

CHAPTER 5—PUBLIC INVOLVEMENT, CONSULTATION, AND COORDINATION

5.1 INTRODUCTION

The Richfield Proposed Resource Management Plan (RMP)/Final Environmental Impact Statement (EIS) represents the efforts and involvement of a broad range of participants, including public agencies, tribal councils, and private organizations and individuals. The Bureau of Land Management (BLM) met and consulted with various federal, state, tribal, and local agencies throughout the planning process. The BLM conducted and attended many meetings throughout the planning process to keep all interested parties informed, and to solicit opinions and input germane to management of public land resources within the Richfield Field Office (RFO). The general public was also included in the planning process. All interested parties were invited into the planning process by means of various formal and informal methods, including meetings (with public agencies, tribal councils, interest groups, and individuals), scoping meetings, workshops, e-mail correspondence, and distribution of planning posts. This section summarizes these activities.

5.2 CONSULTATION

Consultation is the formal effort to obtain the advice or opinion of another agency regarding an aspect of land use management for which that agency has particular expertise or responsibility, as required by statute or regulation. Federal laws require BLM to consult with Native American tribes, the State Historic Preservation Office, the United States Fish and Wildlife Service (USFWS), and the Environmental Protection Agency (EPA) during the planning/National Environmental Policy Act (NEPA) decision-making process. This section documents the specific consultation and coordination efforts undertaken by the BLM throughout the entire process of developing the Proposed RMP/Final EIS.

5.2.1 Consultation With Native American Tribes

Regardless of whether a federally recognized tribe enters into a cooperating agency relationship, its fundamental connection to the BLM is based on tribal sovereignty, manifested through the government-to-government relationship.

BLM provides government officials of federally recognized tribes with opportunities to comment on and to participate in the development of land use plans. The BLM considers comments, notifies consulted tribes of final decisions, and informs them of how their comments were addressed in those decisions. At a minimum, officials of federally recognized tribal governments must be offered the same level of involvement as state and county officials. Land use plans and coordination activities must address the following:

- 1. Consistency With Tribal Plans.** Section 202(c)(9) of the Federal Land Policy and Management Act (FLPMA) requires the BLM to coordinate plan preparation for public lands with plans for lands controlled by Native American tribes so that the BLM's plans are consistent with tribes' plans for managing tribal resources to the extent possible, consistent with federal law. This coordination allows the BLM and tribes to develop management prescriptions for a larger land base than either agency can address by itself.

2. Protection of Treaty Rights. Land use plans must address the protection of treaty rights assured to Native American tribes concerning tribal uses of public lands and resources (such treaty rights in the West are generally limited to Northwestern tribes that were subject to the Stevens Treaties of the 1850s).

3. Observance of Specific Planning Coordination Authorities. In addition to the FLPMA consistency provisions discussed above, land use plans must comply with the following statutes and executive orders:

- **Section 101(d) (6) of the National Historic Preservation Act (NHPA).** This act requires the BLM to consult with Native American tribes when historic properties of traditional religious or cultural importance to a tribe would be affected by BLM decision-making.
- **American Indian Religious Freedom Act.** This act requires the BLM to protect and preserve the freedom of Native Americans and Alaska Natives in exercising their traditional religions, including access to sites and the freedom to worship through ceremonials and traditional rites.
- **Executive Order (EO) 13007 (Indian Sacred Sites).** This EO requires the BLM to accommodate access to and use of sacred sites and to avoid adversely affecting the physical integrity of sacred sites to the extent practicable, permitted by law, and consistent with essential agency functions. The BLM must ensure reasonable notice is provided to tribes, through government-to-government relations, of proposed actions or land management policies that may restrict future access to or ceremonial uses of, or adversely affect the physical integrity of, sacred sites, including proposed land disposals.
- **Executive Order 12898 (Environmental Justice).** This EO requires the BLM to take into account the relevant Council of Environmental Quality (CEQ) guidelines and Department of the Interior (DOI) policies and goals.
- **Consultation Under the Endangered Species Act With Indian Tribes.** DOI's Secretarial Order 3206: American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, dated June 5, 1997, and the Endangered Species Act of 1973, requires DOI agencies to consult with Native American tribes when agency actions to protect a listed species, as a result of compliance with the Endangered Species Act, affect or may affect Native American lands, tribal trust resources, or the exercise of Native American tribal rights. Consultation under this Secretarial Order should be closely coordinated with regional or field offices of the USFWS and/or the National Oceanic and Atmospheric Administration (NOAA) Fisheries Service for game and non-game species.

