessibility of water for domestic and agricultural uses.

¹⁰ Draft AMS at 3-84.

It can increase the likelihood of difficult-to-control coal seam fires. Seepage of methane and its effects on vegetation, water (including domestic water and aquifers), and public safety must be considered. The RMP must ensure these impacts are adequately mitigated or prohibited.

Full Field Development and Application for Permit to Drill Issues

For lands already under lease, the RMP should require staged development with monitoring adequate to ensure that predicted impacts to environmental resources have

not been exceeded and that mitigation measures are sufficient.¹¹ In addition, the RMP should impose reasonable measures to minimize adverse impacts to other resources. For example, seasonal restrictions should be imposed for the protection of important wildlife habitats, including crucial winter range and calving areas.¹²

Clustered development of these leases should be required to minimize new roads and pipelines, as well as the number of drill pads. Directional drilling should be used. All new drill pads should be constructed from existing improved gravel roads where possible. If there is no such road within reach of directional drilling from the site, previously constructed but unmaintained routes may be upgraded temporarily to access the site. In the absence of any improved or unimproved route within a reasonable distance of the proposed site, limited road construction may be approved. However, new road construction will be restricted to the minimum distance necessary to access the site. All newly constructed or upgraded routes will be closed and rehabilitated immediately following termination of oil and gas activity. Pitless drilling methods using closed-loop circulation of drilling muds should be employed for all new wells unless a less environmentally harmful drilling technique is available.

The RMP must address the issue of granting exemptions and exceptions to lease stipulations at the APD stage. In our view, such stipulations should be waived only in the most extraordinary circumstances. The mere convenience of the lessee or operator should never be adequate justification. For example one common rationale for permitting exemptions or exceptions to timing stipulations intended to protect crucial winter range or calving areas is that the animals are not yet present. However, drilling during a restricted period may prevent animals that would have moved onto the site from doing so. It may disturb and stress animals that are in areas adjacent to or nearby the area being drilled. It concentrates animals in areas that are not being

¹¹ As noted above, the RMP should address whether some of these leases should be suspended or re-acquired by BLM.

¹²In response to protests filed by NWF challenging proposed CBM development on the Atlantic Rim, BLM maintained that the agency has authority to impose seasonal restrictions to protect winter range at the exploration and production phase. According to BLM, this is true even though the underlying leases contain no timing stipulations. We urge BLM to use this authority to ensure that adequate measures are in place to preserve significant resources on lands already under lease in the Little Snake Resource Area.

drilled, resulting in overuse of otherwise undisturbed areas. All of these factors weigh against the easy waiver of lease stipulations.

Toxic and Hazardous Wastes and Chemicals

Hydraulic fracturing and drilling fluids contain a wide array of chemicals, many of which are toxic. Spills of these chemicals should be avoided. The RMP must ensure compliance with the Clean Water Act, Safe Drinking Water Act, Toxic Substances Control Act, Resource Conservation and Recovery Act, and the Comprehensive Environmental Response Compensation Liability Act relative to the use of these and other hazardous substances. The RMP should provide specific guidance regarding the standards oil and gas operators must abide by to meet the requirements of these laws and provide for monitoring and enforcement by BLM.

While federal pollution and toxic and hazardous waste laws may provide some exemptions for the oil and gas industry, BLM has an obligation, under NEPA and FLPMA to require accurate inventories and monitoring of these chemicals, as well as spill prevention, cleanup, and mitigation plans. See, e.g., 43 U.S.C. 1732(b); 43 C.F.R. §§ 3162.4-1(a), 3162.5-1(c)-(d); Onshore Oil and Gas Order No. 1, III.G.4.b.(7); see also Executive Order No. 13,016 (delegating authority to land management agencies to enforce CERCLA on lands they manage); BLM Manual MS-1703 (Hazardous Materials Management).

Rights-of Way

Section 505 of FLPMA requires BLM to minimize all adverse impacts to environmental resources when it grants private rights-of-way across the public lands for power lines, pipelines or other infrastructure associated with oil and gas development.

The issue of the impact of power lines on birds and bats, for example, should be addressed. Violations of the Migratory Bird Treaty Act, the Bald Eagle Protection Act, and ESA must be avoided. In addition to the obvious physical barrier they pose to flying species, power lines change the "structure" of other habitats, which may create favorable conditions for some species but be unfavorable for others. For example, there is evidence that ferruginous hawks are placed in a competitive disadvantage to other raptors when power lines create perches in otherwise open habitat. Likewise, sage grouse and prairie dogs are threatened if raptors are provided hunting perches in their habitat. For these reasons, the RMP should require that existing rights-of-way, with similar types of structures, be utilized to the maximum extent possible.

Reclamation

All plans of operations should include a reclamation plan that describes in detail the

methods that will be used to ensure complete and timely restoration of all lands impacted by oil and gas activities to their prior natural condition. Reclamation should be conducted concurrently with other operations.

In addition, BLM must ensure that bonds are adequate to cover actual reclamation costs so neither taxpayers nor landowners are left to foot the bill. The RMP should identify those lands within the Resource Area or specific resource values that may require additional bonding. See, e.g., 30 U.S.C. § 226(f); 43 C.F.R. §§ 3104.1(a), 3104.5, 3106.6-2.

Monitoring and Enforcement

The EIS should include a realistic assessment and analysis of the costs to the agency of monitoring and enforcing lease stipulations, conditions of approval for APDs, as well as reclamation standards. If BLM lacks resources sufficient to ensure compliance with applicable requirements, the agency should defer additional development. See, e.g., 43 U.S.C. 1732(b).

Coal Development

The RMP must ensure full compliance with the Mineral Leasing Act and Surface Mining Control and Reclamation Act (SMCRA) for any coal development in the RMP area. In addition to lands designated as unsuitable in the 1990 RMP, all ACECs, all crucial big game habitats, lands proposed for wilderness designation, and all other lands requiring NSO stipulations should be so designated.

Disturbed lands should be reclaimed to their natural condition on a continuous basis as coal extraction moves along the seam. Revegetation should restore the original distribution and composition of native plant species on site prior to disturbance.

Renewable Energy Sources and Global Warming

In addition to a general discussion of renewable energy sources as an alternative to fossil fuel extraction and consumption, BLM should consider ways the agency itself can maximize the use of renewable or alternate energy sources and increase the efficiency of its energy use, including BLM buildings and vehicles. The RMP should require increased use of renewable or alternate sources of energy by BLM and should include requirements for increased energy efficiency.

BLM should address the problem of global warming and the steps BLM can take to reduce this problem. For example, coal seam fires may contribute to global warming. Flaring of hydrocarbon by-products may contribute to global warming. BLM should make a thorough analysis of how activities it undertakes or authorizes contribute to the generation of carbon dioxide or other "greenhouse gasses," and the RMP should make provisions to reduce and minimize them.

Locatable Minerals

BLM interprets the General Mining Law of 1872 to provide few opportunities for the agency to exercise its management discretion. Because of this, sensitive lands must be withdrawn from the operation of the Law. These lands include all ACECs, all crucial big game habitats, lands proposed for wilderness designation, and all other lands requiring NSO stipulations for leased minerals.

- 898 There is NO benefit for Coloradoans to allow drilling at all. I have seen natural gas pumps going in all across our state. They are even appearing in residential areas. Colorado is becoming less & less attractive as we've been flooded with these new pumps still coming in. We must protect our own state if the national government will not. You would at the very least expect natural gas prices to have gone down with so many new pumps... But it's not true. Natural gas prices have done nothing but INCREASE. There is NO benefit for us to allow more drilling in our state!
- 931 Oil and gas should be developed at a measured pace and in a planned methodical manner. A gold rush boomtown mentality of development will result in a great deal of damage to both the land and the social fabric of this community. On spilt-estimate lands, where BLM controls the minerals, much more protection for the surface owner is needed. Today the land values are now determined by visual and scenic beauty, seclusion and privacy, amount and kind of wildlife and availability of water. In the past when the split estates were created, agricultural productivity was the main determinants of land value. This is no longer the case. Surface owners should be allowed to set their own stipulations on leases.
- 934 - Responsible oil, gas and mineral development should be encouraged.
- Our self-sufficiency as a nation is dependent upon utilizing our natural resources, not locking them up.
- Mineral resource development has been and continues to provide significant economic benefits to the northwest Colorado area.
- 935 The oil and gas development is a death sentence to all the above mentioned. Look for

- instance at Hiawatha, Powder Wash and the Red Desert areas of Wyoming for a picture of what this "development" brings. Total destruction of the land, erosion, noxious weed infestation, interruption or ending of normal wildlife and its migration as well as the extremely unappealing visual. This does not seem a fair trade-off. Not to those of us who enjoy our public lands and our children and their children.
- 937 Where mineral leasing is contemplated in this plan, we urge BLM to include stipulations in the leases requiring best available technology and management practices, and barring surface disturbance in or near key wildlife areas such as sage grouse, leks and stream courses.
- 939 I urge BLM to resist pressure from the Bush administration for more and more oil and gas leasing in places that should remain wild. Of the LS planning area totaling 1.3 million acres of BLM public lands, about 250,000 acres in seven units have been proposed by Colorado citizens groups for permanent protection as wilderness. Rep. Diana DeGette has introduced a bill incorporating those proposals, the Colorado Wilderness Act (HR 2305 in the last Congress).
The proposed wilderness areas should not be available for mineral leasing, and should be closed to motor vehicles. The proposed areas should be shown on the maps in the EIS, and the plan should provide protection for them. One of the alternatives in the EIS should include complete protection of wilderness values in all seven proposed wilderness areas until congress makes the final decision for or against wilderness. If oil and gas leasing is approved for other parts of the LS planning area, BLM should attach stipulations to all leases to prohibit surface disturbances on lands with sensitive wildlife values and wilderness values. "best management practices" should be a requirement in all operations.
The LS plan should also have an objective of protecting the values of Dinosaur NM, which adjoins the BLM lands. Visitors floating the Green and Yampa Rivers should not be exposed to impacts from activities on BLM lands, such as oil and gas drilling or grazing practices that degrade streams flowing into the monument. BLM should support the wilderness experience of visitors to the National Monument.
- 940 I am aware of the mineral and petroleum resources of the greater Green River Basin. However, Motorized recreation and oil field services traffic will destroy forever the very quality of grand solitude which characterizes this special place and will threaten the very qualities which draw recreationists to this special area.
- I will also support continued oil and gas exploration in the Hiawatha area; I will not support leasing in the sensitive Vermillion wildernesses.
- 948 please do not let the LS area to be converted to gas fields with a crosshatch of roads, pipelines, drill pads and waste pits like most of western Colorado.

While leasing is to be done, BLM should incorporate stipulations prohibiting surface disturbance in lands with wilderness values, sensitive wildlife habitat, and high scenic values. Best Management Practices should be required in all operations.
- 949 BLM shouldn't not allow itself to be forced into oil and gas leasing in places that are of greater value as wild land. Enough of our remaining wilderness has been thoughtlessly destroyed in the past.

If oil and gas leasing are allowed in other areas under the plan, stipulations should be mandatory to keep drilling activities away from sensitive wildlife habitat and scenic values. "best management practices" should be required in all operations, to protect the great public values of this area.
- 950 Ensure that any future oil and gas development is limited to areas where it will least impact the environment and the cultural and wilderness heritage that exists there today.
- 952 Energy and Mineral Development
GOAL: This plan should accept and enforce the promises that the energy industry will Employ technologies that minimize environmental degradation. Best available technologies and Practices should be required in all instances of development.
Energy development is a potentially harmful activity that must be addressed in the EIS and regulated by the RMP. Wildlife habitat can be fragmented, scenic vistas can be marred and obstructed, air quality degraded, vegetation crushed and altered, and water sources drained and polluted. Primitive areas can be converted into industrial zones, and wilderness and wilderness quality lands can be trampled and degraded by oil and gas related activities. On "split-estates" the rights, and lives, of private surface owners can be severely impacted.
The concern's expressed in this section with regard to oil, gas, and coal development also generally apply to other leasable minerals, including but not limited to tar sands, oil shales,

phosphate, and gilsonite. The EIS should make similar analyses relative to these minerals. Additionally, many of the recommendations in this section are in conformance with the report "Land Use Planning and Oil and Gas Leasing on Onshore Federal Lands." We request that BLM consider and respond to this report as it develops the RMP.

Oil and Gas Development

BLM should identify proposed wilderness, ACECs (existing and proposed), and lands managed for visual resources as lands that should be spared from the impacts of development. BLM should identify cultural and historic resources, as well as ACECs (for visual resources), that may be leased only under a no surface occupancy stipulation that is non-waivable except where development is invisible due to natural topography.

BLM should require that the Best Available Technology including pitless rigs and Directional drilling be utilized in operation and reclamation. Recognizing 04-IM-194 (Integration of Best Management Practices into Application for Permit to Drill Approvals and Associated Rights-of-way), this RMP should recognize the "overall goal of the Bureau is to promote the best examples of responsible oil and gas development." We request that the BLM respond to how this overall goal will be achieved in the RMP and require that we believe it is vital that BMPs be developed through this RMP and made mandatory for inclusion in lease stipulations

15 National Academy of Sciences, 1989

16 Molvar, E., Drilling Smarter: Using Directional Drilling to Reduce Oil and Gas Impacts in the Intermountain West (Feb. 18, 2003) attached and available at:

<http://www.voiceforthewild.org/blm/ubs/IDirectionalDrilling.pdf>. We incorporate the findings of this report into these scoping comments by reference.

BLM should require full-field and infill development to proceed only from cluster pads. Reduced profits should never be a rationale for BLM to conclude that an environmentally preferable technology is not "economically feasible." This plan should require that environmental impact documents (EA or EIS) clearly set forth calculations and industry estimates as to the foreseeable cost and, economic feasibility of projects under the widest possible range of alternatives, especially in cases where alternatives are not considered because they are concluded "not economically feasible."

Any economic analysis of recoverable oil and gas estimates should include descriptions of economically recoverable versus technically recoverable, and clearly describe any "hidden" costs to development." Surface owners (state, local government, or private) should be notified upon any nomination to lease federal minerals for split-estate lands. Lands held in split-estate should not be leased until site-specific analysis is complete and surface owner has had notice and reasonable opportunity to comment.

Ten days after the close of the scoping period, approximately 25,000 acres of mineral leases within the Little Snake Field Office will be sold at auction (February 10, 2004)." A map of the location of those parcels is attached as Exhibit 111. The public, and NWCOS, should be informed of this and further agency actions which are determining the management fate of these lands at an increasing pace while the public is engaged in this plan revision. During this plan revision future leasing should not occur without completion of a site specific EIS or include no surface occupancy stipulation.

We believe the revised RMP should also prohibit future oil or gas leasing prior to completion of an EIS that analyzes the site-specific impacts of proposed leasing. It is crucial that this "look before you leap" policy be adopted in the RMP to ensure that a lease is not issued before the site specific resource values in an area are fully understood. This is necessary to ensure that an informed balancing can be made pursuant to NEPA as to whether leasing is appropriate, or is outweighed by other resource values. Waiting to do site-specific analyses until after a lease is granted is simply too late: at that time the ability to regulate and control impacts is reduced. If leasing under the revised RMP occurs prior to completion of a site-specific EIS, options are foreclosed, in contravention of NEPA, the ESA, and the definition of multiple-use in FLPMA. Alternatively, the RMP should specify that all leases should be issued with a no surface occupancy stipulation on the entire lease pending completion of a site specific EIS to determine if surface occupancy can be allowed. We believe these recommendations are consistent with the provisions in BLM's Land Use Planning Handbook. See BLM Handbook H-1601-1, at Appendix C. Furthermore, it is crucial that lease stipulations that ensure necessary protection of public lands be developed and included in the RMP for attachment to all leases. See 43 C.F.R. 55.3101 .1-2 to " See Drilling in the Rocky Mountains: How Much and at What Cost? TWS-Morton et. al(2004) and Energy & Western Wildlands: A GIs Analysis of Economically Recoverable Oil and Gas. TWS-Morton et. al (Sept. 2002), which we incorporate by reference and attach. Recent research by economists at The Wilderness Society indicates that the federal government's assessments of the oil and gas resources on public lands are flawed and consistently over-estimate their value. Federal reports inappropriately use technically recoverable gas rather than economically recoverable gas in their conclusions, fail to consider improved access to gas from directional drilling and drill bit technology, and fail to examine access to existing gas reserves. The environmental costs of drilling include erosion, loss of wildlife and fish habitat, decline in quality of recreational opportunities, proliferation of noxious weeds, and increased air and water pollution. These costs increase with scale and when data are limited. Lease stipulations help protect wildlife but only if they are enforced, and data from BLM and other sources indicate

that they are not. In the Rocky Mountain West, where hunting, fishing, and wildlife viewing generated \$5.9 billions in revenue in 2001, drilling (and its direct impacts on wildlife and their habitat) has hidden economic costs in terms of lost revenues from license fees, equipment sales, and other related purchases. " See <http://www.co.blm.gov/oilandaasleasinfo.htm>. I9 Map is also available at: <http://www.co.blm.gov/oilandaasleasinfo.htm> In areas of high industry interest that also have other important values. BLM should permit only drilling of exploratory wells. In these areas, data from the initial wells could

be used in more detailed environmental studies prior to any further activity. If the studies reveal the need to halt development, lease payments could be refunded.

3101 .1-3. Non-waivable no surface occupancy stipulations should attach to leases that could threaten important wildlife habitat or use areas, water resources, recreation areas, etc., particularly if site specific impacts are unknown or poorly known when the land is leased. All riparian and wetland areas should be subject to no surface occupancy stipulations. The RMP should adopt a prohibition against leasing in any Scenic or Recreational river corridors, or potential corridors, not just Wild river corridors, and failing that no surface occupancy stipulations should be required. ACECs should not be subject to leasing, or, at a minimum, should be subject to no surface occupancy stipulations. Archeological, paleontological, and historical resources must be adequately protected.

The RMP should guide and regulate the configuration and timing of lease offerings when parcels are offered for lease. Currently, industry nominates parcels that are typically scattered throughout millions of acres of public lands. As a result, pre-leasing environmental analyses are not based on common airsheds, river drainages, or other ecological units; nor do they adequately assess cumulative impacts.

The RMP should ensure that these problems are not perpetuated. As noted above, FLPMA requires consideration of the relative scarcity of the values involved, and the availability of alternative sites for producing those values must be considered. See, FLPMA § 202(c). Often, the most appropriate opportunities for oil and gas development from both an economic perspective and ecological perspective are within known and operating oil and gas fields, while the dwindling wildlife, scenic, wilderness and other resource values throughout the rest of the area are irreplaceable and should be protected. The EIS should consider this issue, and again, in our view, oil and gas drilling is not appropriate in potential wilderness areas, ACECs, important wildlife habitat, and in areas with important archeological, historical, or paleontological resources due to the great relative value of the resources involved.

The RMP should explicitly prohibit oil and gas leasing whenever the reasonably Foreseeable development scenario (RFD) has been exceeded, especially if this development is occurring due to new technological innovations that have not been subject to adequate environmental review. Coalbed methane (CBM) is a clear example in this regard: many development proposals for this method of extracting methane far outstrip the RFDs in existing RMPs, largely because this technology was not even envisioned when many RMPs were prepared. Moreover, the environmental impacts may not have been adequately evaluated (water from CBM development is the obvious example). Under these conditions, leasing should not proceed until updated environmental analyses are completed, and the RMP should so provide. Recent decisions of the Interior Board of Land Appeals require the unique impacts of CBM development to be analyzed. The BLM must objectively analyze any purported "limits" on oil and gas development in the RMP process, and continue regulating this activity as required by law. The BLM should focus analysis of the purported "adverse effects" of lease stipulations on energy supplies on realistic estimates of economically recoverable resources, not just "technically recoverable" resources. The recently released study done pursuant to the Energy Policy and Conservation Act (EPCA) failed to do this." If "other shortcomings in the EPCA study include the following. While criticizing the use of economically recoverable resources due to variability and change in economic conditions, the study proceeded under a number of other assumptions that are also variable: the technology for extracting oil and gas is constantly changing, applicable lease stipulations change with time, and estimates of oil and gas resources are constantly changing.

Thus, variability and change, standing alone, provide no basis for not considering resource availability from an economic perspective. Furthermore, the EPCA study presented the total amount of oil and gas present on & lands in several basins, yet only analyzed the amount of oil and gas on Federal lands subject to various "restrictions," thus inflating the proportion of oil and gas that is purportedly off limits. The study assumed that old leases without stipulations potentially limiting access effectively have currently-applicable stipulations because conditions of approval act as a "proxy" for the "missing" stipulations. Despite these limitations, all of which inflate the amount of oil and gas purportedly subject to "restrictions," the EPCA study clearly showed that the vast majority of Federal oil and gas resources are available for development. And even where limitations apply, the study showed that most drilling can still occur from 6-9 months during the year. The EPCA study can be used as a starting point but due to its shortcomings it should not be used for decision-making without supplemental information. oil and gas is not economical to extract, there will be no adverse impacts on supply

from stipulations designed to protect wildlife, archeological sites, recreation sites and other public assets. The BLM should use well-supported high and low range estimates of gas and oil prices in any analysis of the amounts of oil and gas affected by stipulations.²²

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

The lease acreages limits specified at 43 C.F.R. § 3101.2-1(a) should be monitored and enforced by BLM, and the RMP should make provision for such. BLM's LR2000 database makes this a relatively simple undertaking. To the extent BLM views this as an activity for the State Office or other BLM administrative level, the EIS should nevertheless discuss what actions are being taken at that other level and provide citizens with information so they can become aware of and monitor those efforts.²³ The regulations at 43 C.F.R. § 3162.3-1(a)(3) allow BLM to regulate well spacing pursuant to "any other program established by the authorized officer"-well spacing designations of the State oil and gas commission are not controlling. BLM should fully utilize this authority by specifying, in the final RMP, well spacing densities that are appropriate for protecting other resource values in an area, as required pursuant to 43 U.S.C. § 1732(b) and other law. Private landowners who live on "split estates" are often severely affected by BLM's oil and gas leasing decisions. BLM has often ignored or given little attention to the legitimate concerns of surface owners and their communities. BLM must minimize conflicts between surface owners and companies developing subsurface minerals by proactively seeking and addressing in the design and review of projects, including leasing itself. The RMP should provide for this. BLM should make full use of provisions in the Surface Mining Control and Reclamation Act that apply to all mineral development, not just coal. Areas used primarily for residential or related purposes can be deemed unsuitable for mineral development and withdrawn from leasing, or have development activities conditioned appropriately. 30 U.S.C. § 1281. BLM also has general withdrawal authority pursuant to 43 U.S.C. § 1714. BLM should make use of these provisions, as well as its general authority to condition development, to protect private surface owners who could be adversely affected by oil and gas development.

Finally, BLM should include in the EIS Affected Environment and the AMS information Regarding existing leases, including: -leased acres total within the resource area, leased acres in production, wells drilled and status of wells (active, abandoned, plugged, etc.), date leases issued and any NSOs-- ²² Of course, the stipulations and other protections may be fully warranted (or required) despite any effect they may have on energy supply, and the BLM should acknowledge this.

²³ This point applies to any activity BLM claims does not need to be fully explored in the EIS or decided in the RMP. Even if true, the RMP and RMP EIS should still assist citizens who desire to get information about these activities and to participate in them. Thus, BLM should, at a minimum, provide a discussion of what is occurring at the other administrative level and provide basic contact information. In place on those leases, map of leased acreage and wells, and unitization agreements in place. BLM should analyze this information and such information should be reflected in the RFD.'~

Coalbed Methane Issues

As indicated above, extraction of CBM has become rampant in some areas, so special Precautions must be taken in the RMP to ensure resource protection in the face of this development pressure. The RMP should prohibit discharge of water extracted from coalbeds onto the ground or into surface waters. This is particularly true of saline "produced" water. In addition to salinity problems, produced water-whether from CBM production or from conventional wells-- can be contaminated with heavy metals (Se, As, Ba, Hg, etc.). Selenium may be of particular concern, especially relative to impacts on avian species, and it is important to note that if produced water is stored in reservoirs or pits, heavy metals can become even more concentrated than in the produced water itself. The EIS should consider the problem of produced water storage pits/reservoirs leading to concentrated chemical solutions that harm wildlife (or other resources), and should particularly consider compliance with the Migratory Bird Treaty Act in this regard. Water from CBM development should be reinjected in an environmentally safe manner (i.e., in a manner that ensures groundwater supplies are not contaminated). However, if water from CBM production is discharged, directly or indirectly, into streams, the impacts of augmented flows and increased concentrations of salts (ions) and dissolved solids on the ecological characteristics of the streams (perennial or intermittent) should be analyzed. Such analyses must

account for the full range of variations in stream flow, effluent (produced water) concentrations, and sensitivities of different species at different life-stages. Impacts from altering stream thermal conditions and the timing of flows must be analyzed. Effects of discharged produced water on adjacent riparian areas, and the effects of increased turbidity and sedimentation should be considered. The analysis should consider lethal and sub-lethal effects on biota. If produced waters are or become a "discernible, confined and discrete conveyance . . . from which pollutants are or may be discharged", they must be treated as point source discharges of pollutants and a National Pollution Discharge Elimination System (NPDES) permit must be required. 33 U.S.C. 5s 1362(14), 1342. Based on these analyses, the RMP should provide standards to prevent or mitigate these impacts.

CBM development can lower water tables, which has widespread implications and therefore these issues must be addressed in the EIS. If produced waters are not reinjected, potential effects on agriculture must be considered. Dewatering coalbeds can increase the likelihood of difficult-to-control coal seam fires. Seepage of methane and its effects on vegetation, water (including domestic water and aquifers), and even the safety of people's homes must be considered. Again, the RMP must ensure these impacts are prohibited or mitigated. CBM fields can have a much higher density of wells than occurs in conventional gas fields.

Consequently, issues such as habitat fragmentation, outright loss of habitat, and impacts to visual resources are magnified. Because of this, the RMP must ensure that the unique impacts of CBM development are evaluated prior to leasing, and that such analyses do not simply duplicate the analyses done for conventional gas fields. As noted, recent Interior Board of Land Appeals and 10 Circuit decisions require consideration of the unique impacts of CBM development. - 24 See *Drilling in the Rocky Mountains? Not So Fast! An Assessment of Surplus Drilling Permits & Leases on Federal Public Lands*. TWS-Morton et. al (2004), which we incorporate by reference and attach a summary of the report. Nationally, the oil and gas industry has leased about 42 million acres of public land managed by the BLM.

This does not include leases on private and state lands, National Forests, or the Outer Continental Shelf. Nearly 73 percent of that land is not in production. In Colorado, there are 3,092,886 acres of leased land that are not presently in production 70% of all leased federal land in the state. Since Colorado clearly does not need more surplus leases and every permit processed by BLM costs American taxpayers \$3,900, approving additional leases promises only to burden taxpayers with unnecessary costs while achieving no material gain in terms of actual energy resources available for development.

Full Field Development and Application for Permit to Drill Issues

BLM sometimes seems to take the position that it must approve an application for permit to drill (APD) within 30 days. This is incorrect, and the RMP should specify the circumstances under which BLM may take more than 30 days to review an APD. Final action on APDs can be, and must be, delayed as needed to conduct needed, thorough environmental analyses. 43 CFR § 3162.3-1(h)(3); Onshore Oil and Gas Order No. 1, 111.8.2. The list of reasons for extending the time for when an APD may be processed is not limited to just the enumerated concerns in Onshore Oil and Gas Order No. 1, and the preparation of an environmental assessment (EA) or EIS is a specific reason for extension of the APD processing time. Onshore Oil and Gas Order No. 1, 111.D. - A specific purpose and need for an EA for an APD is to determine whether an EIS is needed. 40 C.F.R. 5 1501.4; Onshore Oil and Gas Order No. 1, 111.G.5.a. Yet it is extremely rare, at best, for an EIS to be prepared at the APD stage. The RMP should provide guidance for when the cumulative impacts of approving a number of APDs rises to the level of producing significant impacts on the human environment, requiring preparation of an EIS. This is especially important if drilling in an area has not previously been analyzed in a "full field" EIS because there is no question that the approval of several individual wells can have cumulatively significant impacts. And even if a prior full field EIS has been prepared, the RMP should provide guidance as to when supplementation of the prior EIS should occur. See 40 C.F.R. § 1502.9(c) (outlining requirements for supplementing an EIS).

Local residents and other concerned citizens wanting to be involved in the actual development of oil and gas fields and/or drilling of wells are often stymied. One reason participation is stymied is that BLM does not make Notices of Staking (NOS) and APDs readily available to the public in a timely fashion. In some cases citizens are expected to physically review NOSs and APDs by visiting the BLM office, or if they do not live nearby, to make weekly telephone calls to the BLM office to request that these documents be faxed to them. That is unacceptable, and in this day and age there is no reason they should not simply be posted on BLM websites in a timely fashion. Any proprietary or privileged information can be redacted. The lack of availability of NOSs and APDs hampers public participation, which violates NEPA. The BLM should include provisions in the RMP that will correct these problems. This recommendation is consistent with

and required by the public participation provisions in the CEQ NEPA regulations, 43 C.F.R. §3162.3-1, and Onshore Oil and Gas Order No. 1. The Mineral Leasing Act provision related to notifying persons of APDs is a minimum requirement and does not supercede or abrogate other requirements, such as those in the CEQ NEPA regulations. See 30 U.S.C. § 226(f) (providing "[t]he requirements of this subsection are in addition to any public - notice required by other law.") (emphasis added). –

The EIS must address the issue of granting exemptions and exceptions to lease stipulations at the APD stage. At a minimum, the RMP must identify which stipulations cannot be relaxed and the specific conditions that must be met before a request to exempt or relax any of the others will be granted. In our view, relaxing environmental protections should not be allowed. All too often exemptions or exceptions are granted when a company needs "just a few more days" to complete drilling or other activities. This is not a sufficient reason in our view-the stipulations are clear and companies should be able to complete activities as agreed to, or wait a few months to complete them when resource damage is lessened. Allowing drilling to continue essentially for the convenience of a company leads to unnecessary or undue degradation. Another common rationale for permitting exemptions or exceptions are claims that "game species aren't on the winter range yet" and other similar justifications. Rationales such as this are insufficient: drilling during a restricted period may prevent animals that would have moved onto the range from doing so, it may disturb and stress animals that are in areas adjacent to or nearby the area being drilled, it may concentrate animals in areas that are not being drilled, it may cause undisturbed areas to be overgrazed and degraded, etc. At a minimum, granting exceptions and exemptions to stipulations constitute Federal actions subject to NEPA; that is an EIS or EA needs to be prepared before they are granted. The public participation requirements of NEPA must be fully complied with. Even if the RMP provides guidance on the circumstances under which relaxation of environmental standards can be allowed, and such guidance was subject to NEPA (as it must be), BLM must still comply with NEPA when actual requests are made and the site-specific consequences can be analyzed. RMP level analysis supporting exemptions and exceptions is simply not site-specific enough to allow for approval of site-specific requests, and the RMP should so provide. BLM employs Sundry Notices pursuant to 43 C.F.R. § 3162.3-2(a) (authorizing use of Form 3160-5, the Sundry Notice). In our experience, Sundry Notices are used for a wide array of activities, and not necessarily just for "further well operations", as required by the regulations. The RMP should define precisely when the use of Sundry Notices is appropriate, and in our view they are inappropriate for anything other than the enumerated activities mentioned at 43 C.F.R. § 3162.3-2(a). Additionally, the RMP should define when NEPA compliance is required and what opportunities exist for public involvement relative to Sundry Notices.

Coal Development

The RMP must ensure full compliance with the Mineral Leasing Act and Surface Mining Control and Reclamation Act (SMCRA) for any coal development in-the RMP area. The RMP must assure the environmental protection performance standards and reclamation standards required by SMCRA are fully adhered to. The "federal lands program" for coal mining must also be carefully adhered to. The RMP should include provisions that will ensure that BLM works carefully with the State of Colorado in the regulation of coal mining, and BLM must ensure the State is adequately implementing and enforcing the program. See 30 U.S.C. § 1273 (providing the Federal lands program must consider the "unique characteristics of the Federal lands in question" and that "at a minimum" the Federal lands program shall include the requirements of the State's program). The EIS should evaluate whether the State is in fact adequately protecting public lands resources and develop means to protect those resources as needed. It should also address any potential new coal mining or expansion of coal mining that might occur so that BLM can work with the Office of Surface Mining to ensure the requirements related to mining plan decisions can be fully complied with.

The provisions for unsuitability determinations in SMCRA must also be fully utilized and complied with. BLM should ensure that "Determinations of the unsuitability of land for surface coal mining . . . shall be integrated as closely as possible with present and future land use planning and regulation processes at the Federal, State, and local levels." 30 U.S.C. 5 1272(a)(5). BLM should ensure that the suitability review for Federal lands complies with the requirements at 30 U.S.C. § 1272(b) and that any needed withdrawals and conditions are made, as provided for in that section. Similarly, BLM should ensure that existing suitability determinations are as up-to-date as possible and in conformance with the RMP. As mentioned above, the provisions at 30 U.S.C. 5 1281 should be fully utilized to protect surface owner rights. Roadless areas, proposed wilderness, ABECs, unique wildlife habitats, and other special management areas should not be deemed suitable for coal mining.

Locatable Minerals -The location of a mining claim alone does not give rise to a vested property right. Instead, a mining claim only creates a vested property right if there has

been a discovery of a valuable mineral; until that condition has been demonstrated, no rights exist. In determining whether such a discovery has been made, the BLM must take into account the cost of the recovery of the mineral and the costs associated with compliance with all State and Federal laws and regulatory requirements, including those intended to protect the environment. Unless a claimant can prove that it can recover the mineral at a profit, the BLM has no choice but to reject a claimant's mining plan of operations. The BLM has the authority to contest mining claims on these grounds "when such action is deemed to be in the public interest." Of determinative importance in defining the "public interest" is the requirement that BLM "shall" take actions to prevent unnecessary or undue degradation of the public lands, and this provision has special force and effect relative to "hard rock mining. 43 U.S.C. § 1732(b). The RMP must include binding provisions that reflect these requirements.

The BLM should consider withdrawal of special places from mineral entry. Often mineral claims have a low potential for economically recoverable mineral deposits, there can be severe impacts due to the scale of modern mining activities, and the public interest of protecting more valuable resources (including wildlife habitat, water, recreation, wilderness, etc) can outweigh the mineral values. Special places that should be considered for withdrawal include, but are not limited to, lands proposed for wilderness designation, important wildlife habitat, water sources, and unique geologic formations.

953 In reference to oil and gas development, once again, please stay away from sensitive Archeological sites, quiet areas and consider the future of energy. Why not create a wind energy farm on these windy plains?