Land use plans and their accompanying EISs must identify potential effects on Native American trust resources, trust assets, or tribal health and safety. Any effect must be explicitly identified and documented in the land use plan.

BLM representatives have met with several tribes to inform them of the planning process and solicit information on potential issues and concerns. The Utah Division of Indian Affairs has provided invaluable assistance to the BLM in consultation with the tribes. Tribal consultation on the RMP revision began in May of 2002 and is still ongoing. Meetings and consultation with Native American tribes and organizations are listed below.

May 2002	Hopi Tribe (Kykotsmovi, Arizona)
April 2003	Ute Tribe (Ft. Duchesne, Utah)
Feb. 13–17, 2006	Southern Ute Indian Tribe (Ignacio, Colorado)
	Ute Mountain Ute Tribe (Towaoc, Colorado)

	Navajo Nation (Window Rock, Arizona)
	Kaibab Band of Paiute Indians (Pipe Springs, Arizona)
	Paiute Indian Tribe of Utah (Cedar City, Utah)
April 19, 2006	Utah Division of Indian Affairs (Salt Lake City, Utah)
June 14, 2006	Navajo Utah Commission (Montezuma Creek, Utah)
June 15, 2006	Hopi Tribe (Kykotsmovi, Arizona)
July 26, 2006	Moapa Paiute Tribe (Moapa, Nevada)
July 18, 2006	Navajo Nation (Window Rock, Arizona)
July 19, 2006	Hopi Tribe (Kykotsmovi, Arizona)
August 30, 2006	Ute Tribe (Ft. Duchesne, Utah)
Oct. 30–Nov. 3, 2006	Ute Mountain Ute Tribe (Towaoc, Colorado)
	Southern Ute Tribe (Ignacio, Colorado)
	Navajo Nation (Window Rock, Arizona)
	Hopi Tribe (Kykotsmovi, Arizona)
	Kaibab Band of Paiutes and Southern Paiute Consortium (Pipe Springs, Arizona)
	Paiute Indian Tribe of Utah (Cedar City, Utah)
April 2–6, 2007	Paiute Indian Tribe of Utah (Cedar City, Utah)
	Navajo Nation (Window Rock, Arizona)
	Southern Ute Indian Tribe (Ignacio, Colorado)
November 5-6, 2007	Navajo Nation (Window Rock, Arizona)
	Hopi Tribe (Kykotsmovi, Arizona)
	Kaibab Band of Paiutes and Southern Paiute Consortium (Pipe Springs, Arizona)
	Paiute Indian Tribe of Utah (Cedar City, Utah)

All of these tribes and organizations expressed interest in the land use planning process and a desire to participate in the process. This participation ranges from the identification of areas important to the tribes within the RFO to being kept informed of the planning progress. The BLM made multiple visits to each tribe in an effort to keep them updated on the RMP's progress and obtain their input. Interests of the

Paiute Indian Tribe of Utah revolve around sacred and traditional use concerns in Quitcupah Canyon in eastern Sevier County. The Navajo Nation is interested in establishing a Traditional Cultural Property (TCP) in the Henry Mountains. This TCP is related to historical events significant in Navajo history concerning Kit Carson and the attempted removal and relocation of the Navajo from Arizona to New Mexico. The BLM has contacted the Navajo Utah Commission in an attempt to involve the Utah Navajo chapters and obtain input from them.