954 This may be hard to avoid in the future given the many, many oil leases that require attention. Unless these lands are to be used only for energy production no more oil or gas leases should be granted. Pipelines do not seem to be a problem now but should be well planned and limited in the

Form Letter Oil and gas development must be undertaken with extreme care in anthropologically sensitive areas. Archeological sites should be located and studied prior to both leasing and drilling.

Best Available Technologies should be utilized whenever possible to mitigate any negative impacts to the landscape and its values. In areas that are sensitive in species (threatened and endangered, critical big game areas, raptor nesting sites, critical riparian habitat, remnant plant communities), cultural resources, and visual resources should not be leased or drilled. Additionally, the number of wells drilled must be kept low, traditional saturation of 16 sites per square mile is far too destructive.

All new road building in the Little Snake Resource area must be kept to a minimum. Old, unused trails and two-track roads should be left unimproved, and motorized use of those roads should remain prohibited.

In Northwest Colorado, there are some things that simply cannot be for sale. We cannot afford to sell off our archeological past and current quality of life for a few years of oil and gas. We owe it to future generations to leave the last fairly unspoiled part of our state in a reasonably pristine condition.

Form Letter - Ensure that any future oil and gas development proceeds using the best available technology and practices.

Recreation

<i>Comment Number</i>	<i>Comment</i>
56	The Yampa and Green Rivers need to be managed for their recreational resources. Hunting is a recreation. There is a conflict between energy development and hunting. There needs to be areas that are mainly managed for there hunting values.
57	The BLM should promote the use of recreation year round in the beautiful places it manages in Moffat County. Those areas which have significant scenic value as well as providing environments for wildlife and wild horses should be protected from development by oil, gas, and coal interests. The public will rally to the defense of these areas once they start using them for hiking, cross-country skiing, off road , etc.
59	I think it is important to keep this land available for recreational purposes--people think of the state of Colorado as the land of recreation, wide open spaces, and pristine wilderness, and I think BLM lands should be used for recreation such as camping, mountain biking, hiking, fishing, etc, in other words, for outdoor enjoyment without

- disturbing "nature" with motorized vehicles, or industry noise and pollution.
- 77 -As an avid OHV user, Keep in your plans for us- our winters are long and our summers short. Moffat cty residents use these lands a lot for recreation.
 - Please don't allow outside influences bias your logical thinking on this issue. We need the OHV trails for not only us but also for children to enjoy in the future.
 - please also do not shut down Vermillion Creek Basin for OHV use. Some of us old veterans cant walk from the nearest county road to see this area, including the petroglyphs.
- 84 will small game hunting, particularly sage grouse, still be permitted under the plan?
- 88 As a 25 year resident of N.W. Colorado I believe it is very important to look at all sides of the issues. With the popularity of all outdoor uses on the rise let's be sure we don't take the privileges of some for the benefit of the most vociferous group or groups.
 As an avid outdoorsman I enjoy many of the activities offered on our public lands. Including hunting, fishing, camping, hiking, sightseeing, skiing, and all around exploration of our beautiful lands. Often when exploring we will use several types of motivation, such as driving in a 4x4 vehicle and then proceeding on foot. As many of these areas are quite remote this
- 104 5 "recreation mgt" means hunter/killers kill what they want, while wildlife WATCHERS, who spend far more money cant get into an area because they are afraid of being shot to death by hunter/killers
- 134 Recreation that causes stress to the land, particularly ORV, should be limited to areas already impacted and damaged by such recreational activities. ORV recreation should be prohibited in areas that might damage watersheds and ferret habitat. Low impact recreation such as hiking, rafting, and horse back riding should be allowed where there will be little damage to watersheds and critical wildlife habitat. As an avid mountain biker myself, I believe mountain biking should be prohibited in areas that contain high wilderness value.
- 386 Paid campsites with restrooms a possibility.
- 390 separation of non-compatible uses is important. Non-motorized users cannot experience the true nature of our public lands with ORV, ATV, oil and gas, roads, illegal off-road activities and other disturbances.
 - sustainable uses and activities, such as hunting, fishing, hiking, horseback riding, camping, river activities, wildlife watching, etc should receive the highest priority of management.
- 610 I urge the agency to take great care in deciding the future of the area's array of natural resources provide for multiple uses across the resource area but no dirt biking.
- 872 4) User conflicts can best be mitigated by increasing accesses and dispersing all type of recreation and use throughout the full area of the Little Snake. Intensive and intrusive micro-management of recreation users and uses is ineffective and un-necessary for the Little Snake.
- 873 Recreation: What recreation opportunities (including motorized, mechanized, and primitive recreation) do we want to maintain in which areas (including, but not limited to hunting, fishing, riverine recreation, OHV riding, and all other recreation types)? How best to balance increasing recreation uses of various types with maintaining a quality recreation experience, minimizing conflicts with other uses and recreational users, and minimizing environmental impacts? What indicators using best available science should be monitored to determine if desired future conditions are being met?
- 888 Recreation is also is an important resource for the Little Snake Area. The economy also depends on recreation to bring in tourism and hunting etc... To minimize the recreational impact on rangelands and other uses there should be designated areas for recreation while respecting the multiple use concepts.
- 890 5. Provide a quiet experience for people in campgrounds. Ideally, it is better if people camp in developed campgrounds instead of creating their own dispersed campsite in the backcountry. To encourage this, the BLM should ensure that the campgrounds

guarantee a safe and quiet experience that is suitable for families.

2. Permit off-road vehicle use only to the extent that the use is manageable. The BLM should ensure that monitoring and enforcement are funded, implemented and used to determine appropriate levels of continued off-road vehicle use. Moreover, in order to comply with the BLM's regulations on off-road vehicles, the BLM should not plan to allow more motorized recreational use than they can afford to manage adequately.

3. Off-road vehicle planning must minimize impacts. The BLM regulations at 43 CFR 8342.1 and Executive Order 11644 as amended are clear in their instruction to the BLM on the location of trails and areas open to off-road vehicles. Specifically,

-Areas and trails shall be located to minimize damage to soil, watershed, vegetation, or other resources of the public lands and to prevent impairment of wilderness suitability.

-Areas and trails shall be located to minimize harassment of wildlife or significant disruption of wildlife habitats.

-Areas and trails shall be located to minimize conflicts between off-road vehicle use and other existing or proposed recreational uses of the same or neighboring public lands, and to ensure the compatibility of such uses with existing conditions in populated areas, taking into account noise and other factors.

-Areas and trails shall be located in natural areas only if the authorized officer determines that off road vehicle use in such locations will not adversely affect their natural, esthetic, scenic, or other values for which such areas are established. The spirit and letter of the BLM regulations governing off-road vehicle use and the Executive Orders establish off-road vehicle recreation as a use that must yield when impacts to the environment or other users are occurring.

13. Plan for appropriate recreation. The concept of appropriate recreation is being raised increasingly in recreation planning processes as the number and types of motorized and mechanized recreational vehicles and toys grows. Just because someone invents a new recreational machine does not mean that it belongs on or is appropriate for public lands.

We recommend that the BLM include in the decision document a statement to the effect that no new uses will be allowed on BLM lands until the Resource Area has had an opportunity to study its effects and plan for it; moreover, if the new type of recreation is determined to cause damage or conflicts considerably with other uses, the BLM can choose to disallow its use on BLM lands altogether.

The need for such a policy is illustrated by the Forest Service's experience in managing mountain bikes and off-road vehicles. In Colorado, the Forest Service completed its first round of land management planning in the early 1980's. At that time, mountain bikes and even off-road vehicles were not abundant. The Forest Service utterly failed to predict the major increases in mountain biking and, consequently, did not assess the potential impacts of mountain biking on resources and other users. Moreover, the Forest Service did not establish policies that allocated certain areas for mountain bike recreation nor disallowed cross-country use by mountain bikes. In retrospect, this oversight has resulted in considerable resource damage and user conflict, and has created enormous challenges for the Forest Service as it now attempts to allocate mountain bike recreation opportunities.

We now are faced with an increasing array of thrillcraft such as amphibious all-terrain vehicles (see the Centaur at <http://centaur8x8.ca/> for an example), monster ATVs (see Rhino Off-road Industries' (ROI) newest class of off-road vehicles, the RTV, which combines an ATV and a Monster Truck; http://video.rhino-offroad.com/moab_web.wmv), motorized skateboards, personal jetpacks, motorized mountain bikes, freeride bikes, etc. Allowing these types of uses without any analysis of their associated impacts is inappropriate and irresponsible, as well as not complying with the intent of NEPA. This proposed policy would ensure that the BLM would study the impacts of a new form of recreation before allowing it.

14. Maintain route densities compatible with wildlife sustainability. Some research has been done to investigate the relationship between route densities and the conditions of natural resources including wildlife and watershed health. Transportation plans and

associated NEPA documents should discuss the implications of various route densities on ecological health. The Colorado Mountain Club, Montana Wildlife Society, and Wildlands CPR can provide literature references on route density impacts to wildlife (see <http://www.montanatws.org/pages/page4.html>). In general, densities over 1 mile per square mile are considered deleterious to predators and big game species.

15. Utilize dispersed developed camping as needed. In areas experiencing high recreational use, especially overnight use, the BLM should consider restricting overnight stays to developed backcountry camping sites. This will reduce the number of user-created spurs to large camps, reduce the proliferation of backcountry camps, and stem the profusion of trash dumps, fire rings, etc.

16. Relocation/Confining of motorized recreational impacts. As public lands become more critical to wildlife as refuges (and to people seeking solitude) in the face of increasing private land development, intense and widespread forms of recreation such as off-road vehicle use become increasingly problematic and conflicting, presenting a growing challenge to BLM recreation managers.

The BLM should make it a general policy to limit recreational off-road vehicle use (and other forms of intense recreation) to designated routes in confined areas – areas that are more easily enforced, monitored, and maintained. For example, in winter downhill skiing is restricted on public lands to a confined area, in which ski routes are especially engineered and boundaries are marked and patrolled. A similar type of use allocation may be necessary if we are successfully going to provide a full complement of services including hunting, fishing, non-motorized recreation, motorized recreation, wildlife and flora protection, grazing, and watershed function.

A possible partial solution is for the BLM to work with municipalities to identify “Off-Road Vehicle Playparks” on municipal land. Such parks are eligible for funding support from the Colorado State Trails Program (OHV Subcommittee).

17. Routes should be engineered appropriately to minimize resource damage. The BLM should ensure that routes that are designated in the travel system should be appropriate for the specified type of travel. Specifically, they should be engineered so that: a) excessive erosion will not occur, b) water drainage is accommodated, and c) avoid critical ecological areas. In riparian areas, routes should be designed to avoid stream corridors as much as possible. Where crossings are unavoidable, design routes to cross stream at right angles rather than parallel to streams.

18. Emphasize recreational opportunities in the backyard. People want to generally recreate close to home and will seek out opportunities to access public lands close to communities. Hence, it makes sense as much as possible to emphasize recreational opportunities near communities, so long as environmental impacts can be minimized. Moreover, if applicable, it makes sense to offer recreational access points that intersect with public transportation.

19. Separate uses to reduce conflict. It is our experience that multiple-use trails eventually transform into single-use routes – specifically, motorized routes – as non-motorized users go elsewhere in search of quiet, solitude, and safe experiences. We recommend that the BLM separate motorized and non-motorized use as much as possible so that user expectations are clear and achieved.

2. Specific policies that should be incorporated into the plan revision.

1. Allow motorized and mechanized use on designated routes only. Given the intensity of recreation that occurs on public lands today, it is clearly no longer appropriate to allow cross-country travel by motorized and mechanized vehicles, which have the potential to cause significant damage. Restricting use to existing routes creates an unenforceable situation and essentially meaningless restriction, since it is only the first user who strays from a route that breaks the rules; all subsequent users are driving on the newly created existing route.

2. Adopt a “closed unless marked on map” policy. A “closed unless marked on map” policy only makes sense given the number of signs that are ripped down every year on routes where motorized access is prohibited. Under this policy, the incentive to vandalize signs and to create new routes is removed, while the incentive for motorized users to self-police is increased. Moreover, this policy insures consistency with neighboring Forest Service lands, which are changing systemwide to a “closed unless

marked on map" policy.

2. Eliminate game retrieval and camping buffers. An important component of effective off-road vehicle management is to abandon the 300 foot off-route rule whereby vehicles are allowed to travel 300 feet off of roads to camp or gather fire wood. As law enforcement officers and DOW District Wildlife Managers have long been saying, this provision renders a designated route system ineffectual since new trails can be pioneered any where off designated routes under the guise of camping or firewood collecting. One 300 foot spur becomes the jumping off point for the next 300 foot spur and trails continue to spread out from the designated routes just as before. Even reducing the off-road distance to 100 feet has the same effect.

Managers in some National Forests have abandoned this rule by restricting vehicles to designated routes, in combination with designated camp sites and parking areas that allow vehicles to get off the road in a way that can contained; they also recommend using short, dead-end spur roads that are made legal for the purpose of providing off-road space for vehicle parking.

3. Authorize ORV use only in a manner that protects natural resources, environmental values (e.g. quiet, landscape character), public safety and the experience of other land users. As stated in the previous section, the BLM's overarching management goal should be the sustainability of ecosystem structure and function. In order to achieve this goal, the BLM must only allow potentially damaging uses such as ORV recreation in places and in seasons where such recreation will not impair the ecological sustainability of the landscape. In addition, the BLM, under the Executive Order 11989 must allow ORV use only in such a way that impacts to other land users are minimized.

4. Do not automatically legitimize renegade routes. The BLM should adopt an explicit policy that renegade routes – routes that were created by users without authorization – created after the adoption of the plan will not be added to a designated route system. In addition, routes that exist today but were not officially constructed or authorized should not be automatically included in a designated route system, but instead should undergo a full analysis to determine whether they can be opened without endangering forest health, environmental values, public safety, and/or the experience of other users.

5. Disallow ORV use in roadless areas, which includes Wilderness Study Areas and Citizen Proposed Wilderness Areas. It is our observation that ORV use eventually leads to the development of wide routes equivalent in function to roads on the landscape. Because roadless areas (over 1000 contiguous roadless acres) are the last remaining core areas for wildlife and plants, they should be spared the impacts of intense recreation and route proliferation. Hence, we recommend that ORVs be disallowed in roadless areas.

5. Disallow recreational ORV use in Areas of Critical Environmental Concern. The BLM designates areas of Critical Environmental Concern (or ACECs) in places that require special management attention to protect and prevent irreparable damage to important historic, cultural, or scenic values, fish and wildlife resources or other natural systems or processes, or to protect life and safety from natural hazards (43 U.S.C. § 1702(a); BLM Land Use Planning Handbook H-1601-1). Our experience has demonstrated that places in which ORV recreation is allowed often suffer irreparable damage (e.g., Sand Wash Basin, Little Snake Resource Area; Fossil Park and Seep Springs, Royal Gorge Field Area), even when use in management plans is restricted to established routes. Hence, in order that the BLM guarantee that it can meet the management standards of protecting places and preventing irreparable damage, the BLM should disallow recreational ORV use in ACECs.

6. Prevent motorized incursions from private land. The BLM has to get a handle on the increasing issue of motorized incursions onto BLM land from adjacent private land. It is essential that BLM erect signs denoting the boundary between private lands and public lands. It is important to eliminate motorized trails that end at private property as this only encourages trespass. Lastly, the BLM should disallow exclusive private land access that provides benefit to a few but incurs costs to many.

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Recreation Management

The recreation resource on public lands is becoming increasingly rare and valuable. More and more people want to recreate on the shrinking amount of public land that remains unindustrialized. Many visitors to the public lands want to experience solitude, clean air, clean water, and vast undeveloped landscapes. They want to witness native

plants and wildlife in their natural habitat. The RMP should accommodate these resource values.

Increasing pressure from commodity uses and recreationists exposes the need to include more lands within ROS classes that protect the land's undeveloped, wild character. These designations preserve the availability of public lands for diverse recreation activities, the desire for which cannot be met adequately elsewhere: camping, picnicking, hiking, climbing, enjoying scenery, wildlife or natural features viewing, nature study, photography, spelunking, hunting (big game, small game, upland birds, waterfowl), ski touring and snowshoeing, swimming, fishing, canoeing, sailing, and non-motorized river running.

At a minimum, all lands proposed for wilderness designation within the Little Snake Resource Area should be managed as ROS class primitive.

The RMP should determine which lands are currently accessible by motor vehicle, horse, or foot for public recreation, and which lands are rendered unavailable for public recreation due to private lands which hold no access easements. The RMP should address the problem of inaccessibility of public lands for public recreation, including

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Extensive Recreation Management Areas (ERMAs)

Consist of all public lands not identified as Special RMAs. These are public lands having no particularly noteworthy Intensive, Community, or Open Space recreation opportunities. Within these areas, management objectives target no specific recreation opportunities, no specific setting conditions are prescribed, and recreation management actions are limited to custodial actions only Community Recreation Management Areas Special Recreation Management Areas (RMAs) adjoining communities and which are managed to provide structured recreation opportunities in response to recreation-tourism demand generated by community and/or tourism growth and development. Major investments in facilities and visitor assistance are authorized in these areas. Niches served by these prominent areas are comprised of local community-based markets that focus national or regional demand on adjoining public lands through area resort, second home, or other recreation-related developments. Here the emphasis is on meeting community, resident, and guest demand for open-space recreation opportunities and the stabilization of recreation-tourism industry and area economies through shoulder-season product development and promotion.

Intensive Recreation Management Areas

Special RMAs having distinctive, highly visible, or otherwise outstanding resource attractions that are managed to provide structured recreation opportunities in response to demonstrated national or regional recreation-tourism demand. Major investments in facilities and visitor assistance are authorized in these areas. Niches served by these prominent areas are comprised of national and regional recreation-tourism markets. Here the emphasis is on meeting demand for specific activity, experience, and benefit opportunities provided through these superlative natural and cultural settings.

Open Space Recreation Management Areas

Special RMAs having primary open space characteristics that are managed to support BLM's traditional role as a provider of dispersed recreation, maintaining their highly-valued, distinctive, undeveloped recreation setting character. Within the bounds of legal requirements and sound management practices, resource and visitor management actions exercise-minimal regulatory constraint and exclude major investments in facilities and visitor assistance to preserve the visitor's freedom to choose where to go and what to do. Niches served by these high visibility areas may be comprised of national, regional, community, and/or local markets. Here the emphasis is on accommodating use and enjoyment, but prohibiting the kinds of recreation use, project, and other facility developments that would change the areas' distinctive open space setting character.

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Ecologically sustainable trail design

An important principle of ecological trail design is that single track motorcycle and mountain bike routes, as well as ATV and 4WD routes, should maintain low route densities and should be concentrated in contained areas in front country rather than being dispersed into undisturbed backcountry areas (see RMRI's website: rmri.org).

ROS and Planning for the Future

We note that the 1989 RMP allowed Recreation Opportunity Spectrum (ROS) settings to downslide to more developed settings from previous, more natural settings. Nonmotorized settings were decreased from the previous management plan by 4,020 acres and semi-primitive motorized decreased by 154,780 acres. Conversely, rural and urbanized settings were increased by 145,300 and 27,879 acres respectively (RMP and EIS, p. S-23).

If this trend continues in the next RMP, the historically remote and uncrowded Character of the Little Snake Resource Area will continue to downgrade, impacting the quality of

life of local communities, hunters, and other visitors, and diminishing the uninterrupted open vistas and sweeping landscapes that characterize this remote part of Colorado. We urge the LSFO to use ROS assessments in the RMP travel plan both to measure changing conditions and as a planning tool for addressing growth. Remote as it may seem right now, the Little Snake Resource Area will not fail to be discovered by a burgeoning number of recreationists statewide and nationally, whose numbers could present a management challenge within the life of this RMP. Rather than react after the

fact, the BLM needs to plan at the outset for the kinds of recreational experiences and settings it wants to maintain in the future. For example, the "desired future condition" defined for the RMP subunits should include maintaining many subunits in the "semi-primitive" setting, not only for

Form letter

The Little Snake Resource Area encompasses some of the most premier Restricted Hunt Areas in Colorado. Hunters apply for 15 years or more for the opportunity to obtain a license for the Deer or Bull Elk hunt of a lifetime. Camping in the region offers quiet solitude, breathtaking vistas, and opportunities for spiritual rejuvenation. While hiking or horsepacking in the region, visitors can observe stunning rock formations and frequent signs of ancient Native American life. Wildlife viewing and wild horse viewing are popular activities. This is a sweeping landscape where the old west still lives, largely unaltered since the days of the first white settlers to the region. Any development in this area must be done with preservation of this vanishing and irreplaceable resource, at

Form letter

- Ensure diverse recreational opportunities, including areas for non-motorized users;

Social and Economic Values

<i>Comment Number</i>	<i>Comment</i>
68	<p>How does the Northwest Colorado Cultural and Heritage Tourism Project fit the RMP? The current action is inventorying the historic and cultural resources of Routt, Moffat and Rio Blanco Counties.</p> <p>The goal is to build a public-private partnership of to strengthen the economic and cultural fabric through increasing heritage tourism. We anticipate that archaeological and paleontological resources, some of which are on BLM land, will be important to the success of the project.</p> <p>At the federal level, the Department of the Interior participates in historic preservation and related projects, such a heritage tourism.</p>
69	<p>where are the jobs- who gets locals or out of state folks</p> <p>- \$ for county is one consideration, BUT benefit to greater community should be measured in real economic opportunity</p> <p>- compare to Hiawatha fields</p> <p>-consider economic benefits of open space, benefits of outdoor/western lifestyle</p>
389	<p>on behalf of the craig/moffat county economic development partnership (EDP), I want to express our support for multiple uses of federal lands in Moffat County. While we support reasonable conditions to ensure environmental compatibility, we believe these federally owned lands are also assets of Moffat County residents important to a long-term economic viability. We urge the BLM to weigh the economic impacts of its Plan carefully and ensure that these lands are not restricted solely for wilderness purposes.</p>
873	<p>Socioeconomic Conditions: What is the current contribution of the LSRA lands to local, state, and national socioeconomic conditions (including both quantitative and qualitative values)? How will management decisions in the RMP positively and negatively affect these socioeconomic values at the local, state, and national level? How can the custom and culture of the local community be enhanced while achieving</p>
889	<p>Socioeconomic</p> <p>Our Livestock grazing operations contribute significant economic support to the communities of: Craig & Maybell Colorado, Vernal & Manilla Utah, and Rocksprings Wyo. Many of the livestock operations have similar impact in and out side of Moffat County. The BLM must analyze the full range of impacts that livestock grazing contributes to surrounding communities both from a socio as well as an economic</p>

perspective as required by NEPA Those decisions should not adversely affect our

890

2.Consider adequately the proposal's economic impacts. The estimated cost of implementation should include:

- Law enforcement;
- Route maintenance;
- Trash pickup and removal needs;
- Monitoring for inappropriate or irresponsible riding behavior, changes in water quality and stream health, sedimentation and soil erosion, damage to vegetation, and
- Monitoring of species habitat to assess whether routes need to be closed (for example, manpower funding monitoring impacts to Peregrine Falcons).

The NEPA document must analyze the economic impact of each alternative using the true costs of implementation.

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2) Social and Economic Analysis - Moffat County requests that the 2004 Economic Development Report (completed by Colorado State University, the 2005-2006 Community Indicators Project, and the regular Northwest Colorado Economic Reviews from the Associated Governments of Northwest Colorado be incorporated in the Socio Economic section of the RMP and Analysis of the Management Situation (AMS). We see it vital that cooperating agencies and NWCOS guide additional analysis than is typically performed in traditional RMP's. We request the BLM and its contractors fully engage NWCOS and the Cooperating Agencies in supplementing the traditional types and extent of socio economic analysis performed in RMP's.

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Socio Economics

The BLM is required by NEPA to assess the socio and economic impacts of all alternatives and proposed decisions. We request that the BLM fully and completely address the range of impacts proposed decisions would have on Moffat County and our industry's economy. We also support the development of an ongoing economic model that will allow decision makers to understand their role in maintaining the viability of our industry and local economy.

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The Little Snake Resource Area, primarily located in Moffat County, coexists with a county population of roughly 13,500 people. This citizenry has both a per capita and median household incomes below the Colorado averages by about 32% and 16% respectively. These citizens find 37% of their employment in service jobs, most of which pay low or stagnant wages, averaging \$21,400 annually. The county also maintains between 5.5 and 5.9 percent unemployment (7 percent in 2003), and also has 30 percent of all of its household income groups living at \$25,000 per year gross, or less.

Shockingly, 48% of its family units (single or double-parent households with children) live below or barely at the county's own calculated "living wage," a figure compiled from 12 basic expenditures needed for family survival. Its citizens, between 1999 and 2003 increased requests for low-income federal aid for food, shelter, heating, and medical needs by 46.5 %, even though the county population only rose by 3.3 % during that time frame. Socio-economic pressures on our population may also be shown by noting that available childcare slots (whether affordable or not) fell from 368 to 307 in 2004. Because Moffat County is comprised of 69 % public lands (about 60% federal, 9% state), these lands, especially those of the BLM, are critically important to the citizens' present and future economic stability and social health. Though better paying mining and utility jobs provide 20% of the county's jobs, the mining employment are shifting away as Seneca Mine: closes at the end of 2005 and surface coal at Trapper Mine is gradually depleted.

The general industries of hunting, fishing, wildlife and wilderness-related recreation provided \$26 million to the local economy in 2003. This industry supports jobs in the service, retail, wholesale, transportation, and agricultural sectors. While only a minor portion of the county's citizen's total earnings, it plus the government agency jobs related to the public lands has become a central industry.

The BLM in particular is reconsidering the most appropriate uses of the county's public lands. In addition to the monetary benefits that the public lands provide, BLM must socio-economic responsibility as the one that will preserve the public lands qualities that support the majority's sustainable income and social health far into the future. Noting how central this county's role is for Colorado's outdoor industry, second only to the ski industry's role in the state, attending to our county's wildlife-related reputation and scenic qualities is the wisest long-term use of its public lands.

Keeping in mind the fragile financial state of much of our local public-contingency and the role for the public at large, now and in the future, the BLM's new Resource

Management Plan in this county must accept, state, and develop responsibility to sustainable and widely shared economic experiences

Form Letter

The Little Snake Resource Area, primarily located in Moffat County, coexists with a county population of approximately 13,500 people, whose per capita and household incomes (2000 figures) are below Colorado averages by approximately 32% and 16 %, respectively. This county's population finds 32% of its employment in service jobs, most of which pay low or stagnant wages. The county also maintains between 5.5 and 5.8% unemployment and has roughly a quarter of all of its household income groups living at \$25,000 per year gross, or lower.

Due to the fact that Moffat County is comprised of 65% public lands, these lands are of exceeding importance to the county citizen's present and future economic stability and social health. Though mining and public utility jobs provide 20% of the county's jobs, employment offered by hunting, fishing, and outdoor recreation provides roughly \$26 million dollars to the county's economy, all the while impacting jobs in the service, retail, wholesale, transportation, and agricultural job sectors.

As the most appropriate uses of the county's public lands are considered, it's useful to realize that the land's quality must be preserved for the uses that can produce income and social values on a sustainable level. Therefore, since Colorado's hunting, fishing, and wildlife viewing industries produce billions of dollars per year (\$1.5 billion in 2002), attending to our county's wildlife-related reputation and scenic qualities is the wisest long-term and long-lasting use of its public lands.

Keeping in mind the fragile financial state of much of our local citizenry and the nearly two-thirds public land proportion of the county, and RMP in this county must accept, state, and develop a responsibility to sustainable economic development.

Soil, Water and Air Resources

<i>Comment Number</i>	<i>Comment</i>
69	rotate and repair riders to avoid degradation of streams
386	we must preserve our water- keep it clean and uncontaminated for now and the future. It will be worth more than oil.
890	<p>2. Analyze impacts to aquatic resources. The NEPA document must provide information on the types and locations of riparian areas that will be affected, and the effect recreational use on these areas will have on riparian and wetland function and sustainability. The analysis should provide the most recent monitoring report of land health standards for the area in regard to riparian condition and watershed condition and function. The analysis should distinguish perennial riparian areas, riparian zones with fisheries, intermittent riparian zones, and other wetland areas, as well as discuss the values associated with all of these categories. Lastly, the analysis should analyze the impacts of routes that parallel or cross riparian or wetland areas.</p> <p>Lastly, the NEPA document must analyze the impacts of each alternative in regard to current (and perhaps future) drought conditions. In particular, perennial areas as well as intermittent areas that serve as temporary water storage locales are increasingly important.</p> <p>3. Analyze impacts to soils. The BLM should evaluate the presence of mass wasting and highly erodible soils. The impacts to soil resources must be addressed both site-specifically and generally for the project area. Activities should be avoided in areas where soil stability or productivity will be adversely impacted by project activities.</p> <p>A major cause of sedimentation in roaded watersheds is road failure due to lack of maintenance (e.g., clogged culverts and in-board ditches, misplaced culverts, and drilling). Hence, the NEPA document should discuss the consequences of inadequate maintenance on the additional and existing routes for each alternative. The BLM should present the fiscal data illustrating the road maintenance dollars available in past years compared to need, and use the data to project fiscal shortfalls in the future under each alternative.</p> <p>4. Analyze noise and air pollution impacts. Motorized vehicle recreation results in increases in noise and air pollution ranging from dust to toxic vehicle emissions. The NEPA document must address these impacts on other recreational users, on the</p>

values of solitude and quiet, and on wildlife.

In order to gauge noise and air impacts as required by NEPA, the BLM must consider and evaluate the following factors: 1) the frequency and duration of use of each of the proposed motorized trails; 2) the soil types on the routes; 3) estimated emission types; and 4) average speeds.

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BLM Must Ensure Compliance with the Clean Water Act and Clean Air Act

The Clean Water Act

FLPMA requires that land use planning and the resulting RMP provide compliance with "pollution control laws" such as the Clean Water Act (CWA). 43 U.S.C. § 1712(c)(8). To do so, BLM must ensure that all streams on its lands comply with federal and state water quality standards.

In addition to these high quality stream segments, the Little Snake Resource Area also includes several waters that have been identified as having water quality impairment problems. These include both water bodies listed as "impaired" by the State of Colorado under Section 303(d) of the Clean Water Act, and water bodies identified as impaired by the Water Quality Control Commission on its Monitoring and Evaluation List. The latter includes several segments and numerous tributaries of the Yampa and Little Snake Rivers. For those stream segments on Colorado's 303(d) list, BLM must prevent any deterioration in their current impaired condition. The RMP should adopt measures to restore them to health. In addition, according to the Monitoring and Evaluation List, numerous stream segments in the Resource Area appear to be "water quality impaired" for sediment, and several for the pollutants fecal coliform or E. coli. Since livestock grazing can be a significant source of sedimentation or these pollutant, BLM must examine whether grazing practices within the watersheds of these streams should be modified to reduce levels of sediment, fecal coliform, or E. coli. CWA § 401 requires BLM to secure certification from the State of Colorado of compliance with state water quality standards prior to the authorization of certain activities on BLM lands. 33 U.S.C. § 1341. Section 404 requires permits before discharges of dredged or fill material can be made into navigable waters. See 33 U.S.C. § 1344. The RMP should ensure full compliance with sections 401 and 404 of the CWA.

An important step toward complying with the CWA can be made by ensuring the RMP adheres to and incorporates appropriate elements of the Clean Water Action Plan. The Clean Water Action Plan requires "managing natural resources on a watershed basis . . ." <http://www.cleanwater.gov/action/c2b.html>. Federal agencies must adopt a policy that "will ensure a watershed approach to federal land and resource management that emphasizes assessing the function and condition of watersheds, incorporating watershed goals in planning, enhancing pollution prevention, monitoring and restoring watersheds, recognizing waters of exceptional value, and expanding collaboration with other agencies, states, tribes, and communities." Id. BLM is specifically required to provide for "enhanced watershed restoration efforts, including the integration of watershed restoration as a key part of land management planning and program strategies." Id. The Clean Water Action Plan requires that BLM "enhance the quality of streams and riparian zones and accelerate restoration." Id. BLM "will increase maintenance of roads and trails and aggressively relocate problem roads and trails to better locations. Where unneeded roads pose threats to water quality they will be obliterated and the land restored." Id. Implicit in this requirement is a prohibition on creating, or permitting, additional roads that could become problem roads. In assessing whether road construction associated with logging or oil and gas development or other activities should be authorized, BLM must be realistic about the resources available to the agency for maintenance and rehabilitation.

Similarly, the RMP should make provision for implementing BLM's Riparian-Wetland Initiative, particularly the objective of restoring 75% of riparian areas to "proper functioning condition."

The Clean Air Act

The RMP adopted by BLM must ensure that state and federal air quality standards are achieved.

BLM should adopt a pro-active approach to air quality issues by using the land use planning process and the EIS to gather baseline air quality data and fully analyze the cumulative impact of any actions that may be authorized under the RMP, as well as past, present, and reasonably foreseeable future actions on all lands within the airshed.

The RMP should establish an effective monitoring program and adopt measures adequate to curb the release of pollutants if monitoring reveals that standards have been exceeded. The RMP should set forth steps that will be taken to ensure that non-attainment areas are returned to compliance. This must include, as BLM already acknowledges, an analysis not only of air quality within the Resource Area but a region-wide cumulative analysis.²

² Draft Analysis of the Management Situation (AMS) at 1-2, available at <http://www.co.blm.gov/lra/rmp/documents/LittleSnakeAMS.1-3-05.pdf>.

CAA requires the prevention of any significant deterioration of air quality in some areas, particularly in Class I airsheds applicable to National Parks and wilderness areas. The RMP should adopt measures to ensure the air quality of all proposed wilderness within the Resource Area is preserved.

The RMP should address the issue of regional haze and the destruction of viewsheds caused by haze. BLM must acknowledge that oil, gas, and coalbed methane development on federal, state and private lands is a significant contributor to haze. Oil and gas development contributes to this and other forms of air pollution in several ways. Oil and gas activities produce large surface disturbances (pads and roads) and increase vehicle traffic which contribute to particulate pollution. Oil and gas development also contributes to NOx, SO₂, and volatile organic compound (VOCs) pollution through activities like flaring, drilling, processing plants, wellhead compressors and compressor stations.³

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Water Quality

Goal: BLM should proactively manage both the quality quantity of water resources. The FLPMA establishes a general requirement that land use planning and the resulting plan provide for compliance with "pollution control laws." 43 U.S.C. 9 1712(c)(8).

Compliance with the Clean Water

Act (CWA) is an important element of this requirement. -

The CWA establishes many requirements that BLM must adhere to in the RMP. It is imperative that BLM insure that waters on its lands comply with State water quality standards. It is critical to recognize that State water quality standards "serve the purposes" of the CWA, which, among other things, is to "restore and maintain the chemical, physical, and biological integrity of the Nation's waters. . ." 33 U.S.C. 5s 1313(c)(2)(A), §1251(a). That is, a purpose of water quality standards is to protect aquatic: ecosystems, and BLM must ensure this comprehensive objective is met by ensuring water quality standards are complied with. Water quality standards are typically composed of numeric standards, narrative standards, designated uses, and an antidegradation policy. All too often, however, only numeric standards are viewed as "water quality standards." That narrow view is incorrect. The Supreme Court held in PUD No. 1 of Jefferson County v. Washington Dep't of Ecology, 51 1 U.S. 700 (1994), that components of water quality standards are enforceable limits.

Consequently, the RMP must ensure all components of State water quality standards are met, not just numeric standards. Adopting this legally sanctioned view of water quality standards is important. For example, a typical designated use for a stream might state that the stream is "protected for cold water species of game fish and other cold water aquatic life, including necessary organisms in their food chain." Designated uses of this sort encompass a far more holistic, ecosystem-based view than focusing on, say, the concentration of chloride in the stream (a numeric standard). Consequently, the RMP should provide that designated uses be fully achieved, and if they are not, require prompt management changes even if numeric standards are otherwise being met. Similarly, narrative standards can often embody a better ecological synthesis than numeric standards, and thus BLM should ensure that they too are achieved. For example, a State's narrative standard make it illegal to contaminate a stream with "floating materials or scum that create objectionable odors or cause undesirable aquatic plant growth." If the State water quality standards applicable to the RMP area have made narrative provisions a component of water quality standards, the RMP should ensure these narrative standards are fully met, and modify management where they are not. For example, the designated uses for Vermillion Creek (from the Wyoming Boarder to Highway 31 8) in accordance with the Colorado Water Quality Standards (5 CCR 1002- 37) are:

= Class 2 -Warm Water Aquatic Life - waters that are not capable of sustaining a wide Variety of war water biota due to physical habitat, water flows, or uncorrectable water quality conditions

Class 2 - Secondary Contact Recreation -waters that are suitable or intended to Become suitable for recreational uses on or about the water, including fishing and other Streamside recreation

Class 2 -Agriculture -waters that are suitable or intended to become suitable for irrigation of crops and that are not hazardous as drinking water for livestock.

Designated uses of this sort encompass a more holistic landscape and ecosystem-based view than focusing on, say, pH or chloride concentration in the surface water. Consequently, this RMP should provide for how these designated uses will be achieved, including recreational and agricultural uses, and if they are not, require prompt management changes even if numeric standards are otherwise being met. In meeting the narrative provisions and designated uses of the Colorado Water Quality Standards, the RMP should clearly establish current conditions in the affected environment, goals, objectives and monitoring protocols for this and every watershed with the Little Snake Resource Area.

The State's antidegradation policy is also a critical component of water quality standards. See 40 C.F.R. 3 131 . 1 2 and applicable State regulations. Of particular significance are

Outstanding National Resource waters, where water quality must be maintained and protected. 40 C.F.R. §131.12(a)(3). Outstanding National Resource waters are waters that "constitute an outstanding National resource, such as waters of National and State parks and wildlife refuges and waters of exceptional recreational or ecological significance . . ." Id. (emphasis added). While States designate Outstanding National Resource waters, the Clean Water Action Plan makes it appropriate for BLM to identify waters that should be fully protected by this designation during its planning process, and to make recommendations to the State and EPA accordingly. In addition to the antidegradation policy's protections for waters that meeting water quality standards, where State water quality standards have not been achieved despite implementation of point source pollution controls, section 303(d) of the CWA requires a State to develop a list of those still-impaired waters, with a priority ranking, and to set total maximum daily loads (TMDLs) of pollutants for the stream "at a level necessary to implement the applicable water quality standards. . . ." 33 U.S.C. §1313(d)(l)(C). Consequently, to the extent waters within the BLM's jurisdiction have been identified as water quality impaired segments, or contribute stream flow to such segments, the RMP should include affirmative steps toward reducing that impaired status, regardless of whether the State has made a specific allocation of pollutant load to BLM lands at the time the RMP is prepared. If any specific load allocation has been made by the State for activities on BLM lands, BLM should obviously ensure that these are complied with. The RMP should ensure full compliance with sections 401 and 404 of the CWA. Section 401 requires State certification of compliance with State water quality standards prior to authorization of certain actions on BLM lands. 33 U.S.C. § 1341. The RMP should fully implement this requirement. Section 404 requires permits before discharges of dredged or fill material can be made into navigable waters, and BLM, through the RMP, should assist the EPA and Army Corps of Engineers with implementation and enforcement of this requirement, which, of course, is a powerful means for the protection of wetlands. &. 33 U.S.C. § 1344.

An important step toward complying with the CWA can be made by ensuring the RMP adheres to and incorporates elements of the Clean Water Action Plan. The Clean Water Action Plan makes many provisions, but several are particularly relevant to public lands management. The Clean Water Action Plan requires "managing natural resources on a watershed basis . . ."26 . Federal agencies must adopt a policy that "will ensure a watershed approach to federal land and resource management that emphasizes assessing the function and condition of watersheds, incorporating watershed goals in planning, enhancing pollution prevention, monitoring and restoring watersheds, recognizing waters of exceptional value, and expanding collaboration with other agencies, states, tribes, and communities." Id. The BLM is specifically required to provide for "enhanced watershed restoration efforts, including - the integration of watershed restoration as a key part of land management planning and program strategies," among many other requirements. Id. The BLM "will increase maintenance of roads and trails and aggressively relocate problem roads and trails to better locations. Where unneeded roads pose threats to water quality they will be obliterated and the land restored." Id. Implicit in this requirement is a prohibition on creating, or permitting, additional roads that could become problem roads, especially where there is no realistic basis given budget and personnel constraints to believe they can be adequately maintained. This requirement, of course, has special relevance relative to oil and gas extraction activities, which are typically characterized by a profusion of roads. Relative to riparian areas, the Clean Water Action Plan requires that BLM "will enhance the quality of streams and riparian zones and accelerate restoration." Id.* See ~~~~y.cleanwater.qo~/actionlc2b.html

Similarly, the RMP should make provision for implementing BLM's Riparian-Wetland Initiative, and seek to implement the specific objectives established in that initiative, particularly the objective of restoring 75% of riparian areas to "proper functioning condition." The importance of implementing the Clean Water Action Plan and the Riparian-Wetland Initiative will be addressed further, below, in the section on riparian area management.

Air Quality

Goal: The BLM should prepare an Air Quality Baseline and Analysis Report and set air quality goals and objectives aimed at improving air quality both regionally and throughout the Little Snake Resource Area. In endeavoring to prepare a management plan applying principles of adapt the management, the BLM would be remiss should an Air Quality Baseline and Analysis Report not be prepared as part of the NEPA analysis. The BLM should prepare such a report to be incorporated as baseline air quality of the EIS. Although air quality in the Yampa River Basin and the Little Snake Resource might be characterized as generally "good," there are several air quality issues of note: Environmental Protection Agency (EPA) 1993 designation of Steamboat Springs as a moderate non-attainment area under the National Ambient Air Quality Standards (NAAQS) for 24-hour PM-10 concentration. Additionally, the EPA issued 1996 citation to the Hayden Station for violations of the Clean Air Act due to its emissions of particulate matter, sulfur dioxide (SO₂) and nitrogen oxides (NO_x). PM-10 is a measure of particulate matter between 2.5 and 10 pm in diameter. Local sources of PM-10 include, but are not limited to, dust from street sanding and unpaved roads, smoke from burning wood and coal, and oil and gas development. These microscopic particles can remain air-borne indefinitely, causing respiratory problems,

visibility impairment, climate changes, and damage soil and vegetation. The NAAQS maximum 24-hour PM-10 is 150 $\mu\text{g}/\text{m}^3$ and the average annual PM-10 is 50 $\mu\text{g}/\text{m}^3$. Yampa Valley Partners). The 24-hour PM-10 may not be exceeded more than three times during any consecutive 3-year period. Steamboat Springs had exceeded 150 $\mu\text{g}/\text{m}^3$ on several occasions prior to 1997, with a maximum 3-year average exceedance of 2.31 in 1991. During the same period (1991-2000), Steamboat Springs had not exceeded the average annual PM-10. Moreover, it had not exceeded the 24-hour PM-10 since 1996 and, in 2001, the City of Steamboat Springs, Routt County and State of Colorado filed requested that EPA redesignate the city as a PM-10 attainment area. The US Forest Service (USFS) concluded that visibility in the Mount Zirkel Wilderness Area may have been impaired, and that impairment was due, in part, to the Craig and Hayden power stations. The Mount Zirkel Visibility Study, funded by the owners of Craig and Hayden stations, and jointly managed by the owners, USFS, and State of Colorado, was completed in 1996. Under the terms of a 1996 settlement, Public Service Company (now Xcel Energy) agreed to install air pollution controls on its Hayden Station to remove more than 20,000 tons per year of air pollutants that had adversely impacted air quality and make progress toward reducing acid precipitation in the Mount Zirkel Wilderness Area. Controls were installed in 1999, which should reduce SO₂ emissions by 85%, and NO_x emissions by 50% (DOJ 1996; Ely 1999). This RMP should seek to exceed local, State and Federal air quality standards. The RMP must manage actions on public lands to meet the air quality standards prescribed by Federal, State, and local laws. Meeting the requirements of applicable State implementation plans and ambient air quality standards is a must, and air quality in non-attainment areas must be improved. Protecting air quality should be a priority - not just an afterthought that is done if convenient or "feasible." The FLPMA requires BLM to consider the relative value of the various resources, and indeed clean air is quickly becoming (along with undeveloped landscapes) a most valued, yet dwindling resource. Therefore, BLM should take a proactive approach to managing air quality by, among other things: gathering baseline air quality data; setting aggressive standards; requiring any actions on public lands to meet those standards (i.e. no flaring, no two-stroke engine use on public lands, etc); analyzing the cumulative impact of any proposed action with other past, present, and reasonably foreseeable actions; establishing an effective monitoring program; and halting any actions that contribute to air pollution if such monitoring reveals that standards have been exceeded. The EIS should address the issue of regional haze and the destruction of viewsheds caused by haze.

Much of the air pollution causing this haze can be attributed to coal-fired power plants and a general increase in the burning of fossil fuels within and beyond the RMP region. Accelerated oil, gas, and coalbed methane development on Federal, State and private lands is another contributor. Part and parcel of reducing regional haze are the requirements in the Clean Air Act for the prevention of significant deterioration of air quality and protection of air quality in various airshed categories, particularly in Class I airsheds applicable to National Parks and wilderness areas. The EIS should address how prevention of significant deterioration requirements can be met, and the RMP should require steps to ensure they are met. Class I airsheds within 100 kilometers of the Little Snake Resource Area include, the Mount Zirkel Wilderness, Service Creek Wilderness, Flat Tops Wilderness, Eagles Nest Wilderness, Rawah Wilderness, and Rocky Mountain National Park.

Oil and gas development activities directly contribute to air pollution in several ways, and all should be addressed in the RMP EIS. Oil and gas development activities produce large surface disturbances (pads and roads) and increase vehicle traffic, which contributes to particulate pollution. Oil and gas development activities also contribute to NO_x, SO₂, and volatile organic compound (VOCs) pollution, through activities like flaring, drilling, processing plants, and wellhead compressors and compressor stations, to name a few. The Environmental Protection Agency (EPA) has prepared a report on the oil and gas extraction industry.²⁷ Data in the report show the oil and gas extraction industry ranks as follows in terms of creating air pollutants among the 29 industrial sectors EPA had data for in 1997: -

Pollutant -- Ranking (out of 29)

CO

NO₂

PM₁₀

Particulates

SO₂ VOC These data emphasize the importance of regulating air pollution from oil and gas development activities in the RMP area.

As indicated, air pollution problems, perhaps more than any other environmental problem, are not subject to human-created, artificial boundaries. Consequently, the EIS must consider air pollution problems existing in the RMP area (whatever their source) at appropriately broad scales. Moreover, the preparation of a baseline air quality baseline and analysis report will guide local communities and BLM in understanding air quality impacts associated with future development and mitigation measures.

955 All impacts to water quality in the Little Snake and Yampa and waterways further downstream will need to be considered in light of these species, and for the two federally listed species, Section 7 consultation with the U.S. Fish and Wildlife Service may be needed for projects and proposed actions that could affect habitat.

The Clean Water Act established the objective of restoring and maintaining the chemical, physical, and biological integrity of the Nation's waters, which of course includes the Little Snake Resource Area. 33 U.S.C. fj 1251. The ESA establishes the purpose of conserving the ecosystems upon which threatened and endangered species depend. 16 U.S.C. 8 1531 (b). BLM's livestock grazing standards and guidelines establish standards of ecological health applicable not only to livestock grazing, but to resource management generally. See 43 C.F.R. subpt. 41 80. The Clean Water Action Plan establishes the need to manage public lands on a watershed-that is, ecosystem-basis.

956 Soil and Water 1989 RMP Requirements
 As mentioned above, portions of Sand Wash are in Management Unit 12 LI(the ' ' V e d o n Basin" MU.), "areas where soil erosion potential is known to exist" (ROD p. 16). 3000 acres of Sand Wash basin are also in a Fragile Soil and Watershed "Management Priority Area" (RMP map and ROD, p. 18). Much larger portions of Sand Wash Basin are also in a more general Soil and Water Management Priority Area (RMP map) - In such areas, the ROD calls for the closure of "BLM roads and trails that have high erosion rates that cannot be corrected" (ROD page 18). We have a question as to whether this and other RMP provisions applying to these land categories have been carried out. The provisions are listed on pages 16-18 of the ROD, and on page 1-7 of the 1986 RMP and Environmental Impact Statement. For example, for the Fragile Soils and Water segment of Sand Wash, were "mitigation or restrictions applied to surface-&tubing activities," (such as ORV use), as specified on page 16 of the ROD? Another provision calls for completion of a "water quality and watershed activity plan (ROD, p. 18).," Was this completed and if so did it cover ORV impacts?
 In Soil and Water priority areas, the 1986 RMP EIS states that dispersed recreation is subordinate to maintaining soils and water values and that "Restrictions could be placed

Special Management Area Designations

Comment Number	Comment
56	<p>BLM needs to protect with special management designations the lands surrounding the Yampa River and Dinosaur Nat Mon.</p> <p>In this RMP revision there may be some tradeoffs necessary...the Yampa could be designated Wild and Scenic for temporary oil and gas drilling in other areas.</p> <p>There is a distinct advantage to have "wilderness" areas other than high alpine areas. Therefore it is necessary for BLM to manage certain areas with wilderness characteristics as lands preserved for future generations. Note: As you can see I have refrained from using the word wilderness. Maybe we should look for another designation.</p> <p>I think we should look down the road, 50-100yrs, BLM could designate "future wilderness areas". Oil and gas are only temporary uses. No other uses and when the oil and gas folks leave they are required to put the land back to as close as possible to the natural condition...it will recover to be enjoyed by future generations.</p>
63	<p>Lands that may have special designations should be made available for multiple use.</p>
69	<ul style="list-style-type: none"> - wild and scenic rivers- keep in mid Yampa rivers quality in comparison to other Colorado rivers- deserving of protection - compare to designated rivers and remember possibilities for different levels of protection - wilderness characteristics can only be preserved in certain ways- the Wilderness Act of 1964 provides a national debate which defend the term- we should look to that standard and not pretend/presume that human beings are able to recover wild areas once they are developed-sometimes this is not possible - wilderness quality lands are abundant in NWCO - Cross Mtn, Skull Creek- all WSA's deserve protection - In addition- Vermillion Basin- Including the Brush Mtn and Lookout Mtn ACEC's and beyond -vermillion- a place like none other- unique for its archaeological values, wide open

- spaces, badlands a mix of features all in one spot
 - gas drilling cant happen in these sensitive soils- only room for negotiation in certain areas
- consider economic and cultural values of wilderness- not just quantifiable measurements (recreation, clean air, clean water) but also social value of wildlands
- supports hunting community
- multiple uses of wilderness- hunting, recreation, wildlife, agriculture, tourism
 - grazing is allowed!!! Don't flub this fact- look to grazing questions in other BLM wilderness areas to evaluate (in Black Ridge Canyons and LSRA's current WSA's)
- wilderness is open to all members of the public
- need wilderness for lower species and winter habitat
- better management of current WSA's- more enforcement of OHV restrictions
- elk need big protected areas to flourish- especially trophy elk in Cold Springs and Vermillion
- problems of population may be reduced by re-introducing predators- cats, wolves
- migratory corridors- black mtn to area North of Maple Nine-Mile ridge and Little Snake River
- Sage Grouse- keep old rafe around may be useful to wildlife
- don't over-do burning and chopping
- work with private landowners
- indicators- not only elk- look at health of sage grouse, hawks and other threatened Species

75 When the WSA's were first being submitted for study a recommendation was made to totally resist overnight camping inside the small WSA's/
Campgrounds with toilets and trash cans should be set up on the boundary of these WSA's. This would eliminate a lot of trash and body waste scattered all over virgin countryside and would also control a lot of visual unburied pollution left behind each tree by lazy hikers

79 Disabled people need equal access (motorized).
WSA's are great, but they are closed to vehicle access and they don't need to be.

103 The LSRA is home to seven areas that have been proposed for wilderness protection in The Citizens' Wilderness Proposal (CWP). These lands include four areas that contain expansions to existing Wilderness Study Areas (WSAs) (Cold Spring Mountain, Diamond Breaks, Cross Mountain, and Dinosaur Additions), and three citizen-proposed areas (Pinyon Ridge, Vermillion Basin, and Yampa River) which were re-inventoried by BLM within the past decade. Colorado citizens have provided BLM with substantial additional evidence regarding the wilderness characteristics of these areas, and BLM's own assessments likewise indicate that much of the acreage included in the Cold Spring Mountain, Cross Mountain, Diamond Breaks, Dinosaur Wilderness Additions, Vermillion Basin, and Yampa River Proposed Wilderness Areas does indeed have wild character and merit special protections. The status and management of these CWP lands has been the subject of much discussion, debate and focus over the past decade, and the BLM's re-inventory and finding of wilderness character in Vermillion Basin in particular was the primary motivation for the Little Snake Office to initiate an amendment or revision of the RMP in the first place. As such, the public expects the issue of the management of these wildlands to be a major component of the plan revision, and indeed the BLM is legally obligated to ensure that this issue is fully addressed.

We are aware of the April 2003 settlement agreement (Utah Settlement) between Secretary Norton and the State of Utah (in which BLM abdicated its authority to designate any Additional Wilderness Study Areas (WSAs)), and we maintain that this agreement is invalid and will ultimately be overturned in pending litigation. As a result, we believe that BLM can and should continue to designate new WSAs as part of this RMP revision. In addition, both existing law and current guidance provide for BLM to identify and protect lands with wilderness character. FLPMA requires BLM to inventory its lands and their resources, "including outdoor recreation and scenic values" (43 U.S.C. § 1711(a)), which by definition includes wilderness character. FLPMA also obligates BLM to take this inventory into account when preparing land use plans, using and observing the principles of multiple use and sustained yield (43 U.S.C. § 1712(c)(4); 43 U.S.C. § 1712(c)(1)). Through management plans, BLM can and should protect wilderness character and the many uses that wilderness character provides on the public lands through various management decisions, including by excluding or limiting certain uses of the public lands (See 43 U.S.C. § 1712(e)). This is necessary and consistent with the definition of multiple use, which identifies the importance of various aspects of wilderness character (such as recreation, wildlife, natural scenic values) and requires BLM's consideration of the relative values of these resources but "not necessarily to the combination of uses that will give the greatest economic return" (43 U.S.C. § 1702(c)).

The April 2003 Utah Settlement does not affect BLM's obligation to value wilderness

Character or, according to BLM directives, the agency's ability to protect that character, including in the development of management alternatives. In fact, BLM has not only claimed that it can continue to protect wilderness values, but has also committed to doing so. On September 29, 2003, BLM issued Instruction Memoranda (IMs) 2003-274 and 2003-275 (see attached), formalizing its policies concerning wilderness study and consideration of wilderness characteristics in the wake of the Utah Settlement. In the IMs and subsequent public statements, BLM has claimed that its abandonment of previous policy on WSAs would not prevent protection of lands with wilderness characteristics. The IMs contemplate that BLM can continue to inventory for and protect land "with wilderness characteristics," such as naturalness or providing opportunities for solitude or primitive recreation, through the planning process. The IMs further provide for management that emphasizes "the protection of some or all of the wilderness characteristics as a priority," even if this means prioritizing wilderness over other multiple uses.

In a February 12, 2004, letter to William Meadows, President of The Wilderness Society (see attached), Assistant Secretaries of the Interior Rebecca Watson and Lynn Scarlett stated: "Wilderness characteristics can be protected by imposing a variety of designations and management prescriptions that are available to BLM as part of its resource management planning process." BLM's Arizona State Office has formalized this guidance by providing for a land use allocation called "Management for Wilderness Characteristics" (See AZ-IM-2004-021, attached). The recently-released Draft RMP/EIS for the Roan Plateau (prepared by BLM's Glenwood Springs Field Office) includes at least one alternative that manages certain areas "to protect and maintain wilderness characteristics (naturalness, roadlessness, and outstanding opportunities for solitude" as a priority over other uses (pp. 2-53 through 2-54). The Roan Draft RMP/EIS recognizes that such management is consistent with the Utah Settlement, specifically stating that while no new WSAs can be designated, BLM can pursue the "protection and management of wilderness characteristics" (p. 1-5). As BLM is aware, prior to the 2003 "no more wilderness" settlement the agency was guided by its "Colorado Wilderness Review Policy." This policy required land managers to review citizen-proposed wilderness areas on BLM lands before moving forward with any new proposals (such as oil and gas extraction) that would irreparably or irretrievably degrade the wildness of these areas. In 1997, under this wilderness review policy the BLM examined the roadless and wilderness quality of Vermillion Basin in response to industry interest in drilling some areas within it. In June 2001, BLM found that 77,067 acres out of Vermillion's 81,028 total acres (or 95% of the area) have wilderness character. This conclusion set the stage for BLM to initiate a process to reassess the management plan for Vermillion Basin, in order to consider protection of its wilderness values and to let the public weigh in on its fate (See Little Snake Field Office "Dear Interested Citizen" letter, June 26, 2001, attached). The BLM also reviewed the roadless and wilderness character of Yampa River and Pinyon Ridge, but neither findings prompted the BLM to initiate a plan amendment or revision. The agency concluded that Yampa River was eligible for wilderness consideration, but was already protected well enough in the interim by its Special Recreation Management Area designation; the agency found that Pinyon Ridge was indeed roadless, but concluded that it failed to meet other criteria for wilderness.

Recognition of the wilderness values of Vermillion Basin, as well as the importance of protecting those values from incompatible uses, highlighted the need for the revision of the Little Snake RMP and sparked the current planning process. Yet, while wilderness characteristics were mentioned as planning criteria in the Notice of Intent (NOI), neither the NOI nor the BLM's press release announcing the plan revision acknowledged the agency's recent wilderness inventory. In order to carry out the intention of this process and fulfill the goal of considering protection for wilderness-quality lands, BLM must use the RMP revision as an opportunity to thoroughly inform the public and provide an opportunity for public comment on the protection of the wilderness-quality lands in Vermillion Basin and the rest of the LSRA.

To ensure that wilderness values receive proper and sufficient attention as a critical aspect of land management in the LSRA, BLM must address wilderness as a separate and unique issue in the planning process including the Analysis of the Management Situation and in each section of the RMP. During the scoping process, including public meetings and in the scoping report, protection of lands with wilderness character should be identified as a major issue. This will assist the public in understanding the values of wilderness-quality lands and the potential effects of other multiple uses on wilderness character, as well as in communicating comments or concerns regarding the management of these lands to BLM. Because comments on protection of wilderness values will be clearly identified, BLM will be in a better position to clarify any misconceptions and provide complete responses.

In preparing the revised RMP and accompanying Environmental Impact Statement (EIS), BLM should clearly present management alternatives in the context of protecting wilderness character and analyze environmental consequences to that character. First, in the "Purpose and Need" section, BLM must acknowledge that considering environmental impacts of activities on wilderness-quality lands and the appropriate protection of those lands (including in response to

the CWP areas in the LSRA) was one of the catalysts for the RMP revision and remains a key purpose and need of the revision. The protection of wilderness character should also be identified as one of the major scoping issues in the RMP. BLM has been aware of these proposed wilderness areas for some time, and the agency must attend to them. In the "Alternatives" section of the RMP, BLM must include various ways to protect these lands in each of the management alternatives. Since BLM is currently directed not to designate additional WSAs, BLM should propose protective management prescriptions or other protective status (including mineral withdrawals, non-motorized recreation prescriptions, ACEC designations, and prohibitions on new road construction and erection of structures such as cell towers) for these lands. The Alternatives section must also discuss the implications of each alternative for the wilderness-quality lands in the LSRA. BLM must include and specifically address the CWPs and the wilderness quality of the lands they contain in the "Affected Environment" section of the RMP, as these lands are part of the existing environment in the LSRA and are sure to be affected by any and all management activities. Finally, BLM must specify the "Environmental Consequences" of the resource management decisions on the wilderness-quality and CWP lands in the LSRA. This discussion should include, but not be limited to, an analysis of the cumulative impacts of other activities (including those undertaken by non-federal entities) within the Little Snake Resource Area on these unique lands. In short, in every major section of the RMP, BLM must address wilderness-quality lands and citizen-proposed wilderness areas.

We believe the BLM should take appropriate actions to protect wilderness character. The 272,000 acres included in the seven areas that Colorado citizens have proposed for wilderness protection are barely a fifth of the 1.3 million acres of public land and less than 12 percent of the entire 2.4 million acres of mineral estate in the LSRA. Protection of wilderness character is a necessary and consistent component of BLM's multiple use mandate, and indeed enhances many other uses such as the experience of primitive recreation, trophy hunting opportunities, and the appreciation of scenic values, while also protecting watersheds and core wildlife habitat. Extending special protections to these wildlands will still leave more than one million acres available for other uses such as energy development that are incompatible with protection of wilderness character, thereby giving BLM ample opportunity to accommodate a wide range of multiple uses throughout the LSRA.

In conclusion, we believe that protecting the unique and spectacular wildlands of the LSRA is essential to preserving the natural heritage and rich history so important to northwest Colorado.

Protection of these values is also an important element of the BLM's management mandate and an obligation under existing law. We urge the BLM to ensure that the issue of wildlands protection is a primary issue in the pending RMP revision and given full consideration throughout the process. Thank you for hearing our concerns. We look forward to your response.

110 As you prepare the Resource Management Plan for the little Snake Resource Area, please ensure that the wilderness character of the seven areas in the Citizens' Wilderness Proposal receive proper protection. I hope you will be a strong advocate for preservation of all natural and historic resources in these areas

119 I would like to comment on the Resource Management Plan (RMP) for the Little Snake Resource Area (LSRA) in Colorado. The LSRA is a beautiful wild area that I have visited to hike. I strongly believe the long term value of this area is in its wildlife and scenery, which can be viewed and visited for recreational purposes. I urge you to do your utmost to preserve the wilderness areas in the "Citizens' Proposal", especially the Vermillion Basin, so that all of us may continue to enjoy their wild value for years.

123 Developing wilderness areas is like developing strip malls - once they are built, the land and wildlife are gone, and their effects linger even after these areas are abandoned.

133 As a concerned citizen of Northwest Colorado, I feel it is important to comment on the LS RMP. I believe that BLM land that contains high Wilderness Value should be preserved in such a state. Areas such as the Vermillion and Dry Creek basins, as well as land north of Dinosaur National Monument, should be managed in a way that preserves its inherent wilderness value. Future generations will be thankful of such land preservation. Such management would not allow mineral extraction in these areas. If possible, I feel it is also important to designate more wilderness study sites in the Little Snake area.

138 It is very important that you protect wilderness values within

- the Little Snake Resource Area.
In particular, Cold Spring Mountain, Cross Mountain, Diamond Breaks, Dinosaur Additions, Pinyon Ridge, Vermillion Basin, and the Yampa River deserve protection as wilderness until they can be designated so A real threat to these areas are ORVs and O&G development
- Please also give the very highest protection you can to Vermillion Basin.
- 146 We need to protect wilderness areas as outlined in the statewide citizens' Wilderness Proposal (CWP).
The scenery is very important to me as I am a plain air landscape artist who enjoys capturing the beauty of Colorado on canvas. It is getting harder and harder to come across pristine NON-MOTORIZED wilderness areas to paint here in Colorado and we all need to do our part to preserve what is left.
I URGE YOU TO DO YOUR PART TO PRESERVE NW COLORADO'S WILD CANYON
- 376 I wanted to convey my strong support for the seven areas in the Citizens' Wilderness Proposal. Thank you for taking input.
- 384 please revise your resource management plan to include the seven citizen- proposed wilderness areas in the Little Snake Resource area.
- 386 we all know there are special areas that need protection- especially vermilion and Petroglyphs
- 387 I strongly urge the BLM to consider the Citizens Wilderness Proposal Areas of Cold Springs Mountain, Dinosaur Breaks, Dinosaur Addition, Pinyon Ridge, Vermillion Basin and the Yampa River.
- 388 We ask BLM to include protection for the wilderness values of all the seven areas proposed for wilderness in the citizens' wilderness proposal and in H.R. 2305 (108th Congress), introduced by Rep. Diana DeGette. These areas are Vermillion Basin, Cold Spring Mountain, Cross Mountain, Diamond Breaks, Dinosaur Adjacent, Pinyon Ridge and Yampa River. They should be closed to mineral leasing, motor vehicles and any other surface disturbance. I saw some of the Vermillion Basin in my 1985 trip. BLM did an excellent job in the special inventory of wilderness characteristics in Vermillion Basin completed in 2001. We ask BLM to provide full wilderness protection of the 86,000 acres being proposed for wilderness status in H.R. 2305.
- 390 Support and implementation of the proposed citizens wilderness proposal needs to be given serious consideration.
- vermilion basin needs to be managed to protect its critical wildlife characteristics, its wilderness potential, to prevent ORV and oil and gas development from degrading it.
 - wilderness areas need to designated so as to protect wildlife, hunting, fishing, wildlife habitat, non-motorized activities, solitude, access to an environment that reduce stress from our high intensity society, chances for silence and the integrity of the land for future generations.
- 460 I urge you to ensure that the wilderness character of the seven areas in the Citizens' Wilderness Proposal receive proper protection. Cold Spring Mountain, Cross Mountain, Diamond Breaks, Dinosaur Additions, Pinyon Ridge, Vermillion Basin, and the Yampa River are all pristine areas of unique quality that deserve wilderness consideration.
- 532 I have visited this area and can attest to it's outstanding wilderness values. I urge you in the strongest possible terms to protect the areas designated by the Citizen's Wilderness Proposal.
- 645 I understand that BLM must manage the LSRA for a variety of uses, including oil and gas development and off-road vehicle use-- so do just that. We have enough wilderness already that is not yet congressionally mandated -- WSAs!
- Please give special attention to opening all of Vermillion Basin to the public.

- 749 Lastly, I ask that the BLM do their job of protecting wilderness areas, and not be swayed by the greed of special interest groups. We and the creatures whose homes these areas are, are counting on you. Thanks for your consideration.
- 828 Please protect the wild character of these proposed wilderness lands. Protect them from oil and gas development and motorized vehicles!!!
- 830 The Vermillion Basin should be protected for its unique wilderness value. The Basin is in a beautiful setting and has abundant wildlife, some of which is endangered. Allowing motorized access of any sort will degrade this wonderful jewel. Please don't give it up to oil and gas development.
- 866 I would like to see as much of the Citizens' Wilderness Areas preserved as possible.
- 869 There are several areas within the LSRA that have been proposed for wilderness areas. They are each great natural wild areas with relatively little serious manmade degradation, or at least none that won't easily heal. They should all continue to be held as wilderness study areas. They are wild, rugged and have many archeological areas. I personally know of an ancient pot in the Vermillion basin that still sits where its user left it long ago.
- 871 At least you have a CWP to point to as back-up for protecting the seven areas listed. And I would really like to have places free from ORVs and , yes, hunting, where I could decide if that tail is really sharp.
- 872 1) The area has no purpose or need for prescription as wilderness or wilderness study area. The entire area is criss-crossed with every conceivable type of way, path, trail, single track, two track and gravel surface road imaginable.
- 873 Protection of Lands with Wilderness Character: Which areas are appropriate to protect for their wilderness character? How can this protection best be accomplished? What indicators should be monitored to determine if desired future conditions are being met? What will be the positive and negative impact of protecting these wilderness characteristics on other key resources?
- Special Designations: Which areas are appropriate for special designations and what definitions will be used to determine the qualifications for special designations? What are the desired future outcomes of these designations? What uses are allowed in special designation areas? What indicators should be monitored to determine if desired future conditions are met? How will these designations interact with state and private in-holdings?
- 874 I have been involved in working with the groups that created the Citizens' Wilderness Proposal concerning Cold Spring Mountain, Cross Mountain, Diamond Breaks, Dinosaur Additions, Pinyon Ridge, Vermillion Basin, and the Yampa River sense the late seventies and early 80 and know these are all pristine areas of unique quality that deserve wilderness consideration. Allowing oil and gas development or motorized vehicles in these areas would be a great disservice to the public and to the BLM's mandate to provide for a diversity of uses across the landscape. Please give special attention to protecting the wildness of Vermillion Basin, which BLM has recently re-inventoried and confirmed has abundant wilderness character.
- 875 2) Protect wildlands as proposed in the Citizen's Wilderness Proposal.
- 876 Both special land designations and management of activities like oil and gas drilling, grazing, and off-road vehicle riding should include nonwaivable stipulations that specifically protect rare, sensitive, and imperiled species from ground disturbance. These stipulations may include No Surface Occupancy requirements in oil and gas leases, seasonal limits to grazing or AUM limits, and limiting off-road vehicles to designated routes or closing some areas to ORV use altogether. In general, BLM should manage so as not to contribute to further population declines of rare, sensitive, and imperiled species, thus avoiding any need to list these species under the ESA.
- 877 From the viewpoint of issues that Sierra Club members care about most - roadless areas and wilderness candidate areas - we believe that the Management Plan MUST address the protection of all lands nominated for wilderness by the Colorado Wilderness Network, and certainly all lands that would be designated as wilderness under Rep. Diana DeGette's bill.

All human impacts that could disqualify those lands from wilderness protection, ranging from ORV management, through grazing management, to oil and gas leasing (and no doubt others) must be discussed in detail, and there should be at least one alternative that protects all those lands' wilderness character among the alternatives studied. As a person who has visited the wilderness study areas in Moffat County for many years and has lead Sierra Club outings into them, and has much fondness for them, that is certainly my personal interest as well.

Moffat County's RS 2477 claims, which are related to wilderness protection because most of them (rather deliberately) impinge on potential wilderness, Dinosaur National Monument, and Brown's Park National Wildlife Refuge, must also be addressed in detail. The BLM must describe what RS 2477 road claims are being considered, and what myriad impacts on lands, waters and resources their designation as County roads would have. A management plan and EIS without this analysis would be ignoring the "elephant in the bedroom" and be virtually meaningless.