5.2.2 State Historic Preservation Office

The BLM has worked with the Utah State Historic Preservation Office (SHPO) during the planning process. Although formal consultation under Section 106 of the NHPA usually takes place during implementation, the BLM has consulted with SHPO regarding Proposed RMP/Final EIS cultural resource evaluation recommendations, before the Proposed RMP/Final EIS was issued. BLM has conducted cultural clearances on all OHV open areas in the Proposed RMP including consultation with SHPO.

5.2.3 U.S. Fish and Wildlife Service

The Utah BLM entered into a memorandum of agreement (MOA) with the USFWS to improve the efficiency and effectiveness of Section 7 consultation processes under the Endangered Species Act for RMP development. Through this MOA, the BLM agreed to promote the conservation of candidate, proposed, and listed species and to informally and formally consult and confer on listed and proposed species and designated and proposed critical habitat during planning to 1) ensure that activities implemented under these RMPs minimize or avoid adverse impacts on such species and any critical habitat; 2) ensure that such activities implemented under these RMPs do not preclude future conservation opportunities; 3) use, where possible, formal conference procedures specified in 50 Code of Federal Regulations (CFR) 402 to avoid conflicts between elements contained in the RMPs and the requirements for conservation of the proposed species and proposed critical habitat; and 4) analyze the effects of the RMPs on candidate species pursuant to agency planning requirements.

The BLM has initiated informal consultation with the USFWS. This consultation is being accomplished by meeting with the USFWS and preparing a draft biological assessment of the Draft RMP/EIS preferred alternative and the potential for beneficial or adverse impacts on threatened and endangered species. USFWS representatives participated regularly in the development of the Draft RMP/EIS. Formal Section 7 consultation will commence with the BLM's submission of a final biological assessment prepared for the Proposed RMP/Final EIS. The USFWS will respond with a biological opinion that will be included in the administrative record. Any terms and conditions identified in the biological opinion would be incorporated into the Record of Decision (ROD) for the Approved RMP.

5.2.4 Environmental Protection Agency

The Denver office of the EPA assigned a liaison to consult with the BLM on the Richfield RMP. To date, communication with EPA has been informal through phone calls and e-mails. EPA staff has also participated as members of the Air Quality Protocol Group, which includes the BLM, United States Forest Service (USFS), the State of Utah, and the National Park Service (NPS). The Richfield Draft RMP/EIS was submitted to EPA for review as required by CEQ regulations.

Table 5-1 lists the agencies that assisted with the Richfield Draft RMP. The table also gives a short discussion of the role of each agency.

Table 5-1. Coordination, Cooperation, and Consultation Actions

Agency	Coordination, Cooperation, or Consultation Role
FEDERAL AGENCIES	
U.S. Department of the Interior	
Fish and Wildlife Service	Consultation: Reviews proposals affecting threatened or endangered fish, wildlife, or plant species under Section 7 of the Endangered Species Act. Participates on Interdisciplinary (ID) Team; provides biological opinion on Proposed RMP/Final EIS.
Geological Survey	Coordination: Assigns a liaison and provides planning input.
National Park Service	Coordination: Provides planning input on issues of mutual concern. Participates on ID Team.
U.S. Department of Agriculture	
U.S. Forest Service	Coordination: Coordinates, along with BLM, on matters of mutual interest, particularly potential resource conflicts along mutual borders. Participates on ID Team.
Animal and Plant Health Inspection Service–Wildlife Services	Coordination: Coordinates annual management plan for animal damage control activities on public lands.
U.S. Environmental Protection Agency	
Environmental Protection Agency	Consultation: Reviews BLM plans for NEPA compliance. Files <i>Federal Register</i> notices.
STATE AGENCIES	
State of Utah	Cooperation: Provides information concerning environmental issues for which the State of Utah has jurisdiction by law or special expertise. Provides information from state records, including Richfield Proposed RMP/Final EIS project impacts on air quality and Class 1 airsheds, fish and wildlife, domestic livestock grazing, socioeconomic impacts, minerals, and State of Utah permitting requirements.
Governor's Office of Planning and Budget	Coordination: Provides leadership for the initiatives of the Governor— budgeting, planning, and coordinating issues by providing accurate and timely data, impartial analyses, and objective recommendations.
Utah Department of Environmental Quality (UDEQ), Division of Water Quality (UDWQ)	Coordination and cooperation: Coordinates and cooperates on water quality, development of monitoring for visibility standards and guidelines, and collection of air quality data.
Utah Department of Natural Resources, Division of Oil, Gas and Mining (UDOGM)	Coordination: Issues permits for mineral operations on federal, state, and private land. Permits are issued only after review of each mine plan. The BLM coordinates with UDOGM on mining authorization.
School and Institutional Trust Land Administration (SITLA)	Manages state school and institutional trust lands.
Utah State Forestry, Emergency Management Agency, State Fire Marshal's Office	Coordination: Coordinates forest management and fire activities on state lands adjacent to public lands.