- 878 The Bureau of Land Management inventoried Vermillion Basin's wilderness; please protect these features.
- The Citizen's Wilderness Proposal identified seven areas suitable for designation as wilderness; please protect these.
- 880 I urge protection of the seven proposed wilderness areas as outlined in the statewide Citizens' Wilderness Proposal, and especially the protection of the Vermillion Basin's wilderness character as a long-term investment in the natural beauty of our state's scenic and environmental heritage. Cold Spring Mountain, Cross Mountain, Diamond Breaks, Dinosaur Additions, Pinyon Ridge, Vermillion Basin, and the Yampa River all deserve wilderness consideration.
- 882 As someone from western Colorado who has visited this area, I hope that you can do your utmost to protect its wilderness values. While I understand that you are under pressure to allow oil and gas drilling, I ask that you first protect the areas that have Wilderness qualities, such as those in the Citizens Wilderness Proposal and the Vermillion Basin as well as those with the most value to wildlife.
- 884 Cold Spring Mountain, Cross Mountain, Diamond Breaks, Dinosaur Additions, Pinyon Ridge, Vermillion Basin, and the Yampa River are all pristine areas of unique quality that deserve wilderness consideration.
- 886 The seven areas in the Citizens' Wilderness Proposal (Cold Spring Mountain, Cross Mountain, Diamond Breaks, Dinosaur Additions, Pinyon Ridge, Vermillion Basin, and the Yampa River) deserve consideration of Wilderness Area designation. Allowing oil and gas development or motorized vehicles in these areas would destroy any chance for such protection. Please give special attention to protecting Vermillion Basin, which BLM has recently confirmed has abundant wilderness character.
- 887 2) Protect wildlands as proposed in the Citizen's Wilderness Proposal.
- 888 Wilderness designation in the Little Snake Area conflict with grazing and other multiple uses. Wilderness will not protect the open space. The restrictions placed on new range improvements threaten the viability of grazing on our allotments. If we can no longer maintain a viable operation we will be forced to subdivide our private lands both adjacent to BLM and the Dinosaur Monument. This will create a whole different environment for the wildlife and the scenic character of the area. Current multiple use management of these areas has protected them let's not change that.
- 889 Special Land Designations
Past designation of land such as ACEC, Wilderness Inventory and Study areas have adversely affect our grazing operation. These designations adversely fragment landscapes and frustrate landscape scale management. These designations have delayed or prohibited necessary range improvements need to sustain our grazing Preference. We are opposed to any land designation that dose not provide for the full and permanent continuation of grazing for the life of the designation and any new improvements or technologies necessary to maintain such use. Furthermore vermilion basin lacks wilderness character due to all the roads trails and man made structures

that support our grazing.

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2.Ensure that the wilderness suitability of wilderness quality lands is not impaired. The BLM has a responsibility to identify lands with wilderness quality and analyze the impacts of management actions on wilderness quality lands

Although the Department of the Interior has recently reinterpreted the BLM's duties under FLPMA regarding wilderness inventories, the BLM still must identify lands with wilderness qualities and analyze the impacts to those qualities. Moreover, the BLM has the authority to provide full protection of these wilderness values and ensure that wilderness suitability is not impaired. It is also worth noting that a number of conservation organizations are challenging the DOI's interpretation; the BLM should not make decisions while the issue pends in the courts that will irreversibly or irrevocably impair wilderness values.

Motorized routes (abandoned, illegally created, or otherwise) exist within existing wilderness study areas or within Citizen Proposed Wilderness areas should be closed and rehabilitated. Incompatible uses (e.g., motorized or mechanized use) should not be allowed within these proposed wilderness areas in order to preserve Congressional prerogatives and avoid future conflicts.

5.Special Recreation Management Areas. The BLM should consider designating Special Recreation Management Areas in places where recreation is popular, or where they need to apply intensive management of recreational activities, including the development of facilities.

a. In Wilderness Study Areas, National Monuments and National Conservation Areas, as well as ACECs, BLM should prioritize protecting the qualities and values for which these areas are designated.

Policy: Wilderness Study Areas (WSAs), National Monuments and National Conservation Areas (NCAs), and Areas of Critical Environmental Concern (ACECs) have been designated as worthy of special, legal protection. WSAs have been established based on their potential for congressional designation as Wilderness, so that these areas have been found to be essentially roadless and in natural condition. Travel management designations for WSAs should disallow ORV use. For existing routes, BLM should scrutinize them carefully given the high potential for resource damage resulting from illegal cross-country travel off such designated routes that could result in the impairment of resource values within WSAs and may adversely affect their future consideration by Congress as Wilderness. Only those routes in WSAs that provide access to private or state inholdings, valid leases, or that provide access to or along existing easements, rights-of-way or livestock improvements within the WSA should be permitted to remain open to vehicle use. Further, for routes that remain open, BLM should consider designations that are "limited" to the time or season necessary for such use, to licensed or permitted vehicles or users, or to BLM administrative use only, as appropriate.

National Monuments and NCAs have been established based on unique values, such as cultural resources and ecosystems. A primary tool for BLM to best safeguard these values and "objects" required for protection under Monument Proclamations or NCA legislation is to prevent or limit exposure to motorized vehicle use. For example, it is motorized access to cultural resources, such as prehistoric structures and art, that leads to increased opportunities for and incidents of vandalism and theft. BLM is legally required to give priority to protecting the special resources of National Monuments and NCAs, as it is obligated to protect the wilderness character of WSAs. Consequently, the agency should not designate new routes in these areas and should focus on protecting their special qualities by curtailing motorized use.

Similarly, ACECs have been designated based on having significant and distinct values. BLM manages ACECs to protect important historic, cultural, or scenic values or other natural systems or to protect life and safety from natural hazards. For many ACECs, preventing or limiting exposure to motorized vehicle use will provide vital protection of these special values. BLM is obligated to prioritize protection of ACECs in the planning process and can best fulfill this mandate by designing and implementing management prescriptions that prohibit new routes and prevent damage that may arise from motorized use.

Legal support: FLPMA requires BLM to manage WSAs "in a manner so as not to impair the suitability of such areas for preservation as wilderness." 43 U.S.C. § 1782(c).

Further, BLM regulations require that ORV areas and trails be designated so as to “prevent impairment of wilderness suitability.” 43 C.F.R. § 8324.1(a). The Antiquities Act permits the President to designate as National Monuments, “historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States.” BLM is then required to manage the Monuments in accordance with the Presidential Proclamations, which identify “proper care and management of the objects to be protected.” 16 U.S.C. § 432. Similarly, NCAs are managed in accordance with the legislation pursuant to which they are established.

Unmanaged and irresponsible motorized vehicle use is incompatible with the wilderness character of WSAs, and can also conflict with the special values of National Monuments and NCAs. With respect to National Monuments, the Presidential Proclamations that established new BLM National Monuments in 1999-2001 contain the following language:

For the purpose of protecting the objects identified above, the Secretary of the Interior shall prohibit all motorized and mechanized vehicle use off road, except for emergency or authorized administrative purposes. FLPMA requires BLM to give ACECs in the development and revision of land use plans. 42 U.S.C. § 1712(c)(3). BLM’s regulations define an ACEC as an area “within the public lands where special management is required to protect and prevent irreparable damage to important historic, cultural, or scenic values, fish and wildlife resources, or other natural systems or processes, or to protect life and safety from natural hazards.” 43 C.F.R. § 1610.7-2. In the land use planning process, the BLM has both the obligation and the authority to designate ACECs. BLM makes a determination as to whether a given area meets the criteria for designation as an ACEC based on its relevance (in having significant value(s)) and importance (in having special significance and distinctiveness). 43 C.F.R. § 1610.7-2. Based on an area meeting these standards, the BLM makes determinations regarding designation and management of ACECs that will provide focus and guidance for land managers when actions are proposed in the future in order to protect the values for which the ACEC was designated.

Accordingly, when considering ORV use in WSAs, National Monuments or NCAs, and appropriate ACECs, BLM should make every effort to first prioritize the long-term preservation of the unique natural and cultural resources of these lands. The BLM should only designate motorized travel routes and ORV areas where there is not a conflict with this long-term preservation.

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Designation Of Areas Of Critical Environmental Concern Must Be Given Priority
 ACECs are defined as areas “where special management attention is required . . . to protect and prevent irreparable damage” to important resources, including fish and wildlife resources, ecological features, and historical, paleontological and archeological resources. 43 U.S.C. §1702(a). Since FLPMA requires that the designation and protection of ACECs must be given priority in land use planning, it is critical that all alternatives developed in the EIS do so. 43 U.S.C. § 1712(c)(3). BLM should maintain all existing ACECs (including Cross Mountain, Irish Canyon, Limestone Ridge, and Lookout Mountain) within the LSRA.

Pursuant to FLPMA, the RMP “shall include the general management practices and uses, including mitigating measures, identified to protect designated ACEC[s].” 43 C.F.R. § 1610.7-2(b). The requirement to “prevent irreparable damage” imposes a greater protective standard than either the nonimpairment standard in the definition of multiple-use or the prevention of unnecessary or undue degradation standard applicable to all actions. Compare 43 U.S.C. § 1702(a) with 43 U.S.C. §§ 1702(c), 1732(b). Because of the fragile resources at risk on the lands described above and the higher degree of protection required, BLM should apply the following restrictions on surface disturbance within the ACECs in the RMP:

- . • All ACEC lands should be withdrawn from the operation of the General Mining Law.
- . • No new timber roads should be constructed in ACECs.
- . • Chaining, and other mechanical methods of vegetation manipulation should be prohibited.
- . • NSO stipulations should be required for all ACECs.
- . • ACEC lands should be unsuitable for coal production.
- . • ORV use should be limited to a few designated routes ACECs.

Where a potential ACEC has been identified, BLM must “take all feasible action to assure that those qualities that make the resource important are not damaged or otherwise subjected to adverse change pending a final ACEC designation decision.” 45 Fed. Reg. 57318, 57326 (Aug. 27, 1980).

Wilderness, Wilderness Study Areas, and the National Landscape Conservation System

Under the agency’s continuing duty to identify and protect eligible wilderness lands, BLM should evaluate all lands that are roadless and larger than 5,000 acres, regardless of ownership status, as well as lands submitted under citizens’ wilderness petitions and/or which have been determined by BLM to possess wilderness characteristics.²¹ The RMP should also provide for protection of components of the National Landscape Conservation System (NLCS). These areas should be managed to ensure the values that led to their special management status are given first priority and incompatible uses are prohibited.

The RMP should identify and recommend potential additions to the NLCS. Likewise, the RMP should ensure BLM’s Grasslands Initiatives,²² as applicable, are fully implemented.

Wild and Scenic Rivers

In formulating, analyzing, and making decisions regarding future management in the RMP area, the BLM must comply with the National Wild and Scenic Rivers Act of 1968.

16 U.S.C. §§ 1271-87. As Congress made clear, the purpose of the Act is to safeguard one of the Nation’s most spectacular and critical resources—our rivers. To that end, the Act requires that rivers of the Nation which possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values, shall be preserved in free-flowing condition, and that they and their immediate environments shall be protected for the benefit and enjoyment of present and future generations.

16 U.S.C. § 1271 (emphasis added).

Recognizing the importance of rivers to every aspect of public land values, the Wild and Scenic Rivers Act requires the BLM, as part of its land use planning duties, to consider whether the rivers under its jurisdiction qualify for inclusion in the Wild and Scenic Rivers System. 16 U.S.C. § 1276(d); BLM Manual MS-8351 (Wild and Scenic Rivers Policy). To do this, the agency must first make a determination of which river segments are “eligible” for inclusion in the system. The agency must consider all stream segments under its jurisdiction and must recognize that all free-flowing rivers and streams with outstandingly remarkable values are eligible for Wild and Scenic River designation.

²¹ See 43 U.S.C. §§ 1711(a), 1712.

²² Great Basin Restoration Initiative, Sagebrush Ecosystem Conservation Initiative, and Prairie Conservation Initiative.

Second, the BLM must determine which of the eligible segments are “suitable” for designation as Wild and Scenic Rivers. In this phase, BLM evaluates rivers eligible for inclusion in the system in terms of conflicting uses. Conflicting uses must be real and reasonably foreseeable, not theoretical or unsubstantiated. The BLM’s suitability determinations must reflect that the law favors inclusion of eligible rivers in the Wild and Scenic Rivers System.

- 892 I would like to comment on the revision of the RMP for the Little Snake Resource Area in Colorado.
- The Vermillion Basin should be protected for its unique wilderness value. The Basin is in a beautiful setting and has abundant wildlife, some of which is endangered. Allowing motorized access of any sort will degrade this wonderful jewel. Please don't give it up to oil and gas development. We need more BLM-administered land that is not poxed with heavy-handed human use. The land should be managed for a variety of uses. One use that has been neglected in recent years is wilderness.
- 931 The LSRA should have some areas managed for wilderness. Again, wildlife needs wildlands in order to thrive. Most people also need areas of solitude to rejuvenate themselves. The citizens proposal for wilderness is a good starting point. The BLM should use NWCOS to achieve a settlement on this issue.
- 933 Protect all 7 areas in the Citizens Wilderness Proposal AT LEAST
- 934 - travel in the original Wilderness Study Areas should be open but limited to existing roads and trails. Most of these original WSA's have a multitude of roads and trails.

Your only management concern should be to follow the law to insure that the "values" originally identified are not lost or destroyed. Your job is not to create a wilderness area where none existed. Using the existing roads and trails does not impact upon the "values" and these travel ways should be re-opened.

- new attempts to revisit the wilderness study designations brought on by the Clinton administration have been established in court actions to be illegal and contrary to the Wilderness Act. No lands under this wasted and biased action should be designated as WSA's or any other restrictive prescription. All such lands should retain their original designation. All of the new areas were a joke in that they were heavily impacted by the signs of man such as roads, seismic lines, etc. Cleverly ignored these items by calling them "ways" was just an example of how corrupt the Clinton administration was.

- there are no areas in the LS area that warrant wilderness designation

- the Irish canyon ACEC or wilderness study areas designation is a joke. Roads travel up and from the Irish Canyon Road. A well established jeep road traverses all of vermilion canyon. Fences and seismic lines traverse the area. ACECs in Vermillion Canyon have blocked many historic travelways without justification or logic
- lookout mountain is traversed by roads and trails. Making roads disappear by calling them "ways" is a joke.

- ACEC designations now in place should be withdrawn and no more should be used. This is simply code-speak for treating lands without the requisite wilderness characteristics to be treated as wilderness. With access limited to existing roads and trails, great protection will be afforded to areas without restricting the public's access. No restrictive designations are needed.

937

We urge BLM to protect the seven areas that are proposed for designation as wilderness by Colorado citizens' groups and included in Representative Diana DeGette's bill H.R. 2305. They should be protected against any deterioration so Congress can make the final decision on wilderness. The plan should prohibit mineral leasing in these areas and jeep them closed to all motor vehicles. One of the alternatives in the environmental impact statement should provide for wilderness designation of these areas.

- We commend BLM for conducting the special wilderness inventory of the Vermillion Basin and concluding that 77,000 acres in that area have wilderness characteristics. We urge you to protect those areas in the plan so that they can be considered by Congress for wilderness status.

938

While it has been a number of years since I've backpacked in the Cross Mtn and Yampa River proposed wilderness areas, I was struck at the time with the feeling that they were both highly qualified for federal protection, and I wish to see them and the other proposed wilderness areas in the Citizens Wilderness Proposal continue to receive protection in your plan.

I believe you should give overriding concern to protection of the environment and protection of wildlife values which are present. While economic concerns should be reviewed, they should not take precedence over long term protection of the values which have long lasting importance on the quality of life we have in Colorado.

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I have visited this area and can attest to its outstanding wilderness values. I urge you in the strongest possible terms to protect the areas designated by the Citizens Wilderness Proposal

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We urge the BLM to include strong protective measures in this plan for the seven areas that have been proposed for designation as wilderness, namely Vermillion Basin, Cold Spring Mountain, Cross Mountain, Diamond Breaks, Dinosaur Additions, Pinyon Ridge, and Yampa River. Thos units are included in the bill introduced by Representative Diana DeGette in 2003 as H.R. 2305, and they are supported by a coalition of Colorado Citizens groups. The LS plan should keep them closed to mineral leasing, motor vehicles, and any development that would impair their wilderness character. They are most valuable to future generations as precious remnants of wild America.

The range of alternatives should include at least one that incorporates the wilderness proposals in Representative DeGette's bill. The proposed wilderness areas should be discussed and shown on maps in the EIS.

BLM is to be commended for its re-inventory of wilderness characteristics in the Vermillion Basin, resulting in an area of 77,000 acres being found to qualify for wilderness status. That area should be protected until Congress designates the area permanently as wilderness.

- 949 Colorado Citizen groups have proposed 7 areas for permanent designations as wilderness in the LS planning area: Vermillion Basin, Cold Spring Mtn, Cross Mtn, Diamond Breaks, Dinosaur Adjacent, Pinyon Ridge, and Yampa River. Those areas should be shown on maps in your EIS, and they should receive the most complete protection you can give them. They are also included in the proposed Colorado Wilderness Act, H.R. 2305, introduced by Congresswoman Diana DeGette of Colorado.
- Congress will make its decision on the wilderness designations. BLM should not sanction any activities that would preclude Congress from that designation. Those areas should be off-limits to oil and gas leasing, off road vehicles, and any other developments that would impair wilderness values.
- BLM did a good job in its re-inventory of wilderness characteristics in Vermillion Basin a few years ago. It is one of the seven proposed in the HR2305 and should receive protection until congress has acted.
- 950 I urge protection of the 7 proposed wilderness areas as outlines in the statewide Citizens' Wilderness Proposal, and especially the protection of the Vermillion Basin's wilderness character as a long-term investment in the natural beauty of our state's scenic and environmental heritage.
- 951 3) Multiple Use and Special Land Designations - Moffat County supports Multiple Use on federal lands and supports prioritizing, or considering primary uses, in multiple use designated areas based on sound science, community input and fair social and economic impact evaluations. This should not be misunderstood to construe that one land use should outweigh or somehow diminish the importance of other existing multiple uses.
- Moffat County is on record as opposing:
- a) 1994 Citizens Wilderness Proposal and 200 1 amendments
 - b) 2000 Citizen Proposed Vermillion National Monument
 - c) 200 1 proposed Browns Park Refuge Expansion and other executive orders creating special land designations,
 - d) Representative Diana DeGette's Wilderness Bill, which has typically been introduced to Congress annually.
 - e) 2001 Re-Inventory of the Vermillion Basin for Wilderness Character.
- Moffat County has opposed the above listed proposals as they have not addressed valid existing rights, insufficiently analyzed the economic impacts to the County, do not have broad based local support, have ignored local planning efforts and federal laws and regulations. Moffat County recommends the Little Snake RMP not consider the above proposals without a full analysis of their social and economic impacts to local custom's and cultures, full consideration of their impacts on valid existing rights, and broad based local support. Important issues have traditionally been ignored in the above listed proposals. For example, the Vermillion Basin natural gas reserves have been estimated to produce hard cash revenue (after royalty and other deductions) between \$234,721 and \$938,885 annually to Moffat County's budget for the next 40 years. In addition, concepts of "Net Effects, Adaptive Management, or Outcome Based Management" have not been evaluated. This would include focusing on the potential effects and monitoring the progress of users (i.e. grazers, oil/gas, recreation). The concepts of "net effects" coincide with "outcome-based management" or "adaptive management", holding the users responsible for achieving desired future conditions through monitoring rather than prescribing how the users operate.
- Moffat County supports special land designations that support rather than conflict with multiple use concepts and the custom and culture of Moffat County. We value undeveloped character, solitude, and other intangible characteristics that contribute to, rather than substitute for, the customs and cultures and working landscapes existing in Moffat County. The County Land Use Plan identifies these working landscapes as sustaining many uses and industries, including but not limited to:
- Agriculture (cattle/sheep ranching, small grain and hay farming)
 - Mineral exploration and extraction (coal, gas, and oil, gravel)
 - Electric power generation and transmission
 - Motorized recreation (hunting, snowmobiles, dirt bikes, four-wheelers, jeep use, motorboats, jet-skis, etc.)
 - Non-motorized recreation (hunting, hang gliding, horse packing, hiking, rafting, canoeing, fishing, bird watching, etc.)
 - Rare species management (Greater Sage Grouse recovery efforts and Black-Footed Ferret reintroductions)
 - Water right issues (Agricultural, industrial, and municipal etc.)

952

Wilderness

GOAL: The RMP should recognize the full extent and value of existing wilderness character as a resource within the planning area. Such recognition must include wilderness character beyond the existing WSAs. This plan should not only manage all existing wilderness character in a manner that protects against its degradation but also manage lands in other locations that might expand the existence of wilderness within this resource area for future generations. All lands within the citizens' wilderness proposal should be managed to protect their wilderness qualities.

This RMP should recognize that management to protect and enhance wilderness character where it exists should be the highest and best use of the land within multiple-use.

Withdraw all citizens proposed wilderness areas from fluid mineral leasing and locatable mineral entry.

Manage travel, range improvements and all other actions in a manner so as not to impair wilderness character, including express prohibition of such proposed development.

Expansion and restoration of the resource area's wilderness character must begin through this revision and continue through several subsequent RMP revisions into the future.

Wilderness character is a valuable resource and important multiple use of the lands in the Little Snake Resource Area.

BLM has identified "wilderness characteristics" to include naturalness or providing opportunities for solitude or primitive recreation. These values should also be identified and protected through this planning process. The Little Snake Resource Area contains substantial lands with wilderness character. This area encompasses seven areas that have been proposed for wilderness protection in the Citizens' Wilderness Proposal (CWP). In addition, BLM's inventory of Vermillion Basin found significant wilderness quality lands. Other lands in the planning area may also have wilderness characteristics that can be protected or enhanced in the RMP. BLM should recognize the wide range of values associated with lands with wilderness character, including:

a. Scenic values - FLPMA specifically identifies "scenic values" as a resource of BLM lands for purposes of inventory and management (43 U.S.C. 3 171 1 (a)), and the unspoiled landscapes of lands with wilderness characteristics generally provide spectacular viewing experiences. Limestone Ridge, located in the Cold Spring Mountain CWP area, with an elevation of 8636 feet includes such stunning vistas. The scenic values of these lands will be severely compromised if destructive activities or other visual impairments are permitted.

b. Recreation - FLPMA also identifies "outdoor recreation" as a valuable resource to be inventoried and managed by BLM (43 U.S.C. § 171 1 (a)). Lands with wilderness characteristics provide opportunities for primitive recreation, such as hiking, camping, hunting and wildlife viewing. The Cross Mountain CWP area includes a wide range of recreation opportunities, such as kayaking, caving and hunting. Most, if not all primitive recreation experiences will be foreclosed or severely impacted if the naturalness and quiet of these lands are not preserved.

c. Wildlife habitat and riparian areas - FLPMA acknowledges the value of wildlife habitat found in public lands, and recognizes habitat as an important use (43 U.S.C. § 1702(c)).

Due to their unspoiled state, lands with wilderness characteristics provide valuable habitat for wildlife, thereby supporting additional resources and uses of the public lands. As part of their habitat, many species are also dependent on riparian and other wetland habitats, especially during either seasonal migrations or seasons and years when surrounding habitats are dry and unproductive. Wilderness quality lands support biodiversity, watershed protection and overall healthy ecosystems. The Diamond Breaks CWP area provides critical winter range for deer and elk; and the riparian areas of the Yampa River and Cross Mountain CWP areas also provide winter habitat for bald eagles and critical habitat for the endangered pikeminnow. The low route density, absence of development activities and corresponding dearth of motorized vehicles, which are integral to wilderness character, also ensure the clean air, clean water and lack of disturbance necessary for productive wildlife habitat and riparian areas (which support both wildlife habitat and human uses of water).

d. Cultural resources - FLPMA also recognizes the importance of "historical values" as part of the resources of the public lands to be protected (43 U.S.C. § 1702(c)). The lack of intensive human access and activity on lands with wilderness characteristics helps to protect these resources, such as the petroglyphs in Vermillion Canyon, found in the Vermillion Basin CWP area.

e. Economic benefits - The recreation opportunities provided by wilderness quality lands also yield direct economic benefits to local communities. According to the U.S. Fish & Wildlife Service, in 2001 State residents and non-residents spent \$2.0 billion on wildlife recreation in Colorado.-

In addition, local communities that protect wildlands reap measurable benefits in terms of employment and personal income. For instance, as recent report by the Sonoran Institute found that:

Protected lands have the greatest influence on economic growth in rural isolated counties that lack easy access to larger markets. From 1970 to 2000, real per capita income in isolated rural counties with protected land grew more than 60 percent !! faster than isolated counties without any protected lands.

These findings confirm earlier research, showing that wilderness is in fact beneficial for local economies. Residents of counties with wilderness cite wilderness as an important reason why they moved to the county, and long-term residents cite it as a reason they stay. Recent survey results also indicate that many firms decide to locate or stay in the West because of scenic amenities and wildlife based recreation, both of which are strongly supported by wilderness areas⁴ Other "non-market" economic values arise from the ability of wildlands to contribute to recreation and recreation-related jobs, scientific research, scenic viewsheds, biodiversity conservation, and watershed protection.~ All of these economic benefits are dependent upon adequate protection of the wilderness characteristics of the lands.

f. Quality of life - The wildlands of the Little Snake Resource area help to define the character of this area and are an important component of the quality of life for local residents and future generations.

Their protection enables the customs and culture of this community to continue.

g. Balanced use - The vast majority of BLM lands are open to motorized use and development.

FLPMA recognizes that "multiple use" of the public lands requires "a combination of balanced and diverse resource uses" that includes recreation, watershed, wildlife, fish, and natural scenic and historical values (43 U.S.C. 9 1702(c)). FLPMA also requires BLM to prepare land use plans that may limit certain uses in some areas (43 U.S.C. 1j 1712). Many other multiple uses of public lands are compatible with protection of wilderness characteristics - in fact, many are enhanced if not dependent on protection of wilderness qualities (such as primitive recreation and wildlife habitat). Protection of wilderness characteristics will benefit many of the other multiple uses of BLM lands, while other more exclusionary uses (such as off-road vehicle use and energy development) will still have adequate opportunities on other BLM lands.

USFWS 2001, National Survey of Hunting, Fishing and Wildlife-associated Recreation - available at: <http://www.census.gov/prod/2002pubs/lfhw0-co.-df>.

Sonoran Institute 2004, Prosperity in the 21st Century West -The Role of Protected Public Lands.

See Morton 2000, Wilderness: The Silent Engine of the West's Economy.

See also, Morton 1999, The Economic Benefits of Wilderness: Theory and Practice;

Loomis 2000, Economic

Values of Wilderness Recreation and Passive Use: What We Think We Know at the Turn of the 21" Century.

BLM can and should protect lands with wilderness characteristics.

Pursuant to FLPMA, BLM retains an obligation to inventory the values of the public lands and develop management plans that will protect the multiple resources and uses of these lands. This obligation includes inventorying for wilderness characteristics and, under current B L ~ guidance, BLM retains the authority to develop and enforce management prescriptions that will protect and enhance wilderness qualities. Wilderness quality lands have already been identified as a significant issue in this planning process by the BLM and the public. Formal recognition of these lands and development of appropriate protection are key elements of the new plan for the LSRA.

The seven CWP areas in the LSRA include four areas that contain expansions to existing Wilderness Study Areas (WSAs) (Cold Spring Mountain, Diamond Breaks, Cross Mountain, and Dinosaur Additions), and three citizen-proposed areas (Pinyon Ridge, Vermillion Basin, and Yampa River) which were re-inventoried by BLM within the past decade. Colorado citizens have provided BLM with substantial additional evidence regarding the wilderness characteristics of these areas, and BLM's own assessments likewise indicate that much of the acreage included in the Cold Spring Mountain, Cross Mountain, Diamond Breaks, Dinosaur Wilderness Additions, Vermillion Basin, and Yampa River Proposed Wilderness Areas have wild character and merit special protections. The status and management of these CWP lands has been the subject of much discussion, debate and focus over the past decade, and the BLM's re-inventory and finding of wilderness character in Vermillion Basin in particular was the primary motivation for the Little Snake Office to initiate an amendment or revision of the RMP in the first place. As such, the public expects the issue of the management of these wildlands to be a major component of the plan revision. Further, the BLM is legally obligated to ensure that this issue is fully addressed. We are aware of the April 2003 settlement agreement (Utah Settlement) between Secretary Norton and the State of Utah (in which BLM abdicated its authority to designate any additional Wilderness Study Areas (WSAs)), and we maintain that this agreement is invalid and will ultimately be overturned in pending litigation. As a result, we believe that BLM can and should

continue to designate new WSAs as part of this RMP revision, including the seven CWP areas identified above.

In addition, both existing law and current guidance provide for BLM to identify and protect lands with wilderness character in this planning process using other management tools. FLPMA requires BLM to inventory its lands and their resources, "including outdoor recreation and scenic values" (43 U.S.C. 5 171 l(a)), which by definition includes wilderness character. FLPMA also obligates BLM to take this inventory into account when preparing land use plans, using and observing the principles of multiple use and sustained yield (43 U.S.C. § 1712(c)(4); 43 U.S.C. 5 1712(c)(l)). Through management plans, BLM can and should protect wilderness character and the many uses that wilderness character provides on the public lands through various management decisions, including by excluding or limiting certain uses of the public lands (See 43 U.S.C. 5 171 2(e)). This is necessary and consistent with the definition of multiple use, which identifies the importance of various aspects of wilderness character (such as recreation, wildlife, natural scenic values) and requires BLM's consideration of the relative values of these resources but "not necessarily to the combination of uses that will give the greatest economic return" (43 U.S.C. 5 1702(c)).

The April 2003 Utah Settlement does not affect BLM's obligation to value wilderness character or, according to the BLM directives, the agency's ability to protect that character, including in the development of management alternatives. In fact, BLM has not only claimed that it can continue to protect wilderness values, but has also committed to doing so. On September 29, 2003, BLM issued Instruction Memoranda (IMs) 2003-274 and 2003-275, formalizing its policies concerning wilderness study and consideration of wilderness characteristics in the wake of the Utah Settlement. In the IMs and subsequent public statements, BLM has claimed that its abandonment of previous policy on WSAs would not prevent protection of lands with wilderness characteristics. The IMs contemplate that BLM can continue to inventory for and protect land "with wilderness characteristics," such as naturalness or providing opportunities for solitude or primitive recreation, through the planning process. The IMs further provide for management that emphasizes "the protection of some or all of the wilderness characteristics as a priority," even if this means prioritizing wilderness over other multiple uses.

In a February 12, 2004, letter to William Meadows, President of The Wilderness Society (see attached), Assistant Secretaries of the Interior Rebecca Watson and Lynn Scarlett stated: "Wilderness characteristics can be protected by imposing a variety of designations and management prescriptions that are available to BLM as part of its resource management planning process." ELM'S Arizona State Office has recently issued guidance that elaborates upon this guidance by providing for identification of lands with wilderness characteristics and development of management prescriptions to protect and enhance these values (See IM No. AZ-2005-007, attached). Similarly, the recently-released Draft RMP/EIS for the Roan Plateau (prepared by BLM's Glenwood Springs Field Office) includes at least one alternative that manages certain areas "to protect and maintain wilderness characteristics (naturalness, roadlessness, and outstanding opportunities for solitude" as a priority over other uses (pp. 2-53 through 2-54). The Roan Draft RMP/EIS recognizes that such management is consistent with the Utah Settlement, specifically stating that while no new WSAs can be designated, BLM can pursue the "protection and management of wilderness characteristics" (p. 1-5).

As BLM is aware, prior to the 2003 "no more wilderness" settlement the agency was guided by its "Colorado Wilderness Review Policy." This policy required land managers to review citizen-proposed wilderness areas on BLM lands before moving forward with any new proposals (such as oil and gas extraction) that would irreparably or irretrievably degrade the wildness of these areas. In 1997, under this wilderness review policy the BLM examined the roadless and wilderness quality of Vermillion Basin in response to industry interest in drilling some areas within it. In June 2001, BLM found that 77,067 acres out of Vermillion's 81,028 total acres (or 95% of the area) have wilderness ~character.~ This conclusion set the stage for BLM to initiate a process to reassess the management plan for Vermillion Basin, in order to consider protection of its wilderness values and to let the public weigh in on its fate (See Little Snake Field Office "Dear Interested Citizen" letter, June 26, 2001). BLM's recognition of the wilderness values of Vermillion Basin, as well as the importance of protecting those values from incompatible uses, highlighted the need for the revision of the Little Snake RMP and sparked the current planning process. Wilderness characteristics were mentioned as planning criteria in the Notice of Intent (NOI) for revision of this plan, but did not acknowledge BLM's recent wilderness inventory. In order to carry out the intention of this process and fulfill the goal of considering protection for wilderness-quality lands, BLM must use the RMP revision as an opportunity to thoroughly inform the public and provide an opportunity for public comment on the protection of the wilderness-quality lands in Vermillion Basin and the rest of the LSRA.

To ensure that wilderness values receive proper and sufficient attention as a critical aspect of land management in the LSRA, BLM must address wilderness as a separate and unique

issue in the planning process including the Analysis of the Management Situation and in each section of the RMP. Protection of lands with wilderness character should be identified as a major issue in the scoping report. This will assist the public in understanding the values of wilderness-quality lands and the potential effects of other multiple uses on wilderness character, as well as in communicating comments or concerns regarding the management of these lands to BLM. Because comments on protection of wilderness values will be clearly identified, BLM will be in a better position to clarify any misconceptions and provide complete responses. The BLM also reviewed the roadless and wilderness character of Yampa River and Pinyon Ridge, but neither findings prompted the BLM to initiate a plan amendment or revision. The agency concluded that Yampa River was eligible for wilderness consideration, but was already protected well enough in the interim by its Special Recreation Management Area designation; the agency found that Pinyon Ridge was indeed roadless, but concluded that it failed to meet other criteria for wilderness.

In preparing the revised RMP and accompanying EIS, BLM should clearly present Management alternatives in the context of protecting wilderness character and analyze environmental consequences to that character. First, in the "Purpose and Need" section, BLM must acknowledge that considering environmental impacts of activities on wilderness-quality lands and the appropriate protection of those lands (including in response to the CWP areas in the LSRA) was one of the catalysts for the RMP revision and remains a key purpose and need of the revision. The protection of wilderness character should also be identified as one of the major scoping issues in the RMP. BLM has been aware of these proposed wilderness areas for some time, and the agency must attend to them. In the Alternatives" section of the RMP, BLM must include various ways to protect these lands in each of the management alternatives. Since BLM is currently directed not to designate additional WSAs, BLM should propose protective management prescriptions or other protective status (including mineral withdrawals, non-motorized recreation prescriptions, ACEC designations, and prohibitions on new road construction and erection of structures such as cell towers) for these lands.

The Alternatives section must also discuss the implications of each alternative for the wilderness-quality lands in the LSRA. BLM must include and specifically address the CWPs and the wilderness quality of the lands they contain in the "Affected Environment" section of the RMP, as these lands are part of the existing environment in the LSRA and are sure to be affected by any and all management activities. Finally, BLM must specify the "Environmental Consequences" of the resource management decisions on the wilderness-quality and CWP lands in the LSRA. This discussion should include, but not be limited to, an analysis of the cumulative impacts of other activities (including those undertaken by non-federal entities) within the Little Snake Resource Area on these unique lands. In short, in every major section of the RMP, BLM must address wilderness-quality lands and citizen-proposed wilderness areas.

BLM should take appropriate actions to protect wilderness character. The 272,000 acres included in the seven areas that Colorado citizens have proposed for wilderness protection are barely a fifth of the 1.3 million acres of public land and less than 12 percent of the entire 2.4 million acres of mineral estate in the LSRA. Protection of wilderness character is a necessary and consistent component of BLM's multiple use mandate, and indeed enhances many other uses such as the experience of primitive recreation, trophy hunting opportunities, and the appreciation of scenic values, while also protecting watersheds and core wildlife habitat. Extending special protections to these wildlands will still leave more than one million acres available for other uses such as energy development that are incompatible with protection of wilderness character, thereby giving BLM ample opportunity to accommodate a wide range of multiple uses throughout the LSRA. Protecting the unique and spectacular wildlands of the LSRA is essential to preserving the natural heritage and rich history so important to northwest Colorado. Protection of these values is also an important element of BLM's management mandate and an obligation under existing law.

The Citizens' Wilderness Proposal contains significant new information about lands with wilderness characteristics that should be protected.

As discussed above, the Citizens' Wilderness Proposal includes substantial additional information on the wilderness characteristics of seven areas, many of which BLM also re-inventoried within the past decade, including the 2001 determination on the wilderness quality of Vermillion Basin. This information was not available during the preparation of the existing plan and, as significant new information, justifies development of new management prescriptions to protect these areas. Detailed information on each CWP area is attached as Exhibit I and also highlighted below:

a. Cold Spring Mountain -A proposed addition of 54,010 acres to the existing 17,682-acre WSA, Cold Spring Mountain is dominated by Limestone Ridge at the eastern end, which drops into Irish Canyon, providing spectacular geological formations and habitat for an array of wildlife. The expanded boundary would encompass ecologically important areas on Cold Spring Mountain as well as scenic canyon walls and riparian habitat in the

upper reaches of Beaver Creek canyon and east of Cold Spring Peak. The additions would create a logical topographic and ecological boundary. Also, the new boundary acknowledges the changed circumstances of this area, where former deteriorating grazing improvements have now blended into the area, as documented in the CWP submission.

b. Cross Mountain -A proposed addition of 18,027 acres to the existing 14,081-acre WSA, Cross Mountain provides habitat for big game and for endangered fish in a gorge that also provides excellent opportunities for primitive recreation. There is also extensive evidence of prehistoric human occupation. The additions would maintain topographic continuity on the west side of Cross Mountain and extend a logical boundary to encompass the southern end of mountain area.

c. Diamond Breaks -A proposed addition of 42,961 acres to the existing 36,430-acre WSA, Diamond Breaks contains an impressive variety of topography and vegetation, with Rugged ridges and peaks covered by pinon juniper broken by open draws and stands of aspen leading ultimately to sagebrush in the valleys. The area also provides critical winter range for Deer and elk and habitat for pronghorn and sage grouse. The proposed additions include approximately 1200 acres recommended by BLM for protection in 1991 in order to bring the boundary up to the boundary of the Browns Park National Wildlife Refuge, as well as the south half of Pitt Draw in order to complete the protection given to the north half included in the WSA. A final addition would incorporate a major drainage between Allen and Marshall Draws, which would improve access into Diamond Breaks from the west side.

d. Dinosaur Additions -A proposed addition of 57,207 acres to the existing 23,744-acre WSA, Dinosaur Additions includes roadless areas that share almost 20 miles of boundary with Dinosaur National Monument, providing habitat for deer, elk, pronghorn and mountain lions. The area also makes up the scenic vistas that are viewed from the national monument.

The additions would provide critical buffers to protect and enhance habitat and views.

e. ~Vermillion Basin - Vermillion Basin consists of 86,330 acres that hosts rare plant species and communities, a desert canyon surrounded by delicate badlands, and one of the most spectacular collections of petroglyphs found in the State of Colorado. In its own inventory, completed in 2001, BLM found that most of this area had wilderness character.

f. Yampa River - This 12,414-acre area includes a wild stretch of river that provides winter habitat for bald eagles and critical winter range for deer and elk, while also providing numerous opportunities for primitive recreation such as rafting, camping, canoeing and hunting. In its own inventory, completed in 2001, BLM found that the Yampa River CWP area had wilderness character.

g. Pinyon Ridge -This area contains 20,853 acres that make up one of the very few undeveloped areas of the lower White River drainage and provide habitat for eagles and other raptors to build nests along ridge outcrops and prey on the extensive prairie dog populations.. Larger mammals such as deer, coyotes, and mountain lions also inhabit the forested slopes, creating prime hunting opportunities that are enhanced by the scenic vistas and rugged access on overgrown ways, which would be properly limited to foot and horse trails. The area is bounded by jeep trails and oil and gas development, although the steep topography effectively shields the proposed area from the impacts of oil and gas development.

Special Management Areas Including Recreation

GOAL: BLM should use its authority to designate special management areas under Planning regulations and proposed revisions to the BLM planning handbook. The BLM should use Special management area designations to protect known resources including wilderness, species, cultural and historical resources, or to protect important visual, recreational or educational values.

While adaptive management may be a supplemental tool in which to manage these resources, it is inappropriate for the BLM to manage these resources solely through adaptive management where special designations are available and could provide more distinct management prescriptions specific to the resources.

Wilderness Study Areas

As stated above, we believe that pending litigation, which will be decided during the life of this planning process, will overturn the Utah Settlement. We hold that BLM is legally required to consider and we recommend use Wilderness Study Areas to protect all lands within the Little Snake Resource Area possessing wilderness character, including existing WSAs, recently re-inventoried lands, and all other lands contained within the CWP be protected as WSAs. I4 available at [www.Wrs2477.com/documents/11-22-1997 memo from Bruce Babbitt RS2477 policy.pdf](http://www.Wrs2477.com/documents/11-22-1997%20memo%20from%20Bruce%20Babbitt%20RS2477%20policy.pdf)

All current WSAs should continue to be managed under IMP (for recommend management for travel and OHV use within, see Travel above). The RMP should specifically reevaluate the Tepee Draw WSA and provide in the EIS specific prescriptions or designation as a WSA or management for its wilderness character. The RMP should also manage adjoining land or lands within the watershed of existing WSAs in a manner so as not to impair their wilderness character.

Areas of Critical Environmental Concern

Within the Little Snake Resource Area, all existing Areas of Critical Environmental Concern (ACECs) as defined in FLPMA, should be maintained with management objectives strengthened to protect the stated resources for which the ACEC was created. Just as the definitions of multiple use and sustained yield give substance to FLPMA's requirements for management to be based on multiple use and sustained yield, the definition of ACEC gives substance to the requirement that priority be given to designation and protection of ACECs. ACECs are defined as areas "where special management attention is required . . . to protect and prevent irreparable damage" to important resources, including fish and wildlife resources, ecological features, and historical, paleontological and archeological resources. 43 U.S.C. §1702(a). Candidate ACECs must have relevance and importance. 43 C.F.R. § 1610.7-2(a). Since Congress required that designation and protection of ACECs be given priority in land use planning, it is critical that all alternatives developed in the EIS do so and that BLM, in its inventory of resources identify areas of critical environmental identify and disclose places that are candidates for protection through a designated ACEC. 43 U.S.C. §1702(a); 43 U.S.C. § 1712(c)(3). Relative to ACECs, the RMP "shall include the general management practices and uses, including mitigating measures, identified to protect designated ACEC[s]." 43 C.F.R. § 1610.7-2(b). In our view, this requires the following. First, given the purpose of ACECs the requirement to "prevent irreparable damage" establishes a greater protective standard than either the nonimpairment standard in the definition of multiple-use or the prevention of unnecessary or undue degradation standard applicable to all actions. Compare 43 U.S.C. § 1702(a) with 43 U.S.C. § 1702(c), 1732(b).

Second, wherever, an ACEC is designated, BLM should consider withdrawing the areas from operation of the mining and mineral leasing laws pursuant to 43 U.S.C. § 1714, or consider non-waivable NSO stipulations so as to ensure there is no irreparable damage. Third, where a potential ACEC has only been identified, BLM must nevertheless "take all feasible action to assure that those qualities that make the resource important are not damaged or otherwise subjected to adverse change pending an ACEC designation decision." 45 Fed. Reg. 57318, 57326 (Aug. 27, 1980).

Research Natural Areas

Research Natural Areas (RNAs) are areas that contain important ecological and scientific values and are managed for minimum human disturbance primarily for non-manipulative research and data gathering where natural processes are allowed to dominate. FLPMA directs the BLM to manage public lands on the basis of multiple use, "in a manner that will protect the quality of scientific, . . . ecological, (and) environmental . . . values . . . and where appropriate, will preserve and protect certain public lands in their natural condition." The act establishes that priority will be given to the designations and protection of ACECs in the development and revision of land use plans. All RNAs shall be designated ACECs, and follow the ACEC designation process.

To be designated a RNA, an area must have one or more of the following five characteristics:

- (1) a typical representation of a common plant or animal association;
- (2) an unusual plant or animal association;
- (3) a threatened or endangered plant or animal species;
- (4) a typical representation of common geologic, soil, or water features; or
- (5) outstanding or unusual geologic, soil, or water features.

BLM should analyze remnant plant populations for RNA, such as those currently managed for avoidance, including: Ace in the Hole, Hells Canyon, G Gap, Vermillion Creek, Vermillion Bluffs, and Horse Draw.

In the context of Adaptive Management, BLM should inventory, identify, and designate RNAs that are representative of "controls" for like communities currently being managed under a variety of uses. BLM should coordinate with other Federal and State agencies, as well as private organizations, to identify potential and determine if identified locations for RNA designation are representative of communities where natural processes are allowed to dominate or other areas that possess high educational or research value.

The RMP should establish a clear monitoring plan for RNAs and all allowed uses, such as research or educational tools, should be addressed in the RMP.

Important Bird Areas (IBAs)

IBAs are identified using a site-based approach, to maintain naturally occurring bird populations by protecting habitats and the ecosystems in which they occur. Selection of IBA sites is based on bird numbers and species complements held and when taken together form a network

throughout the specie's biogeographic distribution. These networks represent areas critical to the conservation of some bird species and may include best examples of the species' habitat or typical examples due to threat. FLPMA requires BLM to manage public lands for the benefit of wildlife species and the ecosystems upon which they depend 43 U.S.C. § 1701 (a)(8), and IBAs, like RNAs, can be nominated as and follow the designation process for ACEC in planning processes where area contains "a fish and wildlife resource" such as habitat for endangered, sensitive, or threatened species, or habitat essential for maintaining species diversity. 43 C.F.R. 51610.7-2. Perhaps obvious, an immediate candidate for establishing IBAs within the Little Snake Resource Area is protection of sage grouse and Colombian sharp-tailed grouse leks, which should be considered in this plan.

To qualify as an IBA, sites must satisfy at least one of the following criteria:

- (1) regularly support species of conservation concern (e.g. threatened, endangered, or vulnerable species);
- (2) regularly hold a significant component of the group of species or distinct populations that have a restricted range, which are vulnerable because they are not widely distributed;
- (3) support species which breed only or primarily in a single biome (a major regional Ecological community characterized by distinctive life forms and principal plant species like deserts), which are vulnerable because their populations are concentrated in one general habitat biome;
- (4) support congregations of species, or groups of similar species (such as waterfowl or shorebirds) that are vulnerable because they occur at high densities due to their congregatory behavior. See BLM Information Bulletin No. 97-62.

Wild and Scenic Rivers The historical, recreational and ecological importance of the Yampa River and Little Snake River warrant BLM's proposal, through this plan revision, that segments of the Yampa and Little Snake are suitable for inclusion into the Wild and Scenic River system.

In formulating, analyzing, and making decisions regarding future management in the RMP area, the BLM must comply with the National Wild and Scenic Rivers Act of 1968. 16 U.S.C. 1271-87. As Congress made clear, the purpose of the Act is to safeguard one of the Nation's most spectacular and critical resources-our rivers. To that end, the Act requires that rivers of the Nation which possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values, be preserved in free-flowing condition, and that they and their immediate environments be protected for the benefit and enjoyment of present and future generations. - 16 U.S.C. § ,1271 (emphasis added). In fulfilling the requirements of this statute, the BLM should consider that rivers and streams in the RMP area are of tremendous importance to the wildlife and fish, and the beauty and recreational appeal of the area. Water is the lifeblood of the arid west, and a priceless resource. Unless the BLM is willing to protect these vital corridors, its efforts to preserve ecosystem integrity, conserve wildlife and fish, and manage the public lands in the best interests of the American people, may be for naught.

Recognizing the importance of rivers to every aspect of public land values, the Wild and Scenic Rivers Act requires the BLM, as part of its land use planning duties, to consider whether the rivers under its jurisdiction qualify for inclusion in the Wild and Scenic Rivers System. 16 U.S.C. 1276(d); BLM Manual MS-8351 (Wild and Scenic Rivers Policy). To do this, the agency must first make a determination of which river segments are "eligible" for inclusion in the system. The agency must consider all stream segments under its jurisdiction and must recognize that all free-flowing rivers and streams with outstandingly remarkable values are eligible for Wild and Scenic River designation.

Second, the BLM must determine which of the eligible segments are "suitable" for designation as Wild and Scenic Rivers. In this phase, BLM evaluates rivers eligible for inclusion in the system in terms of conflicting uses. Conflicting uses must be real and reasonably foreseeable, not theoretical or unsubstantiated. The BLM's suitability determinations must reflect that the law favors inclusion of eligible rivers in the Wild and Scenic Rivers System, as opposed to exclusion. As BLM practice makes clear, when the agency deems a river eligible for status as a Wild and Scenic River, it must manage the river to preserve its outstandingly remarkable qualities until the agency can address its suitability. In turn, once the agency determines a river is suitable, the agency must take all management steps necessary to protect the river so that Congress may have a meaningful opportunity to include the river in the Wild and Scenic Rivers System. To do otherwise would run counter to agency policy, undermine the Act, and disregard FLPMA's requirement that the BLM protect resources valuable to the American people, such as rivers that are eligible or suitable for Wild and Scenic River designation, for the benefit of future generations and without undue degradation of these resources 43 U.S.C. § 1 iO2(c); 43 U.S.C. 1732(b). We understand that the BLM is currently preparing a Wild and Scenic River report which

will become available in the coming months, and we look forward to commenting on the specific aspects of the eligibility findings.

Recreation and SRMAs

The recreation resource on public lands is becoming increasingly valuable: more people want to recreate on a finite amount of public land. Many recreationists desire solitude, clean air, clean water, vast undeveloped landscapes, and a place to witness healthy natural systems thriving with native plants and wildlife. The RMP should accommodate those desires. In order to ensure the continued viability of these desired experiences, the BLM must manage public lands under a "recreation opportunity spectrum," or ROS. Increasing recreation pressure dictates the need to include more lands within ROS classes that protect the land's undeveloped, wild character, i.e. primitive and semi-primitive non-motorized recreation classes. These designations allow for multiple activities of the sorts most desired by the public: camping, picnicking, hiking, climbing, enjoying scenery, wildlife or natural features viewing, nature study, photography, spelunking, hunting (big game, small game, upland birds, waterfowl), ski touring and snowshoeing, swimming, fishing, canoeing, sailing, and non-motorized river running. All lands within WSAs, BLM inventoried lands of wilderness character, proposed wilderness, and ACECs should be managed as ROS class primitive, while other spectacular and important lands in the RMP area, such as important wildlife habitat, should be managed as ROS semi-primitive non-motorized.

Existing SRMAs should be retained and expanded upon to include adjoining lands which provide expanded opportunities for their stated purpose, for example that additional roadless lands that are part of the Yampa River CWP. The revised Planning Handbook (Appendix C) offers the following tools BLM could employ to establish recreation management (RMAs) within the Little Snake Resource Area.

- 953 Please create some non-motorized areas and areas which protect wilderness values.
- 954 Areas of Critical Environmental Concern (ACEC), Wilderness Study Areas (WSAs), Special Recreation Management Areas (SRMAs) and Wild and Scenic Rivers (WSRs) are all programs that should be continued, and where the studies show high wilderness values should result in these lands and rivers being recommended to Congress to be set aside as wilderness. Of high wilderness value are Vermillion Basin, Split Mountain, Irish Canyon and Juniper Canyon. The lands along the Yampa River have had heavy agriculture and recreation use but still have wild values that should be preserved. Sand Wash and Slater Park should continue to be evaluated for possible wilderness preservation. The Little Snake River is not wild and yet is one of Colorado's undiscovered fishing holes. Fishing values should be enhanced and protected. If the
- 955 A second critical aspect of providing the management necessary to protect special species and habitat is the use of special designations such as ACECs to protect known populations of rare, sensitive, and imperiled species. For greater sage grouse and Columbian sharp-tailed grouse, such special designations should include non-waivable provisions that specifically protect these species from ground disturbing activities such as oil and gas drilling, grazing, and off-road vehicle riding. For white-tailed prairie dog, an ACEC has been nominated to protect the Little Snake colony, and this ACEC should be proposed in the RMP. In addition, any such designation should include protection from surface disturbances such as oil and gas drilling, grazing, and offroad vehicle
- 956 **SAND WASH BASIN**
RMR17s comments thus far have focused on general travel planning recommendations for the entire Little Snake Resource Area. The rest of this letter addresses travel planning specifically in the Sand Wash Basin.
- Special Values of Sandwash Basin**
Sand Wash Basin is a unique cold desert ecosystem interspersed with juniper-covered ridges and rocky outcrops whose relatively low elevation, salt brush and sage brush vegetation and varied topography make it critical winter range for antelope and other big game. Sand Wash is a designated Wild Horse Herd Management Area and is home to a wild horse herd of between 163 and 362 head. The basin provides habitat for a variety of species including burrowing owl, ferruginous hawk and a keystone species, white tailed prairie dog. There are also fox, cougar, badger, coyote and a wide variety of non-game species. Sand Wash contains sage grouse production sites, for example, near Twin Buttes, Long Spring and on Sevenmile Ridge, as well as antelope fawning areas, three Colorado Natural Heritage Program (CNHP) Potential Conservation Areas and seven CNHP element occurrences. Sand Wash is also a significant archeological area, richly

scattered with cultural sites such as chert quarries and buffalo hunting sites dating back 12,000 years to the Clovis and Folsom eras. At the north end of the basin is the scenic trail and overlook at Lookout Mountain.

Reduce road and trail densities

The Sand Wash Basin travel plan should result in a significant reduction in route mileage and densities. With an estimated 200 miles of classified and unclassified routes now crisscrossing the basin, route densities have been too high for some time to sustain soils, forage and other fragile resources. We note that the 1989 Resource Management Plan

(RMP) Record of Decision (ROD) states on pages 5 and 27 that: "A vehicle use implementation plan would be completed within one year following approval of this plan." It is now 14 years later. With every passing year it is more difficult to contain the Spread of ORVs in the basin. Any interim management restrictions that are implemented in Sand Wash in the interval before the RMP revision is completed should anticipate this reduction in routes and create that expectation in the mind of the public.

Close Clay Buttes Hillclimb

Despite the proposal to move the existing hill climb near Highway 318 to a less visible location, we recommend keeping it in its current location, as moving it will displace ORV impacts to a new area. Instead of relocating it, we recommend reconstructing the hillclimb to environmental standards and then showcasing it--since it is visible from the highway anyway---as an example of how even hill climbs can be managed responsibly.

Hill climbing should be limited to this one area in the basin. As mentioned above, a principle of sustainable trail design is concentrating ORV routes near highways and other developed areas, rather than dispersing the use into less disturbed backcountry. Meanwhile, the new hillclimb near the wild horse watering hole at Clay Buttes needs to be closed immediately before the damage spreads and especially because the hillclimb is located in a "Fragile Soil and Watershed (L - 1) Area," in noncompliance with the 1989 RMP.

ACEC Recommendations -We recommend that G-Gap and Ink Springs be designated Areas of Critical Environmental Concern (ACECs) to preserve sensitive plants and high quality natural plant communities.

INTERIM MANAGEMENT FOR SAND WASH BASIN: ACHIEVING CONSISTENCY WITH THE PREVIOUS 1989 RMP Implementation of 1989 RMP Limited Use Provision

Since the revised RMP will not be completed for several years, RMRI supports the BLM in implementing the limited use provisions in the 1989 Resource Management Plan (RMP)--14 years after the fact--by placing signs on existing routes in the portion of Sand Wash that lies in Management Unit (MU) 12, L1. This action was specified on page 17 of the Record of Decision (ROD). The MU covers "areas where soil erosion potential is known to exist," (ROD p. 16). This segment of Sand Wash is also in a Fragile Soil and Watershed "Management Priority Area," according to RMP maps.

Other 1989 RMP Requirements for Sand Wash Basin

The BLM should describe in detail and mitigate current and projected impacts of ORVs on wildlife. As an indication of the LSFO's past diligence in this area, we would like to know whether the following RMP-directed wildlife improvements in the Wildlife watering guzzlers installed (ROD p. 13)

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Special land designations

We are opposed to any special designation of lands that would adversely impact permittees or private property. We are opposed to any designation of BLM lands that would impair, or restrict the ability of Permittee to create new range improvements or adopt new technologies that would sustain and enhance the range resource or the permittee's AUMS (ACEC, Wilderness, Wild and Scenic, SRMA etc.). Any special designation of lands must specifically provide for the full continuation of grazing and the supporting infrastructure development needed to sustain grazing (new and existing) for the life of the designation. All special designations must honor valid existing rights and recognize any impacts that they have on the designation

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The following species and plant communities are not currently given any special status but merit special management attention because of their rarity on a statewide level in Colorado (they are ranked as either S1 or S2 species by the Colorado Natural Heritage Program) and the high quality of their occurrences within the LSFO. Special management attention and assessment should be devoted to these species within the

LSFO, including assessment of impacts from proposed uses and management strategies.

D. Should additional special management areas (ACEC's, RNA's, etc.) be created to protect areas of significant environmental concern?
 The attached map (Attachment B) shows areas with high biological significance based on known occurrences of species, plant communities or ecological sites that may be relatively scarce on a regional and/or global basis. These areas represent just one scenario created through an analysis intended to identify an efficient, optimal set of areas on which to focus special management attention and thereby contribute to the long-term survival of the species, plant communities, and ecological systems within the region.
 Some of these areas may be suitable for consideration as special management areas or areas with special management guidelines. We can provide more detail upon request.

Additional information is available in the Wyoming Basin, Southern Rocky Mountains

Form Letter The BLM in northwest Colorado has vast areas of unique, primitive and breathtaking landscapes. Some of these areas have been proposed for wilderness designation. The Friends of Northwest Colorado believe that those special areas be protected for posterity by federal wilderness or roadless designations. We should assure that our grandchildren's grandchildren can witness these treasured lands. For us to do otherwise would be a travesty.

Form Letter The management plan for the Little Snake Resource Area should:

 - Protect the seven proposed wilderness areas as outlined in the statewide Citizens' Wilderness Proposal (CWP);
 - Protect Vermillion Basin's wilderness character as inventoried by BLM;

Form Letter As you prepare the RMP, I urge you to ensure that the wilderness character of the seven areas in the Citizens' Wilderness Proposal receive proper protection. Cold Spring Mountain, Cross Mountain, Diamond Breaks, Dinosaur Additions, Pinyon Ridge, Vermillion Basin, and the Yampa River are all pristine areas of unique quality that deserve wilderness consideration.

 Allowing oil and gas development or motorized vehicles in these areas would be a great disservice to the public and to the BLM's mandate to provide for a diversity of uses across the landscape. Please give special attention to protecting the wildness of Vermillion Basin, which BLM has recently re-inventoried and confirmed has abundant wilderness character.

Vegetation

Comment Number	Comment
63	Management should be adapted to changing ecological and climatic conditions and avoid hard and fast prescriptions. The way BLM manages vegetation should be adaptive rather than prescribed.
64	How does BLM protect rare plant occurrences from OHV use, Oil and Gas development, etc ? - this could be known or unknown (unsurveyed occurrences).
65	How does BLM get updated information on rare plants?
69	noxious weeds (minimize wads to avoid invasion)
79	Wild horses are good to see. They are pretty and adaptable and shouldn't be eliminated from an area just because of other activities.
104	i note a goal of "management of upland vegetation" -which is BLM doublespeak for cutting down trees/forests for profiteers. i object and oppose that.
134	Noxious and invasive weeds should be aggressively eradicated, using biological control when

possible and limited chemical controls when necessary. In addition, land should be managed in a way that limits land disturbance that facilitates weed growth. Cattle grazing, due to its high disturbance capability, should be monitored and limited if found that such use increases weed populations. Salt Cedar should be aggressively eradicated

- 388 We ask BLM to include measures to restore degraded riparian and aquatic values. I studied range management at Utah State University and saw how severe the impacts of poorly managed livestock grazing can be against wildlife, fisheries, and watershed values. Restoration can be achieved if BLM takes constructive measures in this plan. Restoring streams that enter the Yampa and the Green would also yield important benefits for the many visitors who take float trips on these rivers.
- 873 Vegetation Management: What is the current condition of vegetation for key ecosystem types (e.g., grasslands, sagebrush steppe, Douglas-fir forests, etc.) in the area? Given BLM's multiple-use objectives and outcomes, what is the desired future condition of vegetation for key ecosystem types and what will it take to get there? What indicators should be monitored using best available science to determine if desired future conditions are being met?
- 876 With this in mind, we ask that the RMP provide for the following steps to ensure that wildlife diversity is protected. All riparian areas should be given special management and considered for designation as ACECs. It is widely recognized that (1) riparian areas in the west are crucial centers of biological diversity, (2) many BLM riparian areas are in unhealthy condition, and (3) funding and monitoring capabilities of the field office greatly limit BLM's ability to visit, let alone monitor riparian areas throughout the
- Particular attention must be paid to areas containing rare or sensitive native species, which could be negatively affected by competition with invasive plant species, and to areas of special designation that are intended to protect natural values such as native plant populations. In riparian areas, BLM should work to control the further spread of tamarisk that could displace native riparian vegetation, increase salinity levels in affected waterways, and/or dewater local streams and rivers. In general, instream flows for waterways within and downstream of the Planning Area should be maintained.
- The vast sagebrush sea that once covered so much of the West is still found here, where it mixes with colorful badland hills and mesas to create truly spectacular environments for both people and wildlife. The planning area for the Little Snake Field Office includes some of the most special parts of this landscape for people, plants, and animals. Some plants that grow here are found in only a handful of spots in the West, even the world.
- BLM should also regularly monitor all sensitive plants found within the planning area to ensure accurate information about their status and health is being used to inform management decisions and to avoid further degradation to their habitat and overall condition. Priority should be given to protecting sensitive plant species and outstanding examples of native plant communities when drawing boundaries for special designations, such as ACECs, and specific regulations for such special designations should be designed with the intent of protecting sensitive plant species.
- Specifically, sagebrush-steppe is an important plant community that deserves specific preservation measures, in light of its rapid disappearance. Sagebrush should be preserved through minimizing mechanical sagebrush treatments, favoring natural fire regimes wherever possible, and managing activity in sagebrush areas to maintain and restore a healthy sagebrush understory of native grasses and forbes. The only exception to the general rule of thumb that natural fire regimes are preferred is in locations where cheatgrass has already invaded significantly; in such a circumstance, fire may actually favor further cheatgrass establishment.
- BLM should adopt a comprehensive weed management plan that includes specific goals to limit the spread of invasive weed species, protects native and rare plants and plant communities from competition and degradation by weeds, and limits the vectors that can facilitate the spread of invasive species, including ORVs, oil and gas drilling infrastructure, and livestock.
- As the sagebrush has rapidly vanished from the West, replaced by invasive weeds, new cities, highways, and oil drilling fields, places like the Little Snake Field Office planning area have become even more important for the small populations of native plants and animals left.

Duchesne milkvetch and narrowleaf evening primrose, two rare native plants found in only a few places in the world, including the Little Snake area, are currently not adequately protected from oil and gas drilling or trampling by cattle which could destroy the few populations left. All of these species should be given careful consideration in any management alternative.

For Duchesne milkvetch, narrowleaf evening primrose, and other rare and sensitive plant species, known populations should be protected from ground disturbing activities that would harm individuals or whole populations, such as oil and gas drilling, grazing, and off-road vehicle riding. In addition, native plant species known to be sensitive to competition by invasive species, including noxious weeds, should be specifically protected from further invasions of invasive species.

888 Proper vegetation management is important to maintaining viable wildlife and livestock habitat. The health of the pinion- juniper and ponderosa stands are in jeopardy from beetle infestation and fire suppression. This has created unnaturally dense stands that are susceptible to wild fire. Without rapid implementation the fire plans we could loose this valuable resource. Another management action that should be supported is mechanical treatments such as timbering or wood sales.

890 5.Noxious weed plan. Recreationists, and off-road vehicles, in particular, are notorious for carrying noxious weeds into lands that have not yet been invaded. The BLM should develop a noxious weed management plan in concert with the travel management plan that provides mechanisms for reducing spread, mitigating affected areas, and ensuring protection of native species of concern. See Executive Order 13112 that provides direction on the management of noxious weeds on public lands.

891 Invasive Species, Noxious Weeds, and Management of Native Vegetation
 The RMP must ensure compliance with Executive Order 13112 on invasive species. Section 2 of the Executive Order requires BLM to identify actions that may affect the status of invasive species and to then:
 20 Draft AMS at 3-105.
 [u]se relevant programs and authorities to: (i) prevent the introduction of invasive species; (ii) detect and respond rapidly to and control populations of such species in a cost-effective and environmentally sound manner; (iii) monitor invasive species populations accurately and reliably; (iv) provide for restoration of native species and habitat conditions in ecosystems that have been invaded; (v) conduct research on invasive species and develop technologies to prevent introduction and provide for environmentally sound control of invasive species; and (vi) promote public education on invasive species and the means to address them
 Moreover, the Executive Order requires BLM to:
 not authorize, fund, or carry out actions that it believes are likely to cause or promote the introduction or spread of invasive species in the United States or elsewhere unless, pursuant to guidelines that it has prescribed, the agency has determined and made public its determination that the benefits of such actions clearly outweigh the potential harm caused by invasive species; and that all feasible and prudent measures to minimize risk of harm will be taken in conjunction with the actions.
 In short, BLM must consider whether it is more effective and efficient, ecologically and economically, to avoid certain ground-distributing activities in order to ensure compliance with the provisions of the Executive Order.
 To prevent the spread of invasive species and preserve native species and plant communities, the RMP should:
 . • Reduce the road construction associated with oil and gas development and other surface disturbance to the minimum practicable footprint.
 . • Reduce grazing pressures where overuse is promoting the spread of invasive species.
 . • Require that any fill material used on the Resource Area be free of non-native seeds or other noxious weed material.
 If treatment is necessary, chaining, and other mechanical methods of vegetation manipulation should be prohibited in ACECs, winter habitats for sage grouse and sharp-tailed grouse, lands proposed for wilderness designation, and all lands for which NSO stipulations are required. Aerial chemical applications should be very limited and strictly monitored. Native plants should be used in all restoration and revegetation projects.

931 -Noxious weeds should be eradicated.
 -How will the BLM reestablish the shrubs that have died on the lower elevation range?
 -Vigorous and healthy plants are essential for wildlife.

937 The plan should include measures to restore deteriorated riparian zones where

livestock grazing has left impacts against wildlife and aquatic habitat. Some of the streams in this planning area flow into Dinosaur National Monument. A healthy, natural flow of water is a value that supports public use of public lands and Dinosaur NM.

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Vegetation: Riparian and Invasive Species Riparian

The RMP area contains remarkable riparian areas that are vitally important to the ecological health of the region. Properly managing riparian areas is a critical component of managing for biological diversity and for meeting many other needs. Only about 1% of the lands managed by the BLM are wetlands, yet these are some of the most ecologically important landscapes under BLM jurisdiction. Consequently, and as discussed above, it is critical that the Clean Water Action Plan and Riparian-Wetlands Initiative be fully implemented by the RMP, and that riparian areas be afforded ACEC protection.

Riparian areas and wetlands provide rare oases of lush vegetation and water in an arid environment. As a result, they are rich in wildlife like birds, deer, elk, amphibians, fish, cougar, bobcat, and other species. They also improve water quality by filtering sediment and other pollutants, stem erosion, improve groundwater reserves, reduce the risk of flash flooding, and provide shelter for wildlife. They are also often home to important cultural sites. See BLM's Riparian-Wetlands Initiative for the 1990's (RWI) at 7-8; BLM Handbook H-1737.08-09. Because of the critical importance of these areas, two Executive Orders require their protection. Executive Order 11988 (1977) requires federal agencies to avoid adverse impacts associated with the occupancy of floodplains. Executive Order 11990 (1977) requires federal agencies to minimize the destruction, loss, or degradation of wetlands, and to preserve and enhance the natural and beneficial value of wetlands. Further, all federally approved activities must include a practical measures to minimize adverse impacts to wetlands and riparian areas. The BLM's policy is to "maintain, restore, or improve riparian-wetland ecosystems to achieve a healthy and proper functioning condition that assures biological diversity, productivity, and sustainability. . ." BLM Handbook H-1737.06. RMPs must "recognize the importance of riparian-wetland values, and initiate management to maintain, restore, improve or expand them." Id. at 1737.06.8.4. The cornerstone to effective protection of riparian areas is the completion of a comprehensive inventory of the riparian and wetlands resources within the bounds of the RMP area. These areas should be identified and their functioning condition should be evaluated. RWI at 16 (noting need for inventories). "Improving the functioning condition of these areas is the focus of BLM's riparian wetland restoration goal." RWI at 11. Based on the critical importance of riparian areas, and the considerations set forth above, we urge the BLM to incorporate into the RMP specific, measurable riparian and wetland area protections. These include, among other things: Completion of "a broad inventory" of all riparian areas and an evaluation of their functioning condition pursuant to BLM Manual MS-1737.22 ("Inventories are usually conducted prior to preparation of . . . RMPs;" and "an RMP will generally require broad inventory"). This inventory should be done prior to preparation of the RMP EIS and should be presented in it. Specification of the steps that will be undertaken so that riparian areas that are not in . . . properly functioning condition can be restored, and how the condition of areas that are in properly functioning condition will be maintained. Exclusion of ORVs from riparian areas and wetlands except on designated routes; Incorporation of riparian and wetland area protection with protection of the associated watersheds. BLM Manual MS-1737.32; Clean Water Action Plan.