Agency	Coordination, Cooperation, or Consultation Role
Utah Department of Natural Resources, Division of Wildlife Resources	Coordination and cooperation: Coordinates and cooperates on vegetation treatment projects, wildlife habitat management, big game herd objectives, and special status species.
Utah Department of Natural Resources, Division of Parks and Recreation	Coordination: Administers and manages state parks.
Utah Department of Transportation	Coordination and cooperation: Coordinates and cooperates on transportation planning and highway access.
Utah Geological Survey	Cooperates on data sharing.
State Historic Preservation Office	Consultation: The BLM consults with the Utah SHPO under Section 106 of the NHPA in accordance with the National Programmatic Agreement (NPA) as implemented in the Utah protocol to the NPA.
COUNTY GOVERNMENTS	
Sanpete County Sevier County Piute County Wayne County Garfield County Emery County	Consultation: The BLM consults and coordinates with counties throughout the land use planning process; counties participate in ID Team meetings and provide input on issues for which each county has special expertise or jurisdiction by law.

5.3 COORDINATION AND COOPERATION

Coordination, as required by FLPMA 43 United States Code (U.S.C.) § 1712(c)(a), involves ongoing communication between BLM managers and state, local, and tribal governments to ensure that the BLM considers pertinent provisions of non-BLM plans in managing public lands; seeks to resolve inconsistencies between such plans; and provides ample opportunities for state, local, and tribal government representatives to comment on the development of BLM's RMPs (43 CFR 1610.3-1). CEQ regulations further require timely coordination by federal agencies in addressing interagency issues (40 CFR 1501.6) and in avoiding duplication with tribal, state, county, and local procedures (40 CFR 1506.2).

Cooperation goes beyond the coordination requirement of FLPMA, entailing collaboration between the BLM and other governmental entities (federal, state, local, or tribal) to develop a land use plan and NEPA analysis, as defined by the lead and cooperating agency provisions of the CEQ's NEPA regulations (40 CFR 1501.5 and 1501.6). Cooperating agency and related roles may be formalized through an agreement.

5.3.1 Coordination With Other Federal Agencies

In developing this Proposed RMP/Final EIS, BLM coordinated with numerous other federal agencies. (Additional agencies are listed below under consultation.)

- **National Park Service:** Contacts were made early in the planning process with Capitol Reef National Park, Canyonlands National Park, and Glen Canyon National Recreation Area (NRA), the three national park units that share boundaries with the RFO. BLM staff from the Price and Richfield Field Offices met with the Capitol Reef Park Superintendent and his staff during

scoping and discussed issues of mutual concern. The land use planner and field manager communicated regularly with the superintendent throughout the process through e-mails, phone calls, and field trips. The superintendent and his staff provided invaluable advice and counsel, as well as special expertise on critical issues, including areas of critical environmental concern (ACEC) and wild and scenic rivers (WSR). Staff at Canyonlands National Park was contacted regarding Horseshoe Canyon, a detached unit of Canyonlands surrounded by public lands administered by the RFO. Glen Canyon NRA submitted formal scoping comments addressing several issues and more recently assigned a liaison to work with the BLM on the Richfield RMP.