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

Invasive Species

We ask that BLM ensure the RMP provides for compliance with Executive Order 13112, which established requirements and procedures Federal agencies are to adhere to relative to Invasive species. Section 2 of the Executive Order requires BLM to identify actions that may affect the status of invasive species and to then:

Use relevant programs and authorities to: (i) prevent the introduction of invasive species; (ii) detect and respond rapidly to and control populations of such species in a cost-effective and environmentally sound manner; (iii) monitor invasive species populations accurately and reliably; (iv) provide for restoration of native species and habitat conditions in ecosystems that have been invaded; (v) conduct research on

invasive species and develop technologies to prevent introduction and provide for environmentally sound control of invasive species; and (vi) promote public education on invasive species and the means to address them . . . Just as important, the Executive Order requires BLM to not authorize, fund, or carry out actions that it believes are likely to cause or promote the introduction or spread of invasive species in the United States or elsewhere unless, pursuant to guidelines that it has prescribed, the agency has determined and made public its determination that the benefits of such actions clearly outweigh the potential harm caused by invasive species; and that all feasible and prudent measures to minimize risk of harm will be taken in conjunction with the actions.

The EIS should fully analyze the extent of the invasive species problem in this area, the causes, and options for both restoration and prevention in the future.

We believe BLM should consider whether it is more effective and efficient, ecologically and economically, to simply avoid certain ground-distributing activities so as to ensure the requirements of the Executive Order are complied with. For example, not building certain roads or authorizing certain oil and gas drilling activities may be a very cost effective, as well as ecologically effective, means to prevent the spread of invasive species, and the RMP should establish guidance as to when avoidance of ground-disturbing activities is preferred and appropriate.

Similarly, the effect of ground disturbance resulting from rangeland management actions, including grazing itself, on invasive species status should be fully considered, and again the RMP should establish standards as to when these activities may be inappropriate due to invasive species considerations. The flip side of preventing invasive species from becoming established is protecting native plant species and communities, especially rare and special status species. The BLM should conduct surveys to determine the location and characteristics of native plant communities and rare or special status species. The survey results should be presented in the EIS, and the RMP should establish standards for protecting native plant communities and rare or special status species.

BLM's grazing regulations and the PRIA establish that native species and plant communities are to be given preference over non-native species and communities (whether invasive or intentionally created), so the RMP should establish standards to ensure these requirements are met. To prevent invasive species dominance, and to favor native species and plant communities over non-natives, we make the following specific requests:

The RMP must insure that no cross-country vehicular (motorized and bicycle) travel is allowed in known habitat or locations of sensitive plant species.

The RMP must not allow surface disturbing activities in threatened, endangered or sensitive plant species habitat.

The RMP must target areas with threatened, endangered, or sensitive plants for noxious weed control activities as a first priority.

The RMP must exclude areas with threatened, endangered, or sensitive plants from fuelwood cutting areas.

BLM must review grazing allotments and address the protection of areas with threatened, endangered, or sensitive plants species.

The RMP must not permit communication sites, oil and gas drilling pads, utility rights-of-

way, and road rights-of-way in known areas with special status species populations.

BLM must augment law enforcement personnel and field staff, and instruct them to concentrate efforts in areas with special status species habitat in order to curb noncompliance activities and protect sensitive species from irreversible impacts.

The RMP must not allow reseeding or surface-disturbing restoration after fires in areas with special status plant species, as the natural diversity and vegetation structure must be allowed to provide regeneration.

BLM must survey the planning area to document all "relict" or undisturbed plant communities-areas that have persisted despite the warming and drying of the interior west over the last several thousand years, or have not been influenced by settlement and post-settlement activities (livestock grazing, roads, energy development). These are unique areas that can be used as a baseline for gauging impacts occurring elsewhere in the planning area. The RMP should provide that relict and undisturbed plant communities must be managed for their protection; no activities that could negatively affect these communities should be allowed.

Protection of riparian plant communities should receive special attention in the RMP (see section on riparian habitat management, below), and native cottonwood and willow communities along riparian areas should be targeted for protection and reestablishment where they have been eliminated or degraded.

There are a variety of vegetation restoration methods that can be used to restore and promote a natural range of native plant communities in the planning area. BLM must prohibit methods and projects that do not achieve the objective of restoring and promoting a natural range of native plant communities. Consequently, we believe BLM should establish the following standards in the RMP:

Chaining, roller-chopping, or similar methods of vegetation manipulation must be Prohibited due to the widespread disturbance they cause.
 Livestock must be excluded from a restoration/revegetation site for enough time to Document that the restoration is successful.
 Although control of noxious weed species is a priority, chemical treatments of noxious weed species should be used o& if damage to other resources in the area is significant, imminent and certain, and if damage to other resources (e.g., the damage to native species) is determined to be of less significance than the noxious weed problem. Other means of noxious weed control should be given first priority.
 BLM must prioritize areas for which fire could improve the vegetation communities and Then allow natural fires to burn in these areas (see section on fire policy, below).
 BLM must establish monitoring plots to determine the effectiveness of the treatments used for invasive plant control and to provide baseline data of overall change in conditions. Fuelwood harvesting must be carefully regulated, and should be concentrated in areas that have already been disturbed.

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The vast sagebrush sea that once covered so much of the West is still found here, where it mixes with colorful badland hills and mesas to create truly spectacular environments for both people and wildlife. The planning area for the Little Snake Field Office includes some of the most special parts of this landscape for people, plants, and animals. Some plants that grow here are found in only a handful of spots in the West, even the world.
 As the sagebrush has rapidly vanished from the West, replaced by invasive weeds, new cities, highways, and oil drilling fields, places like the Little Snake Field Office planning area have become even more important for the small populations of native plants and animals left.

For Duschesne milkvetch, narrowleaf evening primrose, and other rare and sensitive plant species, known populations should be protected from ground disturbing activities that would harm individuals or whole populations, such as oil and gas drilling, grazing, and off-road vehicle riding. In addition, native plant species known to be sensitive to competition by invasive species, including noxious weeds, should be specifically protected from further invasions of invasive species. To protect Ferruginous hawks, impact to this species should be considered in situations where management proposals could affect its food sources, availability of habitat, and quality of habitat rangewide.

For Duschesne milkvetch, narrowleaf evening primrose, and other rare and sensitive plant species, the largest, most robust, and important populations should be protected in ACECs or other special designations that include specific provisions to protect them from ground disturbing activities that would harm individuals or whole populations, such as oil and gas drilling, grazing, and off-road vehicle riding. Native plant species known to be sensitive to direct trampling and/or erosion should be specifically protected from trampling by livestock-, offroad vehicles, and oil and gas drilling equipment and infrastructure. In addition, native plant species known to be sensitive to competition by invasive species, including noxious weeds, should be specifically protected from further invasion of invasive species.

BLM should also regularly monitor all sensitive plants found within the planning area to ensure accurate information about their status and health is being used to inform management decisions and to avoid further degradation to their habitat and overall condition.

Priority should be given to protecting sensitive plant species and outstanding examples of native plant communities when drawing boundaries for special designations, such as ACECs, and specific regulations for such special designations should be designed with the intent of protecting sensitive plant species.

Specifically, sagebrush-steppe is an important plant community that deserves specific preservation measures, in light of its rapid disappearance. Sagebrush should be preserved through minimizing mechanical sagebrush treatments, favoring natural fire regimes wherever possible, and managing activity in sagebrush areas to maintain and restore a healthy sagebrush understory of native grasses and forbes. The only exception to the general rule of thumb that natural fire regimes are preferred is in locations where cheatgrass has already invaded significantly; in such a circumstance, fire may actually favor further cheatgrass establishment.

BLM should adopt a comprehensive weed management plan that includes specific goals to limit the spread of invasive weed species, protects native and rare plants and plant communities from competition and degradation by weeds, and limits the vectors that can facilitate the spread of invasive species, including ORVs, oil and gas drilling infrastructure, and livestock. Effective limitations on these vectors may include limiting ORV use to designated routes or closing critical areas (such as ACECs) to ORV use altogether, limiting the geographic extent of oil and gas drilling infrastructure to

concentrate and reduce new road building, and limiting AUMs or seasonal use of grazing allotments.

Particular attention must be paid to areas containing rare or sensitive native species, which could be negatively affected by competition with invasive plant species, and to areas of special designation that are intended to protect natural values such as native plant populations. In riparian areas, BLM should work to control the further spread of tamarisk that could displace native riparian vegetation, increase salinity levels in affected waterways, and/or dewater local streams and rivers. In general, instream flows for waterways within and downstream of the Planning Area should be maintained.

959

Due to the vulnerable status of the species and communities above and the potential impacts of current and future uses and management activities on their future survival, the following issues should be addressed throughout the LSFO RMP Revision in order to ensure protection of these species and habitats, and to avoid the need for future listings.

A. How will proposed uses and management activities affect native plant and animal communities?

Each of the following uses and management practices have the potential to significantly impact the long-term health of native plant and animal communities inhabiting both the uplands and the riparian areas of the LSFO. The impacts from these uses and management practices on native plant and animal communities should be assessed and addressed throughout the RMP revision:

- Oil and gas extraction practices - particularly fragmentation from roads, pipelines and other developments - Recreation management - including OHV use
- Wild horse management - including appropriate herd management levels
- Fire management - including wildfire management, prescribed fire, and - Grazing practices - including stocking levels, seasons of use, and distribution
- Vegetation management practices - including chemical and mechanical treatments and their effects particularly on native shrub and riparian communities and their associated species

What habitat areas and plant communities are in need of restoration and what is the potential for restoration of these areas?

Form Letter

The goal of vegetation management and grazing practices should be vigorous and healthy plant communities, which represent the full diversity and range of the natural flora suited for each location's soil and microclimate.

To achieve this goal, prescribed fire and other vegetative treatments should be done with planning and consideration for both initial and long-term impacts, as well as the desired condition. Monitoring and comparison research studies should be incorporated into these actions along with grazing history and practices.

Noxious weeds should be identified and eradicated immediately. Invasive and non-native plants should be contained by the best management practices available.

Activities that introduce or spread noxious or invasive weeds, such as natural gas development, illegal OHV use, and road building should be ceased or discontinued. The disturbed soil in these areas should be reseeded immediately with native plants.

Strategies and practices to adapt to long-term drought and/or global warming should be thought out and articulated in the RMP. This should be done for other activities besides grazing. A grass bank would be very helpful for permittees to cope with wildfire or other vegetative treatments. The BLM should enforce all regulations and stipulations that apply to grazing and any other activities that impact vegetation, soils, and water.

Wild Horses

Comment Number

Comment

104

BLM is a despicable agency that throws wild mustangs, a national symbol, off the land and into slaughterhouses so they can be meat for europeans. What a disgusting business.

386

with horses wild- continue with dart birth control and do not allow immediate title after the sales. Horses and cattle sheep will need to be sharing the land.

867

On behalf of the membership of the American Mustang & Burro Assoc., Inc., particularly members who have enjoyed viewing the wild horses of the West Douglas Herd Area, I submit the following comments in support of the law And retention of the herd in that area in accordance with the 1971 Wild Free Roaming Horse and Burro Act.

We do not now recall how many times we have written your office with Comments in favor of retaining the West Douglas herd of wild horses. This dog and pony show is getting old. We fail to see why the BLM doesn't simply follow the law and the will of the majority of the American public, but instead keeps trying to think up new angles to get the horses off of Mr. Roberson's grazing lease. This has gone WAY beyond reasonable.

It is our request that wild horses, be retained in a genetically viable population, with no importation of unrelated stock, in the entire area originally used by wild horses in 1971. We request they be managed with as little manipulation as possible. That "management shall be at the minimum level necessary to attain the objectives identified in approved land use plans and herd management area plans." That says "management" and not wild horse numbers shall be at the "minimum level necessary".

I do not know you, nor do I know what your background is regarding wild Horse management. I am sure you want to put forth your best effort on this project and hear and consider all possibilities. I hope you realize that at this time the eyes of the nation are on the BLM and their management of wild horses. How many will be sent to slaughter? How many different ways will we be lied to by BLM and the ranching industry? Why not simply take all cows and sheep off Our public ranges? With one hundred fifty times more cattle than wild horses on our public lands it is becoming ever more obvious to the American public that we have been lied to when it comes to the professed "excess" of wild horses. We have also been lied to about the starving wild horses that need to be rounded up and "humanely" sent to slaughter. I hope we will be able to sit down and discuss this without the lies and special favors to appease livestock growers.

The history of wild horses in the West Douglas Creek region goes back Hundreds of years, to a time when Utes first brought horses here and even met the explorers Frs. Dominguez and Escalante already mounted. In the early 1900's Cecil V. Gross and other cowboys s supplemented their income by catching and selling wild horses. By the time the Act was passed, while the numbers had been reduced, wild horses still used the ranges of the area west of Douglas Creek. Many local residents still living in the region attest to seeing and On occasion capturing wild horses in the West Douglas Herd Area and beyond it's current boundaries at that time.

Neither the word nor the spirit of the Act allows the Bureau of Land Management (BLM) to manage wild horses only in the exact spot where they Were standing when the less than reliable census was taken in 1974, three years after passage of the Act. The BLM has used the excuse of rough terrain and dense woodlands hindering the gather of wild horses and making it dangerous, as just one of many excuses for eradicating the West Douglas herd. This same terrain, however, was never considered a barrier to conducting an accurate census of wild horses from a Bell-47 helicopter, in 1974. Part of this inadequacy was address by Bill Lawhorn in the WILD HORSE INVENTORY February 26 to March 6, 1974 as he wrote, "The Bell-47 was inadequate because it would not reach the higher altitudes where a large percentage of the horses were found." Later in the same document he concludes, "The total number of horses in the Craig District, using a 15 percent correction factor, is 432 horses." Since over 600 horses were removed from the Douglas Mountain herd unit within the next 2 to 4 years, the count could not possibly have accounted for all the horses. More accurate counts are much more likely in areas not so heavily forested as the Douglas Creek herd unit.

The Bureau of Land Management and special interests would have us believe That the nine horses counted in the 1974 census were just a few strays from the Piceance-East Douglas herd to the east. This has been contradicted with Recent evidence presented to the BLM by Dr. Gus Cothran of the University of Kentucky, in his Genetic Analysis of the West Douglas CO feral horse herd, that the West Douglas herd has little in common genetically with the Piceance-East Douglas horses and is more closely related to horses in the Little Book Cliffs, Sand Wash and then Spring Creek Herd Management Areas. In short, the wild horses all along the northwestern edge of Colorado have been shown to be more closely related to each other than to those just east of HWY 139, disproving the "strays from across the road" theory. As Dr. Cothran states, "examination of the individual types for each of the herds in the White River Resource Area and West Douglas does not reveal any evidence of

direct relationship". It would not be acceptable to removal all the wild horses from West Douglas and put them in Piceance/East Douglas. The two herds have different history and different genetics. Contrary to BLM rhetoric, all wild horses are not alike, and wild horses in one area do not negate the need to retain them in another separate and distinct area.

Wild horses establish their own territory, and had done so already by 1971 in the West Douglas Herd Area, which they were using and had been for over 200 years. Use of West Douglas by wild horses did not start or increase in the late 1970s, but merely continued.

There is nowhere that the 1974 wild horse census could be deemed accurate. The only truly accurate way to count wild horses is the "mark remark" method according to knowledgeable BLM personnel, and that was not done in 1974. In fact, it seems over 600 wild horses in the Douglas Mountain area were completely forgotten until they were exterminated in the mid seventies by the BLM, the Forest Service and the National Park Service. How could that have happened?

The comments submitted to BLM by parties advocating the total removal of The West Douglas herd contain numerous inaccuracies and myths regarding the impact of the horses on the range, the number of horses in West Douglas when the act was passed, the origin of the horses and the "rights" of private livestock owners. It is appalling that the Bureau would be asking local residents if it should abide by the law. Is not the law the law? It is only the Wild Free-Roaming Horse and Burro Act that has to be voted on again and again by local special interests to determine whether it will be enforced or not. If you are going to count votes for or against managing wild horses in accordance with the law, then it is the American public, the true owners of this land, who should be asked if they want these horses exterminated to benefit private vested interests.

Livestock permittees decry the "serious ongoing degradation" done to the Range by wild horses, when in fact it is unimaginable that fewer than 100 wild horses using less than 1,200 AUMs of forage could do more damage than over 12,000 AUMs of use by cattle (not counting calves). This is not only impossible, but also illogical. It is excessive and improper private livestock use that is responsible for this "serious ongoing degradation", not wild horses. The AMBA appeal and motion to stay of September 1, 1999, compares the use by wild horses and cattle on the Twin Buttes allotments within the West Douglas Herd Area. Please refer to those comments. Further, it is cattle and not horses that are destroying creek banks and stream beds and fouling the creeks with their excrement, not wild horses. Both professional range consultants and lay observers have documented this damage.

Support for total removal of the West Douglas wild horses by the Rio Blanco Board of County Commissioners is short sighted and not in the best interest of the community. Of far greater economic advantage would be the retention of a viable wild horse herd and promotion of tourism linked to wild horse viewing and education.

Wild horses and the oil and gas industry have coexisted for many years now with no ill effects on either. Blaming oil and gas development for eliminating wild horses in West Douglas Creek is unfair to that industry and a distortion of the truth. While we do support constraints on mineral development that will continue to allow the horses to exist in a healthy environment, we see no reason at this time to eliminate mineral development on our public lands.

It should not be the PRIMARY use of OUR public lands to provide subsidized grazing for private livestock enterprises at the expense of other uses, but it is. With less than 3% of all beef produced in this country coming from all eleven western states with public land grazing programs, the impact of livestock producers on public land decisions should reasonably be much less than it currently is, yet they rule OUR public lands and refer to them as theirs. In reality, the time for private livestock on our public lands has passed. It no longer has value to the American people, and is, in fact, destroying our lands. It is the private livestock that need to go, not the wild horses or other wild life that the public value.

This debate over managing or not managing for a herd of wild horses in the test Douglas Creek Herd Area has gone on quite long enough. It is time the Bureau of Land Management stopped trying to appease special interests. The Wild Free-Roaming Horse and Burro Act is the law and requires the BLM to manage West Douglas for a viable wild horse herd for those who own this land, the American people. If this herd is obliterated a valuable historic resource will be lost to us forever.

883

4.5 Wild Horses

Wild horses are a part of our heritage. There are some that would see them removed from the wild. They are a portion of our custom and culture. Wild horses need our, and the BLM's, protection.

889

Wild horses

The above wildlife concerns apply to wild horses as well. We oppose the BLM practice of denying domestic horse permits adjacent to wild horse herd areas the RMP so reject these prescriptive management approaches. We oppose the expansion of wild horse herd areas an request that the BLM keep their horses on their side of the fence.

935

The wild horse herd, whether you or anyone else accept as wild or not, are a big part of our heritage. They must be protected from both oil and gas developers and the graze permittees. There should be no graze permits within the surround.

952

Wild Horses

Goal: Wild horses are a part of our western heritage and should be managed to preserve their existence in a manner that is compatible with other multiple uses.

1. Numbers should be managed at sustainable levels and take into account impacts to wildlife, sensitive plants, rangelands, necessary range developments and cultural resources.
2. Wild horses should be actively managed for appropriate herd size and genetic variability.
3. Wild horses within the Sand Wash Horse Management Area should be managed so That energy development and OHV use does not degrade the habitat such that horse related impacts on wildlife, sensitive plants, rangelands and cultural resources are increased.

956

Wild Horse Management

The wild horse herd in Sand Wash basin is an inspirational reminder of American history, hearkening back to a colorful era of the American West. The Sand Wash horses are contained in their management area by a boundary fence. The fence is a tool for managing the horses but requires BLM to assure that the fenced-in horses have ready, dependable access to adequate feed, water and shelter within their management area. Since the BLM began managing this herd in 1971, the herd has twice been impacted by severe drought conditions that necessitated emergency action. Competition for forage is most critical during the winter, particularly winters with high snow accumulations when wild horses must compete with domestic sheep, elk, antelope and deer for browse forage. Sheep can be returned to private land during harsh winters. Elk, deer and antelope can jump the boundary fence and go to greener pastures. The wild horses are forced to rely on what is left over inside the fence.

For this reason, it is vital that the wild horses have access to all of the country Recognized as their management area, since there are critical times when they will need every bit Of their fenced area to survive.

Wild horse management in Sand Wash Basin is directed by the Sand Wash Herd Management Area Plan @MP ROD, p. 15). Among the objectives of this plan are: "to protect wild free-roaming horses. . .from. .harassment and destruction," to manage Sand Wash horses "as an integral part of the public lands ecosystem under the principle of multiple use," and to manage wild horse habitat to "maintain a thriving natural ecology balance." The Herd Management Plan also calls for improving habitat conditions, increasing desirable forage, improving soil erosion conditions, and maintaining the freeroaming behavior, band integrity and healthy gene pool of the herd (RMP ROD p. 15). Since the ROD also requires monitoring, we would like to see any recent monitoring reports on how well these objectives and desired resource conditions are being met, particularly with regard to increasing ORV conflicts with wild horses and wildlife. How is ORV use interacting with other factors (grazing, oil and gas leasing, drought) to improve or worsen conditions for wildlife and wild horses in Sand Wash basin? As ORV and other impacts increase, is access to forage and water being maintained to the extent necessary not just for wild horse survival but for robust herd health? Have the measures listed in the "Planned Actions" section (ROD, p. 15) been carried out? We note that under the Wild and Free-Roaming Horse and Burro Act (Public Law 92-195), wild horses may take precedence over other resources such as ORVs. On some BLM lands, for example, livestock grazing is disallowed if it interferes with wild horse

viability. This suggests that under the Wild Horse Act the BLM has authority to dose ORV areas to eliminate conflicts between horses and ORVs. At the same time, as noted above, the BLM has an obligation to manage wild horses while simultaneously protecting rare plant species and associations from grazing damage. The following is an excerpt from a letter written by the Center for Native Ecosystems to the LSFO on December 16,2003: "The Little Snake RMP is clear that one of the

958 Wild horses
 We are opposed to any expansion of wild horse herds or herd areas. Future management of horse herds must react to drought in the same manner that is required of grazing permittees.

Wildlife Habitats and Fisheries

Comment Number	Comment
57	Entire ecosystems are impacted negatively by mineral resource development. These impacts must be understood and critical wildlife areas protected.
64	What about animal easements throughout the lands, public and private.
66	What will BLM do about habitat fragmentation and human access to small BLM parcels?
70	I wish this to protect the habitat of the plants and animals
83	<p>8.0 Habitat Management</p> <p>This is an area that I can only comment on as a concern. BLM has been as guilty as any of the users for habitat destruction. Brush beating, chaining and controlled burns destroys sage and weeds, but also kills wildlife and wildlife habitat. The use of nonnative species to control other nonnative species is also concerning. Domestic goats use is far better than chaining or controlled burns. Without the use of controlled burns or chaining, wildlife has an opportunity to live. Natural fire is totally acceptable. Land uses, such as oil and gas production must be limited in how much habitat they destroy. The latest technologies must be utilized. In my view, the current practices of the oil and gas industries is accelerating the third wave of extinction. One only has to view the Pinedale Anticline. All wildlife migration corridors are at risk. There is one near Cora, Wyoming, that if destroyed, will cause extirpation of pronghorn in Grand Teton National Park. Let us not have that kind of problem in LSRA.</p> <p>9.0 Causes for Extinction</p> <p>9.1 Habitat Destruction</p> <p>There are many human caused sources of habitat destruction. Mining, oil and gas development, agriculture, road building and OHV use and housing encroachment, to name a few. The BLM must take steps to curb this destruction of habitat. The US Fish and Wildlife Service recently declined to list the greater sage grouse as an endangered species. If the grouse's habitat continues to be destroyed, listing is inevitable.</p> <p>9.2 Non-Native Species</p> <p>Nonnative or invasive species is a double-edged sword. Some invasive species can be beneficial while others can be a serious detriment to the health of the ecosystem. Caution must be used if invasive species are used to control other species. For the most part, nonnative species compete with native species and often outcompete the</p>
134	Due to its high habitat value to Ferrets, Eagles, Elk, and Horses, the LS RMP should focus on preserving land for wildlife habitat.
138	Please also do all you can to protect wildlife and wildlife habitat within the area.
386	elk management is good it seems
387	In addition to the above- mentioned areas, I hope the BLM will take every measure to protect the wildlife unique to the LSRA.
785	Our lands and our wildlife deserve respect. Please continue to protect these areas.

- 868 The Little Snake Area contains some of the most diverse wildlife Populations in the country. These animals provide great opportunities for hunting and wildlife viewing and bring in large amounts of revenue to local economies.
- That said, I think it 's essential that the plan protect wildlife habitat for big game, sharp tailed grouse and sage grouse as well as prairie dogs.
- 869 The LSRA is home to some of the most outstanding wildlife herds and flocks of anywhere in the lower 48. The protection of this resource should be a primary consideration in the plan.
- 870 We recognize the wealth of wildlife in the area and are concerned that there is increasing pressure for gas and oil development and also more RV use and damage to fragile soils, wildlife habitat, archeological treasures and breathtaking landscapes than the area can sustain.
- 871 But I have never seen a Columbian Sharp-tailed Grouse. What do they look like? Do you think its possible to have a BLM plan that will give me the opportunity to view them during mating season in their natural habitat? I've read that this area is quite spectacular. Should I make plans to visit before the drilling begins?
- 873 Wildlife, Fish, and Special Status Species: What is the current status of special status animal and plant species and key game species? Which strategies (taking into account current efforts and plans, including using hunting and habitat management as key tools) will be developed to recover special status species and to manage game species in accordance with Colorado Division of Wildlife Data Analysis Unit (DAU) plans and local management plans? What actions will be identified to achieve desired future population and habitat conditions? What indicators should be monitored using best available science to determine if desired future conditions are met?
- 875 4) Avoid fragmentation of critical wildlife habitat areas and migration routes by limiting roadbuilding and development.
- 876 Consequently, special management provisions for these areas must be made in the RMP. The RMP must also ensure that other special habitats are protected and enhanced. All wildlife requires adequate habitat for feeding, reproducing, and hiding or resting (sheltering), and the plan must ensure that such is provided for all species at all critical life stages. Wintering areas, colonial or other concentrated avian nesting areas, spawning beds, and traditional birthing areas are examples of the special habitats the RMP should provide for and protect.
- In addition to protecting special habitats, the plan must provide for protecting certain species to ensure that biological diversity is protected. Certainly species listed pursuant to the ESA and BLM and/or State sensitive species must receive species-specific attention, but other species should receive special emphasis as well. The plan should identify and provide for the protection of "keystone" species, which can be literally key to preventing undesirable, cascading ecological effects, such as widespread extinctions. Prairie dogs are an example of a keystone species that demand special management efforts. The status of carnivores is often indicative of the overall environmental health of an area, and thus they warrant special management prescriptions, and in any event there is widespread public demand and support for protecting these magnificent creatures. It is also important to note that there are keystone resources that are critical for protecting a host of species. Springs or other water holes, deep pools in streams, and salt or mineral licks are examples. BLM should ensure that the RMP makes special provision for protecting keystone resources.
- The EIS must carefully evaluate problems resulting from habitat fragmentation and the need for maintaining the connectivity or linkage of habitats. Habitat fragmentation is strongly associated with the road building that accompanies many management activities. By altering the physical environment, roads and highways modify animal behavior. Many species shift home ranges, change movement patterns and even reproductive and feeding behaviors to avoid roads. Perhaps the most pervasive, yet insidious, impact of roads is providing access to natural areas and encouraging further development. Based on the information from this and other sources, it is apparent that the RMP must limit habitat fragmentation resulting from road building, protect current roadless areas, provide for aggressively closing unneeded or ecologically destructive roads, and provide for maintaining needed roads so as to reduce negative environmental impacts. The RMP must also limit habitat fragmentation resulting from

other activities, such as the construction of well pads.

More generally, the BLM should consider the principles of island biogeography so as to ensure that fragmentation does not degrade existing wildlife habitats. That is, it must insure that small islands of habitat are not created by management activities such as logging, chaining, or oil and gas development. The RMP should ensure both that the total areas of important habitats are maintained and that these habitats are not further fragmented. Creating habitat fragments impedes dispersal, colonization, and foraging.

Moreover, fragmented habitats can have altered environmental conditions and allow for intrusions of pests (weed invasions and cowbird nest parasitism are classical examples). We specifically requests that BLM limit any further fragmentation of sagebrush communities, which are critical to many species on many BLM lands, and which is an increasingly imperiled ecosystem.

The flip side of habitat fragmentation is maintaining migration corridors and other ecological linkages. The conservation biology literature indicates it is probably more effective to preserve existing corridors/linkages than to attempt to create new ones. It is crucial the EIS identify all existing migration and other movement corridors. The RMP must ensure that management actions authorized by the RMP protect the ecological integrity of these corridors and linkages. Big game migration routes have been widely documented, but riparian areas, mountain ranges and ridges, and other areas serve as important linkages among habitats (and even eco-regions) that must be preserved. Ensuring that corridors remain as wide as possible is the best way to ensure that they are in fact effective.

The principles of island biogeography should also guide BLM in creating protected areas. Here, an obvious application is the creation of ACECs. Modern conservation biology has firmly established that larger protected areas are of greater value, and are more effective, than smaller areas for maintaining the ecological integrity of a protected area. Consequently, when BLM designates ACECs, or other areas, to protect wildlife, it should ensure they are large enough to protect the species, habitat, or ecological attributes for which the ACEC is created.

We also request that BLM consider and enunciate in the RMP a policy relative to habitat "edge." Increasing edge has been common in classical wildlife management because it was perceived as a means to increase biological diversity, or more particularly, as a means to benefit certain games species. Modern conservation biology, however, recognizes a number of problems associated with increasing the amount of edge, such as: modifying microclimates needed by some species, increasing impacts of wind in some communities, increasing the incidence of fire, and increasing predation and competition from exotic and pest species that are often well adapted to the disturbed conditions that characterize ecological edges. Furthermore, even if increasing edge increases overall biological diversity, it can be harmful to certain, usually rare and/or specialized, species. Similarly, increasing edge can be problematic for species that require large, undisturbed blocks of habitat, such as many predators. We believe it would be inappropriate to increase edge to the detriment of rare or highly specialized native species or species that need large contiguous habitats, and the RMP must ensure that this does not occur.

To protect Ferruginous hawks, impact to this species should be considered in situations where management proposals could affect its food sources, availability of habitat, and quality of habitat rangewide.

In order to meet its obligations with regard to Sensitive Species, BLM must manage those species so as to provide at least "the protection provided to candidate species" under the Endangered Species (BLM Manual 6840). This means Sensitive Species must be managed so as not to "contribute to the need to list" them under the Endangered Species Act (Id.). Consequently, BLM must identify and evaluate the effects of their actions on these species.

Instruction Memorandum (IM) 97-118 advises all BLM directors to identify Sensitive Species early to avoid species endangerment; it also encourages directors to collect information on all species of concern to determine if Sensitive Species designation and special management are needed. BLM must determine the distribution, abundance, habitat needs, and reasons for current status for each Sensitive Species (BLM Manual 6840). During the RMP planning process, BLM is required to identify priority species and habitats; establish objectives for habitat maintenance, improvement, and expansion for priority species and habitats; establish priority habitat monitoring objectives; and decide on specific conservation measures for such species (BLM

Manual 1622.1).

In order to manage so as to maintain healthy ecosystems and native biodiversity, BLM should study, monitor, and act to maintain healthy populations of big game and other critical wildlife species so as to allow for adequate native biodiversity as well as hunting and wildlife viewing opportunities.

As described in various places above, BLM should use specific, nonwaivable stipulations to reduce potential harms to species and habitat from land uses such as oil and gas drilling, grazing, and off-road vehicle riding, as these are among the land uses that have the most potential for conflict with the goals of maintaining native biodiversity and protecting special species and their habitat. These stipulations may include No Surface Occupancy requirements in oil and gas leases, seasonal limits to grazing or AUM limits, and limiting off-road vehicles to designated routes or closing some areas to ORV use altogether.

876

Center for Native Ecosystems is a non-profit conservation organization dedicated to protecting imperiled species and their habitat throughout the greater Southern Rockies region. We seek to preserve native biodiversity and restore natural functioning to ecosystems of all kinds. We are concerned about the lands within the Little Snake Planning Area due to their high biological value for many species as well as their representation of native ecosystems, including many rare, sensitive, and imperiled species. In many ways, the Northwestern corner of Colorado contains some of the most unique landscape in all of the state.

Some of the great icons of the West, like the sage grouse, the wild horse, and even the prairie dog, live on the Little Snake's lands. For many of them, this corner of the state is one of their last homes.

In particular, there are a number of species that are of concern to us and that should be addressed in any management plan that is adopted for the Little Snake Planning Area. Greater sage grouse is one such species which requires particular management attention to avoid further population declines and the need for future listing under the Endangered Species Act. Though state-level conservation plans will play a large part in the future protection of this species, in the northwest corner of Colorado the BLM will play a critical role in enacting the specific measures that will protect sage grouse. The Columbian sharp-tailed grouse, which like the greater sage grouse has been recently proposed for listing under the Endangered Species Act, is also found in the Little Snake area, and like the sage grouse its populations have been rapidly dwindling due to the loss of sagebrush habitat. White-tailed prairie dogs, another species recently proposed for Endangered Species listing, also live here. Several endangered or sensitive native fish species, including the Colorado River cutthroat trout and the Razorback sucker, two species already listed federally as Endangered, live downstream of the Little Snake lands and are affected by what happens to the land there. Ferruginous hawks, which BLM recognizes as a sensitive species, live throughout the Little Snake area and rely on healthy populations of prey to continue to survive.

One of the most critical aspects of providing the management necessary to protect special species and habitat is the identification and subsequent protection of important habitat for rare, sensitive, and imperiled species. For greater sage grouse and Columbian sharp-tailed grouse, this means that lek sites, brooding grounds, and severe winter range should be protected from surface disturbances such as oil and gas drilling, grazing, and off-road vehicle riding. For white-tailed prairie dog, an ACEC has been nominated to protect the Little Snake colony, and this ACEC should be proposed in the RMP; any such designation should include protection from surface disturbances such as oil and gas drilling, grazing, and off-road vehicle riding (see Center for Native Ecosystems' Nomination of ACECs for white-tailed prairie dog for specific information). For the four fish species of concern in the area (Colorado pikeminnow, Colorado cutthroat trout, Razorback sucker, and Bonytail chub), two of which are federally listed as endangered species, specific aquatic habitat should be identified where appropriate and, in general, surface disturbing activities that can contribute to degraded watershed conditions and increased sedimentation and pollution downstream, such as off-road vehicle riding, should be carefully analyzed before such activities are allowed to ensure that such use will not contribute to declines for these species and, ultimately, the need to list. All impacts to water quality in the Little Snake and Yampa and waterways further downstream will need to be considered in light of these species, and for the two federally listed species, Section 7 consultation with the U.S. Fish and Wildlife Service may be needed for projects and proposed actions that could affect habitat.

A second critical aspect of providing the management necessary to protect special species and habitat is the use of special designations such as ACECs to protect known populations of rare, sensitive, and imperiled species. For greater sage grouse and Columbian sharp-tailed grouse, such special designations should include non-waivable provisions that specifically protect these species from ground disturbing activities such as oil and gas drilling, grazing, and off-road vehicle riding. For white-tailed prairie dog, an ACEC has been nominated to protect the Little Snake colony, and this ACEC should be proposed in the RMP. In addition, any such designation should include protection from surface disturbances such as oil and gas drilling, grazing, and off-road vehicle riding. For Duschesne milkvetch, narrowleaf evening primrose, and other rare and sensitive plant species, the largest, most robust, and important populations should be protected in ACECs or other special designations that include specific provisions to protect them from ground disturbing activities that would harm individuals or whole populations, such as oil and gas drilling, grazing, and off-road vehicle riding. Native plant species known to be sensitive to direct trampling and/or erosion should be specifically protected from trampling by livestock, off-road vehicles, and oil and gas drilling equipment and infrastructure. In addition, native plant species known to be sensitive to competition by invasive species, including noxious weeds, should be specifically protected from further invasion of invasive species

878 Please protect the habitat of wildlife, such as big game, grouse, and prairie dogs.

883 1.1 Mass Extinction

There are scientists (Michael Soule' and others) that suggest that we are in the third wave of the Sixth Mass Extinction or the Pleistocene-Holocene Extinction Event. The first wave started 40,000 years before present (BP) and lasted until 200 BP or about 1800 AD. The second wave began with an overlap of the first wave around 1500 AD and lasted until 1970. The third wave started in 1970 and is estimated to last until 2100 AD. I am not going to go into what went (1 David S. Wilcove, D. Rothstein, J. Dubow, A. Phillips and E Losos, "Quantifying Threats to Imperil Species in the United States." BioScience 48 (August 1, 1998): 607-615 Another categorization uses the acronym HIPPO, which stand for habitat destruction, invasive species, pollution, population (human), and overharvesting.)

extinct in each wave except to say that in the first wave most megafauna disappeared.

In the second wave, birds tortoise and mammals disappeared.

Of concern is the third wave. It will affect all taxa. To illustrate: David Propst, a biologist with the New Mexico Department of Game and Fish, wrote in 1994. "When Europeans first arrived, it is estimated that the streams and rivers of New Mexico supported 66 species of fish. Today, only 59 persist. Of that number, 28 are currently as endangered by the NM Department of Game and Fish. At least two more should be added and the status of another three is of concern. Two should be removed because they are extinct. Thus, nearly half of half of New Mexico's fish fauna is officially imperiled. The imperilment of the native fish fauna of New Mexico has occurred almost entirely in the past 50 years and continues today." How does the loss of New Mexico's native fish species affect us here in Moffat County? The same thing is happening here. The Yampa River fishes that are endangered, the Colorado River cutthroat trout (CRCT) is a species of special concern, the roundtail chub and flannel mouthed sucker. What is the principal cause of decline of these fish species? Invasion of nonnative species and disease and loss of habitat.

What are the principal causes for extinction? David S. Wilcove¹ lists the primary causes as:

- ! Habitat destruction
- ! Nonnative species
- ! Pollution
- ! Overexploitation
- ! Disease

Above I stated that the CRCT are of concern. Historically, within the resource area, Willow Creek there was a population of CRCT that extended to the Little Snake River. Currently, on BLM land, they are extirpated. The reason is habitat destruction and nonnative species. This will probably continue through private land and into Routt National Forest, where there is a small population of relatively pure CRCT. Beaver Creek has a robust population in its headwaters on Cold Springs Mountain. However, there are brook trout in the lower reaches in Brown's Park and there is no barrier to prevent upstream migration. It is only a matter of time until the brook trout outcompete the CRCT for habitat.

The Wildlands Project adapted the above list to describe seven primary ecological "wounds" to

the land:

- ! Direct killing of species
- ! Loss and degradation of ecosystems

! Fragmentation of wildlife habitat
 ! Loss and disruption of natural processes
 ! Invasion of exotic species and diseases
 ! poisoning of land, air, water and wildlife
 ! Global climate change

Concluding the Extinction section, I would like to emphasize, Close attention must be paid to permitting future projects that are going to cause habitat reduction, invasive

4.0 Wildlife

4.1 Sage Grouse

Wildlife is not as abundant as it was even 30 years ago. Sage grouse has been in a decline for a number of years. The grouse has been petitioned for listing under the Endangered Species Act of 1973 (ESA). The petition has been determined as not warranted for listing. Special attention will need to be given to reverse this species decline. Any destruction of habitat, particularly sage brush, must be carefully scrutinized to determine whether there will be any potential impact on sage grouse.

4.2 Bison

It has been said to me in recent months, the reintroduction of the American Bison to Northwest Colorado would be of great value to our ecosystem. I agree. While the ranching community would be opposed to this reintroduction, bison is very strong tourist attraction in Yellowstone NP.

4.3 Gray Wolf

No discussion of a healthy wildlife population would be complete without a discussion about the gray wolf. Sightings are occurring more frequently. Officially, there have been sightings 7 miles from Baggs, Wyoming, in April 2003. In January 2004, there was a confirmed depredation about 25 miles north of Baggs. In fact, there was a "shoot on sight" permit issued by the USFWS. I personally, have witnessed a wolf chasing a pronghorn 25 miles north of the Colorado/Wyoming state line in July 2004. The Colorado Division of Wildlife Wolf Management Working Group is finalizing a management plan that essentially that as long as a wolf does not harass or predate upon livestock, they may roam free. Additionally, the gray wolf may have a positive effect on Chronic Wasting Disease (CWD). It has been said by top wolf experts that wolves can detect weakness in prey species early in the disease and will seek out those animals for predation. BLM must monitor the presence of wolves and determine the existence of rendezvous and den sites. Grazing of livestock must not be permitted near these sights or depredation of livestock is likely to occur.

4.4 Elk and Deer

Elk are multiplying at an alarming rate. Man is the only means of control, except for a few large predators. It appears that hunting is not as successful a population control as the Division of Wildlife would have us believe. CWD does not appear to be having such a great effect as was believed a few years ago. It has been shown that elk devour almost all of some areas AUM's.

As the herds appear to be very large, there are many with a variety of illnesses, such as arthritis. The wolf will seek out those animals and kill them for food. Because these animals (deer and elk) are weak, the wolf will seek them out because the risk of injury is far less than a healthy animal. The result after a few years is a more healthy elk or deer herd.

4.41 Selected Quotes From Sawyer, et al

° Although indirect impacts associated with human activity or development, have been documented in elk (*Cervus elaphus*) (Lyon 1983, Wisdom et al. 1986, Czech 1991, Morrison et al. 1995, Rowland et al. 2000), data that suggest similar behavior in mule deer (Rost and Bailey 1979, Yarmaloy et al. 1988, Easterly et al. 1992, Merrill et al. 1994) are limited and largely observational in nature.

° Descriptions of how mule deer respond to gas development are usually based on anecdotal field observations. Two of the major shortcomings with anecdotal field observations are; 1) animals being observed may not be representative of the population, and, 2) animals may move to other areas when not being observed. Our resource selection analysis accounts for the first shortcoming by obtaining a random sample of mule deer and treating the animal as the experimental unit. The random sample is more likely to be representative of the population than simply making observations of visible animals. And, treating the marked animal as the experimental unit ensures that all animals are weighted equally in the analysis. For example, some deer may use habitats in close proximity to roads and well pads, while others may use habitats away from roads and well pads. But, because all deer are treated equally, no

one deer will influence model results more than another. Our resource selection analysis accounts for the second shortcoming by using GPS data that is collected every 2 hours for the entire winter, irrespective of time of day or weather conditions.

° There are several potential concerns with the apparent avoidance of roads and well pads by mule deer. First, the avoidance results in indirect habitat loss that can be substantially greater than the direct habitat loss to road and well pad construction. This reduction in winter range size and quality of available habitat may decrease the carrying capacity of the overall winter range; although, changes in habitat use or distribution do not necessarily translate into lower survival or reproduction. Assuming there is some energetic cost associated with the change in distribution or habitat use and that alternate winter range is not available, the potential for negative effects on mule deer survival and reproduction exists. Initial changes in mule deer populations would most likely be evident in the fawn segment, because of their high susceptibility to overwinter mortality (White et al. 1987, Hobbs 1989, Bartmann et al. 1992). Our ability to detect population changes (<20%) in large, free-ranging populations is limited. However, when compared to the control area, point estimates for overwinter fawn survival have been lower in the treatment area for 3 of the 4 years since development began.

Future analysis will likely involve estimation and comparison of trends between the treatment and control areas. And, long-term monitoring programs will continue to provide the best opportunities for detecting changes in population parameters and to verify if this apparent impact of development on survival is real, and significant.

° We continue to monitor four population parameters to detect changes in the Sublette herd unit, including: 1) overwinter fawn survival, 2) adult doe survival, 3) reproduction, and 4) density. Overwinter fawn survival, adult doe survival, and reproduction measures for control and treatment areas were similar during the 2003-04 winter. While reproduction was higher than previous years, survival for both fawns and adults was substantially lower. The winter of 2003-04 was the most severe winter since 1992-93 and the low survival rates (0.36 for fawns, 0.79 for adults), particularly among fawns, reflected the harsh conditions.

° While results from our resource selection analyses suggest natural gas development in the PAPA has affected mule deer habitat use, no statistically significant changes in survival or reproduction have been detected. As we continue to measure population parameters and examine habitat selection in treatment and control areas, comparisons can be made, and over time, the potential impacts of energy development on mule deer may be better understood. For this study, the number of captured deer or counted deer may refine the precision of the measurement (e.g., survival, reproduction), but the strength of this monitoring plan and robustness of the conclusions will be determined by the number of years it is implemented. Future analysis will likely involve estimation and comparison of trends between the treatment and control areas. And, long-term monitoring programs will continue to provide the best opportunities for detecting changes in population parameters and to verify if this apparent impact of development on survival is real, and significant.

4.42 Conclusions on Deer and Elk

While the portions of the Sawyer study are not conclusive, it indicates the need for long term monitoring of gas fields. Permitting must be cautious. Of concern, are indirect habitat losses. Avoidance of these habitat losses could reduce the carrying capacity of the range. While I am not a biologist, I raise these concerns so that BLM biologists can analyze these, and other concerns about wildlife/oil and gas development. Moreover, this study raises the issue of monitoring and adaptive management. It also indicates the problems with unreliable anecdotal observation. Once again, the BLM must move forward with extreme caution while in the arena of gas and oil leasing.

4.6 Pronghorn

I do not know much about pronghorn, other than there is concern about the pronghorn migration routes. Some of these routes are identified, but most are not. It also appears that pronghorn have an aversion to roads and structures. It is incumbent upon the BLM that no roads or structures be built in close proximity to historic migration routes used by pronghorn.

4.7 Grizzly Bear

The grizzly bear roamed throughout Colorado, including the eastern plains (CDOW). It is one of the missing links in our ecosystem. Without the grizzly, the trophic cascade is incomplete. But the grizzly bear needs vast tracks of roadless areas.

6.0 Fisheries

While the RMP revision is a landscape view of how the BLM manages the land, this fisheries section will apply to specific concerns about individual waters. The

applications that I am suggesting can and should be applied regionally.

6.1 Warm Water Fisheries

There are not many fisheries within the jurisdiction of the LSFO. The main waters are The Yampa River and the Little Snake River. The riparian habitat on these streams probably have been inventoried. Where the habitat has been determined "At Risk," an effort should be made by the BLM to upgrade this to "Properly Functioning." There are four species of fish in the big river fisheries that are protected under the ESA. There are more species that will come under review. There are two major reasons for these dwindling populations; nonnative fish intrusion and loss of habitat. Habitat restoration is what the BLM can and should accomplish.

6.2 Cold Water Fisheries

LSFO has only three major streams that are perennially flowing cold water stream; Slater Creek, Willow Creek and Beaver Creek. There may be more that I am not aware of. Most of Slater Creek is on private land and there is not much that the BLM can do about it. Where Slater Ck is on public land, riparian vegetation should be restored. Willow Creek holds a good population of Colorado River cutthroat trout (CRCT) upstream in the forest. Brook trout have been stocked in the downstream portion of private property. The only treatment that the BLM can do is manage the riparian vegetation. Grazing here is an issue. Refer to my section 5.2 on grazing issues. Beaver Creek holds an outstanding population of CRCT in the headwaters. There are brook trout upstream of the confluence of the Green River. CRCT have been petitioned for listing under the ESA, but were rejected by the US Fish and Wildlife Service. I suspect a lawsuit will be introduced to circumvent that administrative decision. Therefore, a migration barrier will need to be built at the lower end of the

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Safeguard wildlife, including big game species, Columbian sharp-tailed grouse and sage grouse, and white-tailed prairie dogs. Additionally, I encourage you to protect the visual resources in the area as well.

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In addition, I urge the BLM to safeguard wildlife, including big game species, Columbian sharp-tailed grouse and sage grouse, and white-tailed prairie dogs. In order that people may view these and other resources in their entirety and in their most natural state, I encourage you to protect the visual resources in the area as well.

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4) Avoid fragmentation of critical wildlife habitat areas and migration routes by limiting roadbuilding and development.

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Wildlife populations must be managed to keep them within the carrying Capacity of the land and habitat conditions

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Wildlife

The BLM must address the over utilization of range and riparian areas by Big game species. The BLM must require that the CDOW DAU plans be based on the carrying capacity of the resource and the allocation of grazing users. We oppose any reallocation of grazing AUMs to wildlife. If additional capacity is need develop it don't

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Wildlife Resources and Management

BLM has a duty to protect the diversity of all native wildlife on public lands.²⁵ With this duty in mind, we ask that the revised RMP for the Little Snake Resource Area adopt the following measures to ensure that wildlife diversity is protected. It is widely recognized that riparian areas in the west are crucial centers of biological diversity. They should be restored to proper functioning condition. The RMP must also ensure that other special habitats are protected and enhanced. Wildlife require adequate habitat for feeding, reproducing, and hiding or resting. The revised RMP must ensure that such habitats are provided for all species at all critical life stages. Wintering areas, colonial or other concentrated avian nesting areas, spawning beds, and traditional birthing areas are examples of the special habitats the RMP should protect and enhance.

²⁵ FLPMA requires public land management to protect ecological and other values, and also requires that they be managed for multiple use and sustained yield. 43 U.S.C. §§ 1701(a)(7)-(8). NEPA requires BLM to fulfill its trustee obligation for future generations, assure productive surroundings, avoid environmental degradation, preserve important natural aspects of our national heritage, and enhance the quality of renewable resources. 42 U.S.C. §§ 4331(b)(1)-(6). CWA establishes the objective of restoring and maintaining the chemical, physical, and biological integrity of the Nation's waters. 33 U.S.C. § 1251. ESA establishes the purpose of conserving the ecosystems upon

which threatened and endangered species depend. 16 U.S.C. § 1531(b). BLM's livestock grazing standards and guidelines establish measures of ecological health applicable not only to livestock grazing, but to resource management generally. See 43 C.F.R. subpt. 4180. The Clean Water Action Plan establishes the need to manage public lands on a watershed—that is, ecosystem—basis. Read together, these and other legal standards establish that BLM must ensure the ecosystems it manages are fully protected so as to enhance biological diversity.

Moreover, BLM must carefully evaluate the problem of habitat fragmentation and the need for maintaining the connectivity or linkage of habitats. Habitat fragmentation is strongly associated with the road building that accompanies most, if not all, traditional management activities. By altering the physical environment, roads and highways modify animal behavior. Many species shift home ranges, change movement patterns and even reproductive and feeding behaviors to avoid roads. Perhaps the most pervasive, yet insidious, impact of roads is providing easy access to natural areas and encouraging further development. Additional information on the impacts of roads on wildlife can be found at <http://www.defenders.org/habitat/highways/new/ecology.html>, incorporated into these comments by this reference. It is clear that the RMP must limit habitat fragmentation resulting from road building, protect current roadless areas, and close unneeded or ecologically destructive roads.

The necessary corollary to preventing habitat fragmentation is maintaining migration corridors and other ecological linkages. It is more effective to preserve existing corridors/linkages than to attempt to create new ones. It is, therefore, crucial that BLM identify all existing migration and other movement corridors. The revised RMP must ensure that management actions authorized by BLM preserve the ecological integrity of these corridors and linkages. Big game migration routes have been widely documented, but riparian areas, mountain ranges and ridges, and other areas serve as important linkages among habitats (and even eco-regions) that must be preserved.

The Little Snake Resource Area provides an important migration corridor for both big game and predators between the greater Yellowstone ecosystem and lands in the central Rocky Mountains. These corridors should be kept free of fences and other structures that impede that movement. In particular, BLM should recognize the likelihood of grey wolves entering the LSRA from the greater Yellowstone ecosystem, and begin planning now for its eventual role in assisting in the management of wolves in the LSRA.

In this Resource Area, it may be impossible to protect biological diversity (or to manage other important resources) without considering other landowners and landholdings within the Area. BLM should consider the importance of these landholdings relative to the agency's efforts to protect biological diversity. Land exchanges may be warranted in some circumstances in order to consolidate BLM's ability to manage wildlife habitats. The Land and Water Conservation Fund, as well as the new Land Conservation, Preservation and Infrastructure Improvement Fund, are two sources of funding for acquisition of lands or conservation easements. The RMP should establish guidance for BLM's efforts with other landowners to achieve biodiversity protection. It is critical to note that protecting biological diversity can only be dealt with appropriately at the planning level. Habitat fragmentation, connectivity and other factors affecting biological diversity are inherently landscape-level considerations. The project level is simply too small a scale for adequate exploration of impacts to the health of large ecosystems. For this reason, the RMP itself should establish specific, binding limits on road densities and other habitat disturbance that cannot be exceeded in the Resource Area. This is the only way to ensure biological diversity is preserved, and that ecosystem attributes are not "nickel and dimed" to death by individually small but cumulatively significant site-specific projects.²⁶

Riparian Areas

Only about 1% of the lands managed by the BLM is wetlands yet these are some of the most ecologically important landscapes within the public lands. A significant proportion of Colorado's wildlife either reside within riparian areas or utilize them as an important component of their habitat. Yet, according to BLM's own draft Management Situation Analysis for the LSRA, only 27% of the 337 miles of streams evaluated in the LSRA are in Properly Functioning Condition, with 47% functioning at risk, and 7% not functioning.²⁷ It is critical that the Clean Water Action Plan and Riparian-Wetlands Initiative be fully implemented in the revised RMP.

Riparian areas and wetlands provide rare oases of lush vegetation and water in an arid environment. They also improve water quality by filtering sediment and other pollutants, stem erosion, improve groundwater reserves, reduce the risk of flash flooding, and provide shelter for wildlife. They are also often the location of important cultural sites. See BLM's Riparian-Wetlands Initiative for the 1990's (RWI) at 7-8; BLM Handbook H-1737.08-09.

Because of the critical importance of these areas, two Executive Orders require their protection. Executive Order 11988 (1977) requires federal agencies to avoid adverse

impacts associated with the occupancy of floodplains. Executive Order 11990 (1977) requires federal agencies to minimize the destruction, loss, or degradation of wetlands, and to preserve and enhance the natural and beneficial value of wetlands. All federally-approved activities must include all practical measures to minimize adverse impacts to wetlands and riparian areas.²⁸

Effective protection of these areas within the Little Snake Resource Area requires, first and foremost, a comprehensive inventory of the riparian and wetlands resources. They should be identified and their functioning condition should be evaluated. See RWI at 16 (noting need for inventories). "Improving the functioning condition of these areas is the focus of BLM's riparian-wetland restoration goal." RWI at 11.

²⁶ We note, for example, that the current RMP promised the completion and/or revision of Habitat Management Plans for several areas: Little Snake River, Yampa River, Vermillion Creek, Beaver Creek, Canyon Creek, Shell Creek, Morgan Gluch, Milk Creek, Fortification Creek, West Timberlake Creek, Willow Creek, and Fourmile Creek.. In the fourteen years since that promise was made, only one new HMP has been completed and only one revised. In the interim, these areas were without the special management and monitoring guidelines BLM acknowledged are required to protect these important wildlife habitats.

Draft AMS at 4-3.

²⁸ BLM's stated policy is to "maintain, restore, or improve riparian-wetland ecosystems to achieve a healthy and proper functioning condition that assures biological diversity, productivity, and sustainability. . ." BLM Handbook H-1737.06. RMPs must "recognize the importance of riparian-wetland values, and initiate management to maintain, restore, improve or expand them." Id. at 1737.06.B.4.

Based on the critical importance of riparian areas, we urge BLM to use this planning process to complete the necessary inventory and adopt specific, measurable riparian and wetland area protections. These measure include:

- . • Actions that will be undertaken by the agency so that riparian areas that are not in properly functioning condition can be restored and those that are in properly functioning condition will be maintained.
- . • Exclusion of ORVs from riparian areas and wetlands except on designated routes.
- . • Effective enforcement of livestock grazing standards and guidelines and Fundamentals of Rangeland Health.
- . • A prohibition on oil and gas development in riparian areas.
- . • BLM should avoid whenever possible the issuance of new rights-of-way in riparian and wetlands areas, or in areas where such use would adversely impact riparian areas.
- . • Identification of lands for acquisition in riparian or wetlands areas that are ecologically, hydrologically or geologically linked to BLM wetlands and crucial to their functioning.

Big Game

The BLM lands within the Little Snake Resource Area contain important habitat for pronghorn, elk, mule deer, moose, and bighorn sheep. Those activities and structures which prevent animals from reaching crucial habitat, which damage or eliminate crucial habitats, or which cause animals to avoid such habitat can severely impact the health and size of these herds.²⁹ BLM itself has acknowledged that "[m]aintaining connectivity between important habitats (crucial winter ranges, severe winter relief areas, calving/fawning habitats, migration corridors, topographic relief areas, mountain shrub communities, forest type habitats) within the planning area is paramount to sustaining viable big game herds and other wildlife. Fragmentation of these crucial habitats will not sustain big game population objectives . . ."

For these reasons, crucial big game habitat within the Little Snake Resource Area should receive the following protections:

- . • Withdrawal from the operation of the General Mining Law.
- . • No new leases or oil and gas development should be authorized until BLM has completed a thorough analysis of the functional status of crucial big game habitats and the efficacy of existing mitigation measures to preserve those habitats. New measures should be adopted to ensure that there is "no net loss" of crucial big game habitats.
- . • ACEC designation and NSO stipulations for lands where three or more crucial wildlife habitats or migration corridors overlap.
- . • Seasonal use restrictions that are enforceable during all stages of oil and gas activity, from exploration to production and through completion of reclamation.
- . • Designation as unsuitable for coal production.
- . • Migration corridors should be kept free of fences and other impediments to movement.
- . • The RMP should impose conditions on grazing to minimize transmission of livestock diseases to wildlife.

29 Of course, widespread impacts to other noncrucial habitats can also have negatively affect big game.

Mountain Plover, Sage Grouse, and Sharp-tailed Grouse

The mountain plover and sage grouse have experienced drastic reductions in numbers across many parts of their native ranges. Globally significant numbers of both of these imperiled birds are currently found within the Little Snake Resource Area.

Mountain Plover: The mountain plover is one of the rarest of North America's birds. Despite severe population declines, this bird is still found within the LSRA, in the northwest portion of the resource area. This species is often associated with white-tailed prairie dog towns.

Oil and gas development, as well as other human disturbances, in nesting areas is a direct threat to mountain plover population viability. For these reasons, mountain plover nesting habitat in the Little Snake Resource Area should be designated as ACECs and receive the following protections:

- . • Withdrawal from operation of the General Mining Law.
- . • Closure to coal extraction activities.
- . • NSO stipulations on oil and gas development.
- . • Closure to all mechanical vegetation treatments.
- . • ORV use on designated routes only.

Northern Sage Grouse: Sage grouse have declined precipitously rangewide and are now under consideration for listing under the Endangered Species Act. Declines have been estimated at over 50% in occupied area, and up to 80% decline in bird abundance, with complete extirpation in several states. In Colorado, populations have declined significantly since the 1950s. Even so, the Little Snake Resource Area, and the Cold Springs Mountain area in particular, hold the highest population and density of the species in Colorado.³⁰

The LSRA contains most of Colorado's habitat for sage grouse. We strongly encourage the BLM, in cooperation with state and federal wildlife agencies and national and local sage grouse management efforts, to consider measures (including management of grazing practices) can contribute to improving habitat for this species and restoring the populations the area held as little as 15 to 20 years ago.

³⁰ See Draft MSA at 3-53.

To ensure the viability of sage grouse populations, it is important to provide protection and restoration for breeding, nesting, brood-rearing, and winter habitats. To ensure that these habitats are protected, the revised Little Snake RMP should take into account all threats to sage grouse identified by the Western Association of Fish and Wildlife Agencies, should consult with the Colorado Division of Wildlife in developing strategies for sage grouse recovery, should fully comply with and implement the Northwest Colorado Greater Sage-Grouse Conservation Plan, and, at a minimum, adopt the following measures:

- . • NSO stipulations within three miles of leks.
- . • No other form of mineral extraction should be authorized within three miles of leks.
- . • Breeding, nesting, and winter habitats for these birds should be identified and removed from any vegetation treatments. Significant sage grouse habitat within the LSRA has already been lost due to vegetation treatments on private and state lands.

Columbian Sharp-tailed Grouse: Rangewide, Columbian sharp-tailed grouse have declined to only 10% of their previously occupied area. Within the LSRA, this species is found primarily in the eastern portions of the management area.³¹

Columbian sharp-tailed grouse show little affinity for edge habitats and need large expanses of relatively unmodified native grass-shrubland. To ensure that these habitats are preserved, they should receive the following protections in the revised Little Snake RMP:

- . • NSO stipulations within one mile of leks.
- . • No other form of mineral extraction should be authorized within one mile of leks.
- . • Breeding, nesting, and winter habitats for these birds should be identified and removed from any vegetation treatments.

³¹ Draft MSA at 3-54.

Prairie Dogs, Mountain Plovers, Burrowing Owls, Swift Fox, and Black-footed Ferrets

The Little Snake Resource Area provides habitat for both white-tailed prairie dogs. Prairie dogs and their habitat are highly important to numerous other species, such as the swift fox, mountain plover, burrowing owl, ferruginous hawk, and our nation's most endangered mammal, the black-footed ferret. The white-tailed prairie dog has suffered significant decline in the LSRA due to plague.

Under the Black-footed Ferret Recovery Plan, USFWS has called for the establishment of ten or more separate, self-sustaining, black-footed ferret populations. A breeding facility for captive black-footed ferrets currently exists in the LSRA.

However, at present, there does not appear to be enough large prairie dog complexes (5,000-10,000 acres) to achieve the recovery goal. During the last decade, black-footed ferrets have been reintroduced at a number of sites but with only mixed success. Within the LSRA, plague has wiped out the white-tailed prairie dog communities where ferrets had been planned to be reintroduced in the Vermillion Creek area. Other reintroduction sites have been marginal in terms of the size of the prairie dog complex where the ferrets were released. Only at the Buffalo Gap National Grasslands in South Dakota does it appear that there are sufficient numbers of prairie dogs to sustain a self-perpetuating, viable population of black-footed ferrets. The success at this site can be attributed to the absence, so far, of plague in South Dakota. With this exception, there is no current reintroduction site where a population of ferrets has been re-established that is likely to be viable and self-sustaining over the long term without increasing the number of prairie dogs and prairie dog colonies at reintroduction sites.

In addition to ferrets, which are obligate predators on prairie dogs, a number of other short-grass prairie wildlife species appear to be closely associated with prairie dogs and depend on their colonies. These associated species include those that use prairie dogs for food and those that use prairie dog burrows for shelter. Although none of these dependent species are currently listed as threatened or endangered (none are as exclusively dependent on prairie dogs as black-footed ferrets), they are all in decline.

By clipping vegetation and creating areas free of vegetation, prairie dogs create the ecological conditions required by mountain plovers for nest sites. There are strong indications that prairie dogs, as well as ground squirrels, are the primary prey of the ferruginous hawk. Burrowing owls utilize the burrows of prairie dogs for cover and nesting habitat. They appear to prefer active prairie dog colonies to burrows in decimated colonies. In addition to preying on prairie dogs in some areas, swift fox appear to require a high density of burrows for escape cover and for shelter.³² Continued decline of prairie dogs is very likely to accelerate the decline of these prairie dog associates to the point where they, too, will warrant listing, along with the black-footed ferret.

³²While the USFWS has recently determined that swift fox are not warranted for listing under the ESA, the population remains much reduced from its former abundance. For these reasons, the following protections should be provided for prairie dog colonies on the Little Snake Resource Area:

- Larger prairie dog colonies and those associated with other vulnerable species such as black-footed ferrets, mountain plovers, burrowing owls, ferruginous hawks, and swift fox should receive NSO stipulations and protection from other surface-disturbing activities.

889

Special status species

The designation of species or habitat must not adversely affect other uses or users. The Net Affect of such designations must be fully analyzed and justified.

890

Analyze the importance of landscape linkages. Landscape linkages are essential for species to move between feeding, resting, and hiding areas. To maintain viable populations of existing native species in the analysis area, the BLM should analyze, identify, and provide for the existence and maintenance of landscape linkages. See Southern Rockies Wildlands Network Vision, published by the Colorado Mountain Club Press in 2003 for an in-depth scientific analysis of important regional wildlife linkages. In addition, see the recent release of the top twelve wildlife linkages in the state by the Southern Rockies Ecosystem Project (available for download at <http://www.restoretherockies.org/news.cfm>).

Federal courts have interpreted NEPA to require land management agencies to consider and evaluate impacts to biological corridors. *Marble Mountain Audubon v. Rice* (No. 90-15389, D.C. No. CV89-170-EJG, Sept. 13, 1990). The standard for such a review is the same "hard look" NEPA requires of other environmental effects. The BLM therefore must analyze the effects of each of the alternatives on possible biological corridors in the area, including species-specific assessments of corridor location and use. This assessment should place emphasis on the migration corridors for large roaming species and endangered, threatened, and sensitive species.

Maintaining connectivity is also required by the Colorado State BLM Recreation Management Guidelines, approved December 11, 2000. Guideline 3 under B. Standard 3 calls upon the BLM to Protect wildlife habitat by preserving connectivity and avoiding fragmentation.

In December of 2003, the Southern Rockies Ecosystem Project (SREP), along with the

Denver Zoo and the Wildlands Project, completed a Wildlands Network Vision for the Southern Rockies that laid the groundwork for connecting landscapes in this spectacular region. This Vision is a conservation blueprint consisting of core and compatible use areas connected by wildlife linkages. The SREP mailed the study to each BLM and Forest Service office in the state in June 2004. In addition, on December 9, 2004, SREP and the Colorado Department of Transportation released a study highlighting the twelve critical wildlife linkage complexes in the state of Colorado.

This information was a result of statewide expert workshops, computer modeling from Colorado State University, and CDOT animal vehicle collision data. For a full methodology and description of the Linking Colorado's Landscapes project, please contact the SREP office (www.restoretherockies.org).

2. Analyze impacts to and protect special status plants, plant communities habitat, and animal species habitat. The NEPA document must analyze the impacts of each alternative on special status species and their habitats. The BLM's final travel recommendations must ensure that sensitive plant species are protected and that management actions do not cause species to decline further (see Instruction Memorandum 97-118).

Analyze impacts to archaeological, paleontological, and cultural resources. Cultural heritage sites are prone to disturbance from recreational uses. Increased access, vandalism and damage to heritage sites are direct impacts that must be assessed. Motorized recreation has a high potential to adversely impact heritage resources. Motorized vehicles passing through or near prehistoric or historic cultural sites and paleontological sites can damage or destroy their archaeological value by breaking, burying, or scattering artifacts. They can also expose buried sites by accelerating the erosion of soil surface layers. This field review should consider the potential for damage by errant riders.

The American Indian Religious Freedom Act requires that the BLM implement and evaluate its policies in consultation with native leaders of traditional religions to determine what is necessary to protect and preserve religious sites (42 U.S.C. § 1996).

Native American communities with interest in the possible cultural sites in the project area should be contacted to determine whether any of their religious sites will be impacted by the proposed management actions.

3. Analyze impacts to wildlife to ensure appropriate protection. The BLM must analyze the impacts site-specific and cumulative of transportation decisions on wildlife. Available data should include inventory, monitoring, information obtained from experts, and relevant scientific investigations. (See Instruction Memorandum No. WY-2001-040 that recommends and expects these steps.) Also, the BLM should consider all wildlife and habitat data available from the Division of Wildlife, the US Fish and Wildlife Service, and the Colorado Natural Heritage Program.

The NEPA document and associated decision document should demonstrate that the decision will not contribute to the need for any species to become listed as a candidate, or for any candidate species to become listed as threatened or endangered, as required by Instruction Memorandum (IM) 97-118.

In addition, we urge the BLM to consult with experts on the wildlife in the area and include their expert opinions in the NEPA document and in crafting the decision document.

The NEPA document must discuss the impacts of the alternatives on these special status species. The NEPA document and associated decision document should demonstrate that the decision will not contribute to the need for any species to become listed as a candidate, or for any candidate species to become listed as threatened or endangered, as required by Instruction Memorandum (IM) 97-118.

931 Fragmentation and disturbance is probably the greatest threat to wildlife in the LSRA. Wildlife needs wildlands. Sage-grouse need some type of sanctuaries. The largest most important Leks and their surrounding critical habitat should be declared ACEC's

934 -excessive numbers of deer, elk, and horses severely impacts the forage availability for livestock grazing. Harvest of excess numbers of elk and deer and capture of excessive of wild horses should occur to protect the historic and reasonable grazing allotments.
- no special management restrictions are necessary for wildlife or T&E species (if there are any)

- the "ecosystem" of the LS seems fine and adapting well to fires, drought , floods and
- 937 We urge BLM to include measure into this plan to protect wildlife habitat values for birds and mammals that depend on natural conditions, such as sage-grouse, sharp-tailed grouse, and prairie dog. They are having a tough time all over the West, and they will need the habitat in the Little Snake planning area.
- 941 The Moffat county tourism association (MCTA) expresses its support of the Sandwash Basin area wildlife viewing area. This remote and unique region offers a rare opportunity for individuals to see wildlife up close. Whether it is wild horses, eagles, antelope, or even owls, the Sandwash basin allows visitors a glimpse into the unbridled past. MCTA supports marketing endeavors that would help get the word out concern this viewing area. These measures would need to help protect and preserve the habitat. However, if managed correctly, the Sandwash Basin could be a huge draw for tourism purposes. For example, the wild horses could be a destination stop for someone driving from the Front Range to Dinosaur NM.
- The MCTA sees an incredible opportunity with the Sandwash Basin and recommends upgrades to the wildlife viewing area. Portable toilets or a rest area are containing information about the wildlife or the history of the area would be a great start.
- 951 4) Endangered 1 Rare Species Management and "Safe Harbor- Moffat County supports the current Black Footed Ferret Reintroduction plan and other endangered species management so long as private landowner rights have been protected and federal assurances exist to protect the multiple use of federal lands, such as the Non-Essential Experimental designation (Section 10j of the Endangered Species Act). We recognize the U.S. Fish and Wildlife Service manages endangered species, but we also acknowledge BLM manages their habitat. Therefore we recommend this RMP address "Safe Harbor" type protections be extended to all public land users that benefit endangered or rare species management (Plant or Animal). Safe harbor protections should protect the investments by public land users to improve habitat and species, and assure they are not negated by an administrative change in policy or agreements.
- 952 Wildlife, Fisheries and General Habitat Management
GOAL: This RMP should recognize that this resource area provides habitat for imperiled species that exist nowhere else in the state except northwest Colorado. provides general habitat to one of the most diverse wildlife habitats in North America. and habitat to one of the largest populations of elk in North America. Turning the focus from how little impact development can have on wildlife to one where the focus is on how much habitat is protected and expanded upon would bring direct and immediate benefits to the local economy and substantial long-term benefits to the area's wildlife.
1. Broad and contiguous unfragmented portions of BLM lands should be managed throughout the resource area.
 2. Allowed management activities should proceed in a manner that best preserves habitat.
 3. Severe winter range for big game should be managed to prevent fragmentation and loss of habitat.
 4. Direct effects of wildlife related income on the local economy should be considered In socioeconomic analysis of proposed actions; however, these impacts should never purport to represent the sole downside economic measure of development.
- BLM has a duty to protect the diversity of all native wildlife on public lands by providing for ecosystem based management. The FLPMA requires public land management to protect ecological and other values, and also requires that lands be managed for multiple use and sustained yield. 43 U.S.C. §§ 1701 (a)(7)-(8). The NEPA requires BLM to fulfill its trustee obligation for future generations, assure productive surroundings, avoid environmental degradation, preserve important natural aspects of our national heritage, and enhance the quality of renewable resources. 42 U.S.C. §§ 4331 (b)(1)-(6). The CWA established the objective of restoring and maintaining the chemical, physical, and biological integrity of the Nation's waters, which of course includes the Little Snake Resource Area. 33 U.S.C. 5 1251. The ESA establishes the purpose of conserving the ecosystems upon which threatened and endangered species depend. 16 U.S.C. 5 1531 (b). BLM's livestock grazing standards and guidelines establish standards of ecological health applicable not only to livestock grazing, but to resource management generally. See 43 C.F.R. subpt. 4180. The Clean Water Action Plan establishes the need to manage public lands on a watershed-that is, ecosystem-basis. Read together, these and other legal standards establish that BLM must ensure the ecosystems it manages are fully protected so as to enhance biological diversity.
- With this in mind, we ask that the RMP provide for the following steps to ensure that wildlife diversity is protected. All riparian areas should be given special management and considered for designation as ACECs. It is widely recognized that (1) riparian areas in the west

are crucial centers of biological diversity, (2) many BLM riparian areas are in unhealthy condition, and (3) funding and monitoring capabilities of the field office greatly limit the BLM's ability to visit, let alone monitor riparian areas throughout the field office. Consequently, special management provisions for these areas must be made in the RMP. Riparian area management is discussed in more detail below (See Vegetation).

The RMP must also ensure that other special habitats are protected and enhanced. As noted, all wildlife requires adequate habitat for feeding, reproducing, and hiding or resting (sheltering), and the plan must ensure that such is provided for all species at all critical life stages. Wintering areas, colonial or other concentrated avian nesting areas, spawning beds, and traditional birthing areas are examples of the special habitats the RMP should provide for and protect. In addition to protecting special habitats, the plan must provide for protecting certain species to ensure that biological diversity is protected. Certainly species listed pursuant to the ESA and BLM and/or State sensitive species must receive species-specific attention, but other species should receive special emphasis as well. The plan should identify and provide for the protection of "keystone" species, which can be literally key to preventing undesirable, cascading ecological effects, such as widespread extinctions. Prairie dogs are an example of a keystone species that demand special management efforts. The status of carnivores is often indicative of the overall environmental health of an area, and thus they warrant special management prescriptions, and in any event there is widespread public demand and support for protecting these magnificent creatures. It is also important to note that there are keystone resources that are critical for protecting a host of species. Springs or other water holes, deep pools in streams, and salt or mineral licks are examples. BLM should ensure that the RMP makes special provision for protecting keystone resources.

The EIS must carefully evaluate problems resulting from habitat fragmentation and the need for maintaining the connectivity or linkage of habitats. Habitat fragmentation is strongly associated with the road building that accompanies many management activities⁷ By altering the physical See *Fragmenting Our Lands: The Ecological Footprint from Oil and Gas Development*. TWS-Weller et. al (Sept. 2002) incorporated by reference and attached. Even though oil and gas infrastructure can occupy relatively small percentages of a larger landscape, their broad distribution can have negative impacts on an area more than 20 times the size of that occupied area. When energy is developed, roads, pipeline corridors, well-heads, environment, roads and highways modify animal behavior. Many species shift home ranges, change movement patterns and even reproductive and feeding behaviors to avoid roads. Perhaps the most pervasive, yet insidious, impact of roads is providing access to natural areas and encouraging further development.' Based on the information from this and other sources, it is apparent that the RMP must limit habitat fragmentation resulting from road building, protect current roadless areas, provide for aggressively closing unneeded or ecologically destructive roads, and provide for maintaining needed roads so as to reduce negative environmental impacts. The RMP must also limit habitat fragmentation resulting from other activities, such as the construction of well pads.

More generally, the BLM should consider the principles of island biogeography so as to ensure that fragmentation does not degrade existing wildlife habitats. That is, it must insure that small islands of habitat are not created by management activities such as logging, chaining, or oil and gas development. The RMP should ensure both that the total areas of important habitats are maintained and that these habitats are not further fragmented. Creating habitat fragments impedes dispersal, colonization, and foraging. Moreover, fragmented habitats can have altered environmental conditions and allow for intrusions of pests (weed invasions and cowbird nest parasitism are classical examples).

We specifically requests that BLM limit any further fragmentation of sagebrush communities, which are critical to many species on many BLM lands, and which is an increasingly imperiled ecosystem. The flip side of habitat fragmentation is maintaining migration corridors and other ecological linkages. The conservation biology literature indicates it is probably more effective to preserve existing corridors linkages than to attempt to create new ones. It is crucial the EIS identify all existing migration and other movement corridors. The RMP must ensure that management actions authorized by the RMP protect the ecological integrity of these corridors and linkages. Big game migration routes have been widely documented, but riparian areas, mountain ranges and ridges, and other areas serve as important linkages among habitats (and even eco-regions) that must be preserved.

Ensuring that corridors remain as wide as possible is the best way to ensure that they are in fact effective. The principles of island biogeography should also guide BLM in creating protected areas. Here, an obvious application is the creation of ACECs. Modern conservation biology has firmly established that larger protected areas are of greater value, and are more effective, than smaller areas for maintaining the ecological integrity of a protected area. Consequently, when BLM designates ACECs, or other areas, to protect wildlife, it should ensure they are large enough

to protect the species, habitat, or ecological attributes for which the ACEC is created.

We also request that BLM consider and enunciate in the RMP a policy relative to habitat "edge." Increasing edge has been common in classical wildlife management because it was perceived as a means to increase biological diversity, or more particularly, as a means to benefit certain game species. Modern conservation biology, however, recognizes a number of problems associated with increasing the amount of edge, such as: modifying microclimates needed by some species, increasing impacts of wind in some communities, increasing the incidence of fire, and increasing predation and competition from exotic and pest species that are often well adapted to the disturbed conditions that characterize ecological edges. Furthermore, even if increasing edge increases overall biological diversity, it can be harmful to certain, usually rare and/or specialized, species. Similarly, increasing edge can be problematic for species that require large, undisturbed blocks of habitat, such as retention ponds, buildings, parking lots, and other components of the infrastructure pepper larger landscapes, coming within a quarter of a mile of as much as 97% of wildlife habitat. See also *Ecological Effects of a Transportation Network on Wildlife*. TWS- Hartley et. al (2003) and *Protecting Northern Arizona's National Monuments: The Challenges of Transportation Management*. TWS-Thomson et. al(2004) incorporated by reference and attached. In addition to their direct effects (such as immediate landscape disturbance and habitat fragmentation), motorized routes also have negative impacts such as noise, dust, erosion, and human presence that extend beyond the immediately disturbed area. Road densities as low as 1% or less of a given landscape can impact more than 99% of that landscape, leaving little undisturbed area in which wildlife can thrive. See Additional information on the impacts of roads on wildlife can be found at <http://www.defenders.org/habitat/highway-s/new/ecoloq.html>, which we incorporate into these comments by this reference, and ask BLM to consider.

We believe it would be inappropriate to increase edge to the detriment of rare or highly specialized native species or species that need large contiguous habitats, and the RMP must ensure that this does not occur. It may be impossible to fully protect biological diversity (and to effectively manage many other resources) without considering other landowners and landholdings, including the State Land Board sections, within the RMP area. Therefore, we request that the EIS consider other landholdings relative to BLM's efforts to protect biological diversity and other resource. Land exchanges could be warranted in some circumstances, and if so the RMP should provide for initiating any needed legislative authority or other processes. The Land and Water Conservation Fund, as well as the Land Conservation, Preservation and Infrastructure Improvement Fund, are two funds that might allow acquisition of important inholdings, or other lands, in fee simple or perhaps via other mechanisms such as conservation easements. The RMP should establish a program or at least guidance for how BLM will attempt to work with other landowners relative to biodiversity protection efforts, and make provision for accessing funding needed to implement those efforts.

It is critical to note that biological diversity encompasses far more than just species diversity. Genetic diversity and the diversity of biological communities are also components of biological diversity. Consequently, the RMP should make provisions for maintaining these elements of diversity, although our reservations regarding increasing edge should be borne in mind relative to modifying community level diversity. It is also critical to note that protecting biological diversity can only be dealt with appropriately at the planning level; it certainly cannot be dealt with appropriately or effectively at a project-specific level.

The reason for that is readily apparent: fragmentation, connectivity and other factors affecting biological diversity are inherently landscape level considerations, not site specific. The project level is simply too small a scale to effectively consider what are inherently ecosystem level concerns and processes. The import of this is that the RMP should establish specific, binding limits on road densities and other disturbances that cannot be exceeded in the planning area. This is the only way to ensure biological diversity is preserved, and that ecosystem attributes are not "nickel and dimed" to death by individually small but cumulatively significant site-specific projects. The BLM should consider bio-regional plans developed by the Heart of the West Conservation coalition, the Nature Conservancy in assessing broad-scale needs relative to biodiversity protection.

Part and parcel of planning for maintaining biological diversity via ecosystem-based management is a need to ensure that indirect and cumulative impacts of management actions are fully considered. As noted above, the NEPA regulations provide guidance in this regard. Cumulative impacts are the incremental impacts of actions, past, present and future, regardless of whom undertakes them. See 40 C.F.R. s1508.7. Indirect effects of an action are further removed from the action itself, but still are reasonably foreseeable. See 40 C.F.R. 91 508.8. See also 40 C.F.R. §1 508.25(c). It is worth noting that the ESA provides somewhat similar definitions for these concepts that are applicable to listed species. See 50 C.F.R. § 402.02 (defining actions, action areas, and effects of the action in very broad terms). The RMP EIS

must take special care that these "second-order" impacts are fully considered and analyzed if BLM is to meet its legal mandate for ecosystem management and preserving biological diversity. Again, these considerations should not and cannot be left to the project level because the perspective at that point is too constrained to permit meaningful ecosystem level analysis. See Heart of the West, which we incorporated by reference and was submitted under earlier cover by Center for Native Ecosystems.

Threatened, Endangered, and Special Status Species

GOAL: BLM should provide special management for the special species and places that need it, meet BLM's obligations regarding Sensitive Species, and manage resources so as to maintain healthy ecosystems and native biodiversity. - In particular, there are a number of species that are of concern to us and that should be addressed in any management plan that is adopted for the Little Snake Planning Area. Greater sage grouse is one such species which requires particular management attention to avoid further population declines and the need for future listing under the Endangered Species Act. Though state-level conservation plans will play a large part in the future protection of this species, in the northwest corner of Colorado the BLM will play a critical role in enacting the specific measures that will protect sage grouse. The Columbian sharp-tailed grouse, which like the greater sage grouse has been recently proposed for listing under the Endangered Species Act, is also found in the Little Snake area, and like the sage grouse its populations have been rapidly dwindling due to the loss of sagebrush habitat.

White-tailed prairie dogs, another species recently proposed for Endangered Species listing, also live here. Several endangered or sensitive native fish species, including the Colorado River cutthroat trout and the Razorback sucker, two species already listed federally as Endangered, live downstream of the Little Snake lands and are affected by what happens to the land there. Ferruginous hawks, which BLM recognizes as a sensitive species, live throughout the Little Snake area and rely on healthy populations of prey to continue to survive. Duchesne milkvetch and narrowleaf evening primrose, two rare native plants found in only a few places in the world, including the Little Snake area, are currently not adequately protected from oil and gas drilling or trampling by cattle which could destroy the few populations left. All of these species should be given careful consideration in any management alternative.

To preserve these species and others found in the Little Snake Planning Area, we urge the BLM to adopt a management plan that maintains and restores healthy ecosystems and wildlife Populations and protects the special plants and animals of the region. To do this, the BLM should adopt a plan that will provide special management for the special species and places that need it, meet BLM's obligations regarding Sensitive Species, and manage so as to maintain healthy ecosystems and native biodiversity. One of the most critical aspects of providing the management necessary to protect special species and habitat is the identification and subsequent protection of important habitat for rare, sensitive, and imperiled species. For greater sage grouse and Columbian sharp-tailed grouse, this means that lek sites, brooding grounds, and severe winter range should be protected from surface disturbances such as oil and gas drilling, grazing, and off-road vehicle riding. For white-tailed prairie dog, an ACEC has been nominated to protect the Little Snake colony, and this ACEC should be proposed in the RMP; any such designation should include protection from surface disturbances such as oil and gas drilling, grazing, and off-road vehicle riding (see Center for Native Ecosystems' Nomination of ACECs for white-tailed prairie dog for specific information). For the four fish species of concern in the area (Colorado pikeminnow, Colorado cutthroat trout, Razorback sucker, and Bonytail chub), two of which are federally listed as endangered species, specific aquatic habitat should be identified where appropriate and, in general, surface disturbing activities that can contribute to degraded watershed conditions and increased sedimentation and pollution downstream, such as off-road vehicle riding, should be carefully analyzed before such activities are allowed to ensure that such use will not contribute to declines for these species and, ultimately, the need to list. All impacts to water quality in the Little Snake and Yampa and waterways further downstream will need to be considered in light of these species, and for the two federally listed species, Section 7 consultation with the US Fish and Wildlife Service may be needed for projects and proposed actions that could affect habitat.

For Duchesne milkvetch, narrowleaf evening primrose, and other rare and sensitive plant species, known populations should be protected from ground disturbing activities that would harm individuals or whole populations, such as oil and gas drilling, grazing, and off-road vehicle riding. In addition, native plant species known to be sensitive to competition by invasive species, including noxious weeds, should be specifically protected from further invasions of invasive species. To protect Ferruginous hawks, impact to this species should be considered in situations where management proposals could affect its food sources, availability of habitat, and quality of habitat rangewide. A second critical aspect of providing the management necessary to protect special

species and habitat is the use of special designations such as ACECs to protect known populations of rare, sensitive, and imperiled species. For greater sage grouse and Columbian sharp-tailed grouse, such special designations should include non-waivable provisions that specifically protect these species from ground disturbing activities such as oil and gas drilling, grazing, and off-road vehicle riding. For white-tailed prairie dog, an ACEC has been nominated to protect the Little Snake colony, and this ACEC should be proposed in the RMP. In addition, any such designation should include protection from surface disturbances such as oil and gas drilling, grazing, and off-road vehicle riding.

For Duschesne milkvetch, narrowleaf evening primrose, and other rare and sensitive plant species, the largest, most robust, and important populations should be protected in ACECs or other special designations that include specific provisions to protect them from ground disturbing activities that would harm individuals or whole populations, such as oil and gas drilling, grazing, and off-road vehicle riding.

Native plant species known to be sensitive to direct trampling and/or erosion should be specifically protected from trampling by livestock, off-road vehicles, and oil and gas drilling equipment and infrastructure. In addition, native plant species known to be sensitive to competition by invasive species, including noxious weeds, should be specifically protected from further invasion of invasive species. Both special land designations and management of activities like oil and gas drilling, grazing, and offroad vehicle riding should include nonwaivable stipulations that specifically protect rare, sensitive, and imperiled species from ground disturbance. These stipulations may include No Surface Occupancy requirements in oil and gas leases, seasonal limits to grazing or AUM limits, and limiting off-road vehicles to designated routes or closing some areas to ORV use altogether. In general, BLM should manage so as not to contribute to further population declines of rare, sensitive, and imperiled species, thus avoiding any need to list these species under the Endangered Species Act.

In order to meet its obligations with regard to Sensitive Species, BLM must manage those species so as to provide at least "the protection provided to candidate species" under the Endangered Species (BLM Manual 6840). This means Sensitive Species must be managed so as not to "contribute to the need to list" them under the Endangered Species Act (Id.). Consequently, BLM must identify and evaluate the effects of their actions on these species. Instruction Memorandum (IM) 97-1 18 advises all BLM directors to identify Sensitive Species early to avoid species endangerment; it also encourages directors to collect information on all species of concern to determine if Sensitive Species designation and special management are needed. BLM must determine the distribution, abundance, habitat needs, and reasons for current status for each Sensitive Species (BLM Manual 6840). During the RMP planning process, BLM is required to identify priority species and habitats; establish objectives for habitat maintenance, improvement, and expansion for priority species and habitats; establish priority habitat monitoring objectives; and decide on specific conservation measures for such species (BLM Manual 1622.1). In order to manage so as to maintain healthy ecosystems and native biodiversity, BLM should study, monitor, and act to maintain healthy populations of big game and other critical wildlife species so as to allow for adequate native biodiversity as well as hunting and wildlife viewing opportunities. BLM should also regularly monitor all sensitive plants found within the planning area to ensure accurate information about their status and health is being used to inform management decisions and to avoid further degradation to their habitat and overall condition. Priority should be given to protecting sensitive plant species and outstanding examples of native plant communities when drawing boundaries for special designations, such as ACECs, and specific regulations for such special designations should be designed with the intent of protecting sensitive plant species.

Specifically, sagebrush-steppe is an important plant community that deserves specific preservation measures, in light of its rapid disappearance. Sagebrush should be preserved through minimizing mechanical sagebrush treatments, favoring natural fire regimes wherever possible, and managing activity in sagebrush areas to maintain and restore a healthy sagebrush understory of native grasses and forbes. The only exception to the general rule of thumb that natural fire regimes are preferred is in locations where cheatgrass has already invaded significantly; in such a circumstance, fire may actually favor further cheatgrass establishment.

BLM should adopt a comprehensive weed management plan that includes specific goals to limit the spread of invasive weed species, protects native and rare plants and plant communities from competition and degradation by weeds, and limits the vectors that can facilitate the spread of invasive species, including ORVs, oil and gas drilling infrastructure, and livestock. Effective limitations on these vectors may include limiting ORV use to designated routes or closing critical areas (such as ACECs) to ORV use altogether, limiting the geographic extent of oil and gas drilling infrastructure to concentrate and reduce new road building, and limiting AUMs or seasonal use of grazing

allotments.

Particular attention must be paid to areas containing rare or sensitive native species, which could be negatively affected by competition with invasive plant species, and to areas of special designation that are intended to protect natural values such as native plant populations. In riparian areas, BLM should work to control the further spread of tamarisk that could displace native riparian vegetation, increase salinity levels in affected waterways, and/or dewater local streams and rivers. In general, instream flows for waterways within and downstream of the Planning Area should be maintained.

As described in various places above, BLM should use specific, nonwaivable stipulations to reduce potential harms to species and habitat from land uses such as oil and gas drilling, grazing, and offroad vehicle riding, as these are among the land uses that have the most potential for conflict with the goals of maintaining native biodiversity and protecting special species and their habitat. These stipulations may include No Surface Occupancy requirements in oil and gas leases, seasonal limits to grazing or AUM limits, and limiting off-road vehicles to designated routes or closing some areas to ORV use altogether.

954 Deer, elk, sharptailed grouse, wild horses and small mammals add to the value of the Little Snake area. Of very special interest and concern are some of the best herds of pronghorn antelope in North America and some of the largest populations of sage grouse anywhere. As you no doubt know in recent years sage grouse numbers have been seriously reduced across most of their range.

955 Some of the great icons of the West, like the sage grouse, the wild horse, and even the prairie dog, live on the Little Snake's lands. For many of them, this corner of the state is one of their last homes.

In particular, there are a number of species that are of concern to us and that should be addressed in any management plan that is adopted for the Little Snake Planning Area. Greater sage grouse is one such species which requires particular management attention to avoid further population declines and the need for future listing under the Endangered Species Act. Though state-level conservation plans will play a large part in the future protection of this species, in the northwest corner of Colorado the BLM will play a critical role in enacting the specific measures that will protect sage grouse. The Columbian sharp-tailed grouse, which like the greater sage grouse has been recently proposed for listing under the Endangered Species Act, is also found in the Little Snake area, and like the sage grouse its populations have been rapidly dwindling due to the loss of sagebrush habitat. White-tailed prairie dogs, another species recently proposed for Endangered Species listing, also live here. Several endangered or sensitive native fish species, including the Colorado River cutthroat trout and the Razorback sucker, two species already listed federally as Endangered, live downstream of the Little Snake lands and are affected by what happens to the land there. Ferruginous hawks, which BLM recognizes as a sensitive species, live throughout the Little Snake area and rely on healthy populations of prey to continue to survive.

Duchesne milkvetch and narrowleaf evening primrose, two rare native plants found in only a few places in the world, including the Little Snake area, are currently not adequately protected from oil and gas drilling or trampling by cattle which could destroy the few populations left. All of

these species should be given careful consideration in any management alternative. To preserve these species and others found in the Little Snake Planning Area, we urge the BLM to adopt a management plan that maintains and restores healthy ecosystems and wildlife populations and protects the special plants and animals of the region. To do this, the BLM should adopt a plan that will provide special management for the special species and places that need it, meet BLM's obligations regarding Sensitive Species, and manage so as to maintain healthy ecosystems and native biodiversity.

One of the most critical aspects of providing the management necessary to protect special species and habitat is the identification and subsequent protection of important habitat for rare, sensitive, and imperiled species. For greater sage grouse and Columbian sharp-tailed grouse, this means that lek sites, brooding grounds, and severe winter range should be protected from surface disturbances such as oil and gas drilling, grazing, and off-road vehicle riding. For white-tailed prairie dog, an ACEC has been nominated to protect the Little Snake colony, and this ACEC should be proposed in the RMP; any such designation should include protection from surface disturbances such as oil and gas drilling, grazing, and off-road vehicle riding (see Center for Native Ecosystems Nomination of ACECs for white-tailed prairie dog for specific information).

For the four fish species of concern in the area (Colorado pikeminnow, Colorado cutthroat trout, Razorback sucker, and Bonytail chub), two of which are federally listed as endangered species, specific aquatic habitat should be identified where appropriate and, in general, surface disturbing activities that can contribute to degraded watershed conditions and increased sedimentation and pollution downstream, such as off-road vehicle riding, should be carefully analyzed before such activities are allowed to ensure that such use will not contribute to declines for these species and, ultimately, the need to list.

As described in various places above, BLM should use specific, nonwaivable stipulations to reduce potential harms to species and habitat from land uses such as oil and gas drilling, grazing, and off-road vehicle riding, as these are among the land uses that have the most potential for conflict with the goals of maintaining native biodiversity and protecting special species and their habitat. These stipulations may include No Surface Occupancy requirements in oil and gas leases, seasonal limits to grazing or AUM limits, and limiting off-road vehicles to designated routes or closing some areas to ORV use altogether.

More broadly, BLM has a duty to protect the diversity of all native wildlife on public lands by providing for ecosystem-based management. FLPMA requires public land management to protect ecological and other values and also requires that lands be managed for multiple use and sustained yield. 43 U.S.C. §§ 1701 (a)(7)-(8). NEPA requires BLM to fulfill its trustee obligation for future generations, assure productive surroundings, avoid environmental degradation, preserve important natural aspects of our national heritage, and enhance the quality of renewable resources. 42 U.S.C. § 4331(b)(1)-(6).

Both special land designations and management of activities like oil and gas drilling, grazing, and off-road vehicle riding should include nonwaivable stipulations that specifically protect rare, sensitive, and imperiled species from ground disturbance. These stipulations may include No Surface Occupancy requirements in oil and gas leases, seasonal limits to grazing or AUM limits, and limiting off-road vehicles to designated routes or closing some areas to ORV use altogether.

In general, BLM should manage so as not to contribute to further population declines of rare, sensitive, and imperiled species, thus avoiding any need to list these species under the Endangered Species Act.

In order to meet its obligations with regard to Sensitive Species, BLM must manage those species so as to provide at least "the protection provided to candidate species" under the Endangered Species (BLM Manual 6840). This means Sensitive Species must be managed so as not to "contribute to the need to list" them under the Endangered Species Act (Id.). Consequently, BLM must identify and evaluate the effects of their actions on these species.

Instruction Memorandum (IM) 97-1 18 advises all BLM directors to identify Sensitive Species early to avoid species endangerment; it also encourages directors to collect information on all species of concern to determine if Sensitive Species designation and special management are needed. BLM must determine the distribution, abundance, habitat needs, and reasons for current status for each Sensitive Species (BLM Manual 6840). During the RMP planning process, BLM is required to identify priority species and habitats; establish objectives for habitat maintenance, improvement, and expansion for priority species and habitats; establish priority habitat monitoring objectives; and decide on specific conservation measures for such species (BLM Manual 1622.1). In order to manage so as to maintain healthy ecosystems and native biodiversity, BLM should study, monitor, and act to maintain healthy populations of big game and other critical wildlife species so as to allow for adequate native biodiversity as well as hunting and wildlife viewing opportunities.

With this in mind, we ask that the RMP provide for the following steps to ensure that Wildlife diversity is protected. All riparian areas should be given special management and considered for designation as ACECs. It is widely recognized that (1) riparian areas in the west are crucial centers of biological diversity, (2) many BLM riparian areas are in unhealthy condition, and (3) funding and monitoring capabilities of the field office greatly limit BLM's ability to visit, let alone monitor riparian areas throughout the field office. Consequently, special management provisions for these areas must be made in the RMP. The RMP must also ensure that other special habitats are protected and enhanced. All wildlife requires adequate habitat for feeding, reproducing, and hiding or resting (sheltering), and the plan must ensure that such is provided for all species at all critical life stages. Wintering areas, colonial or other concentrated avian nesting areas, spawning beds, and traditional birthing areas are examples of the special habitats the RMP should provide for and protect.

In addition to protecting special habitats the plan must provide for protecting certain species to ensure that biological diversity is protected. Certainly species listed pursuant to the ESA and BLM and/or State sensitive species must receive species-specific attention, but other species should receive special emphasis as well. The plan should identify and provide for the Protection of "keystone" species, which can be literally key to preventing undesirable, cascading

Ecological effects, such as widespread extinctions. Prairie dogs are an example of a keystone species that demand special management efforts. The status of carnivores is often indicative of the overall environmental health of an area, and thus they warrant special management prescriptions, and in any event there is widespread public demand and support for protecting these magnificent creatures. It is also important to note that there are keystone resources that are critical for protecting a host of species. Springs or other water holes, deep pools in streams, and salt or mineral licks are examples. BLM should ensure that the RMP makes special provision for protecting keystone resources.

The EIS must carefully evaluate problems resulting from habitat fragmentation and the need for maintaining the connectivity or linkage of habitats. Habitat fragmentation is strongly associated with the road building that accompanies many management activities. By altering the physical environment, roads and highways modify animal behavior. Many species shift home ranges, change movement patterns and even reproductive and feeding behaviors to avoid roads. Perhaps the most pervasive, yet insidious, impact of roads is providing access to natural areas and encouraging further development.' Based on the information from this and other sources, it is apparent that the RMP must limit habitat fragmentation resulting from road building, protect current roadless areas, provide for aggressively closing unneeded or ecologically destructive roads, and provide for maintaining needed roads so as to reduce negative environmental impacts.

The RMP must also limit habitat fragmentation resulting from other activities, such as The construction of well pads. More generally, the BLM should consider the principles of island biogeography so as to ensure that fragmentation does not degrade existing wildlife habitats. That is, it must insure that small islands of habitat are not created by management activities such as logging, chaining, or oil and Additional information on the impacts of roads on wildlife can be found at I \.vwi tis'tcr~dcr.;c~ri'j ii,-bit:x:'hr~hw~~ys ncw ct oioqy lilrni, which we incorporate into these comments by this reference, and ask BLM to consider.

The RMP should ensure both that the total areas of important habitats are maintained and that these habitats are not further fragmented. Creating habitat fragments impedes dispersal, colonization, and foraging. Moreover, fragmented habitats can have altered environmental conditions and allow for intrusions of pests (weed invasions and cowbird nest parasitism are classical examples). We specifically requests that BLM limit any further fragmentation of sagebrush communities, which are critical to many species on many BLM lands, and which is an increasingly imperiled ecosystem. The flip side of habitat fragmentation is maintaining migration corridors and other ecological The conservation biology literature indicates it is probably more effective to preserve existing corridors/linkages than to attempt to create new ones. It is crucial the EIS identify all existing migration and other movement corridors. The RMP must ensure that management actions authorized by the RMP protect the ecological integrity of these corridors and linkages. Big game migration routes have been widely documented, Put riparian areas, mountain ranges and ridges, and other areas serve as important linkages among habitats (and even eco-regions)that must be preserved. Ensuring that corridors remain as wide as possible is the best way to ensure that they are in fact effective.

The principles of island biogeography should also guide BLM in creating protected areas. Here, an obvious application is the creation of ACECs. Modern conservation biology has firmly established that larger protected areas are of greater value, and are more effective, than smaller areas for maintaining the ecological integrity of a protected area. Consequently, when BLM designates ACECs, or other areas, to protect wildlife, it should ensure they are large enough to protect the species, habitat, or ecological attributes for which the ACEC is created. We also request that BLM consider and enunciate in the RMP a policy relative to habitat "edge." Increasing edge has been common in classical wildlife management because it was perceived as a means to increase biological diversity, or more particularly, as a means to benefit certain games species. Modern conservation biology, however, recognizes a number of problems associated with increasing the amount of edge, such as: modifying microclimates needed by some species, increasing impacts of wind in some communities, increasing the incidence of fire, and increasing predation and competition from exotic and pest species that are often well adapted to the disturbed conditions that characterize ecological edges. Furthermore, even if increasing edge increases overall biological diversity, it can be harmful to certain, usually rare and/or specialized, species.

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Wildlife

Wild life populations must be set based on the ranges carrying capacity and the recognition of other uses, especially livestock grazing. The BLM must not reallocate livestock AUMS to wildlife or other special status species. If additional capacity is desired then a desired plant community plan should be developed to provide for both the wildlife and livestock grazing needs.

- 959 The Nature Conservancy has completed analyses to identify the species which are globally imperiled, declining, endemic, disjunct, vulnerable, or wide ranging for which the Little Snake Field Office (LSFO) Management Area supports important, high quality populations and/or habitat. Special management attention and assessment of should be devoted to these species within the LSFO, including assessment of impacts from proposed uses and management strategies, in order to ensure their long term persistence within the region.
- A. Special management attention should be given in the LSFO RMP Revision to restore, maintain, and enhance the following Special Status Species and their habitat:
- How will special status species and their habitats be managed to recover listed species, protect and conserve candidate and sensitive species, and restore their habitats to avoid the need for future listing?
- What is the relative value and scarcity of the special status species that occur within the LSFO management area?
 - From a regional perspective, what is the importance of the planning area for special status species, scarce species and the plant communities that sustain them?
 - What uses and management practices have the potential to threaten the long-term persistence of these special status species and the habitats that support them?
 - How can those threats be reduced and mitigated?
 - What is the desired future condition of the special status species populations, plant communities, and ecological systems within the management area?
 - What are the areas of highest priority for protecting, maintaining and restoring special status species, scarce species and the plant communities that sustain them?
- Form Letter The Little Snake District of the Bureau of Land Management (BLM) oversees habitat for wild creatures of hundreds of species. Some of this habitat supports truly threatened and unique birds, like sage grouse, and mammals, such as black-footed ferrets. Nearly all BLM land in northwest Colorado harbors more abundant species that contribute in major ways to western Colorado's economy and lifestyle, speaking particularly of mule deer, elk and pronghorn.
- Thus, due to the importance of these big game species, special consideration must be given to the impacts on their habitat by development. Critical winter range, calving grounds, and migration routes and corridors must be protected from habitat fragmentation. This should be done through special designation options such as Wildlife Habitat Management Areas (WHMA) or Areas of Critical Environmental Concern (ACEC). Impacts from oil and gas development must be properly mitigated and OHV route proliferation prevented. -
- Wildlife values must be very high on the list of concerns when considering any management. issues of BLM ground, especially the current "hot buttons" of oil and gas development and roaded/roadless designations.
- The Friends of Northwest Colorado urge planners to provide detailed analyses of impacts on wildlife, with the goal of improving or maintaining the areas abundant, varied and precious wildlife.
- Form Letter In addition to protecting these exquisite wildlands, I urge the BLM to take the necessary steps to safeguard wildlife, including big game species, Columbian sharp-tailed grouse and sage grouse, and white-tailed prairie dogs. Additionally, I would like to see an RMP that affords proper protection to the historical and cultural resources that proliferate in the LSRA. In order that people may have the opportunity to view these and other resources in their entirety and in their most natural state, I encourage you to protect the visual resources in the area as well.
- Form Letter - Protect wildlife habitat, including that favored by big game, sharp- tailed grouse and sage grouse, and prairie dogs;

Appendix D - Newsletter

Appendix E – Media Release

Appendix F – Public Scoping Meeting Handouts

Appendix G – Maps

Appendix H – Public Scoping Meeting Sign-In Sheets