- **U.S. Forest Service:** The RFO shares common boundaries with the Dixie, Fishlake, and Manti-LaSal National Forests. The USFS is engaged in revising land use plans for those national forests concurrent with the BLM revising its plans. Along with sharing boundaries, the two agencies share many common issues. Communication with the USFS regarding planning has been frequent and largely informal. USFS and BLM personnel reviewed a potential WSR segment that crossed national forest and public lands, and planning personnel from both agencies meet informally to better coordinate planning efforts. USFS personnel occasionally participate in the BLM's planning-related interdisciplinary team meetings.
- **U.S. Geological Survey:** The United States Geological Survey (USGS) assigned a staff specialist from its Moab office to serve as a liaison with the BLM on the Richfield Proposed RMP/Final EIS. To date, USGS has submitted formal comments on the Proposed RMP/Final EIS and provided a scientific review of a preliminary study on Mancos Shale erosion.
- **U.S. Fish and Wildlife Service:** Early in the planning process, BLM developed a Regional Consultation Agreement with the USFWS that provided for the participation of USFWS personnel on BLM interdisciplinary teams. Through this agreement, they were given an opportunity to provide input on planning issues, data collection and review, and development of alternatives. USFWS staff also provided written input on resource concerns. (Endangered Species Act consultation is discussed in Section 5.2.3 above.)

Administration of Grazing Allotments in National Park Service Units

The RFO has responsibility for administering grazing allotments within portions of Capitol Reef National Park and Glen Canyon NRA. A description of grazing within the park and recreation area and BLM's responsibilities follows.

Glen Canyon National Recreation Area

Glen Canyon NRA was established on October 27, 1972, under Public Law (P.L.) 92–593. In establishing Glen Canyon NRA, Congress directed that, “The administration of...grazing leases within the recreation area shall be by the BLM. The same policies followed by the BLM in issuing and administering...grazing leases on other lands under its jurisdiction shall be followed in regard to lands within the boundaries of the recreation area, subject to provisions of Section 3(a) and 4 of this Act.” The RFO administers livestock grazing on eight allotments that occur on public land and within Glen Canyon NRA: Rockies, Sewing Machine, Waterpocket, Bullfrog, Robbers Roost, Horseshoe Canyon South, Flint Trail, and Slickrock. Horseshoe Canyon South, Flint Trail, and Slickrock allotments currently have no animal unit months (AUM) allocated for livestock grazing, and the Robbers Roost Allotment has no AUMs allocated for livestock grazing in the Glen Canyon NRA portion of the allotment. Specific management direction for livestock grazing in Glen Canyon NRA is provided for under the Glen Canyon National Recreation Area Grazing Management Plan (NPS 1999).

Capitol Reef National Park

On December 18, 1971, Congress abolished the presidentially proclaimed Capitol Reef National Monument and established Capitol Reef National Park, with its final boundary encompassing 241,904 acres (85 Stat. 639, 16 U.S.C. §273 et seq.). This act made provisions for management of grazing, trailing, and stock watering but eliminated grazing after one 10-year renewal of existing permits. P.L. 100-446 in 1988 extended grazing privileges within the park and allowed permittees who legally used park lands for livestock grazing before December 18, 1971, to continue the practice during their lifetime. The law further provided that grazing privileges would be extended for the lifetime of permittees' children who were born before the park was established.

At this time, grazing occurs on only two allotments within the park: Sandy 3 and Hartnet. The portion of the Sandy 3 allotment within the park is fenced and administered by the NPS. The Hartnet Allotment overlaps both BLM and NPS lands.

The BLM and the NPS consult, cooperate, and coordinate their efforts in the administration of grazing on the Hartnet Allotment within the park. The goal of this cooperation is to ensure that respective grazing authorizations, range improvements, allotment management plans, resource monitoring, and other grazing actions do not conflict, and to allocate resources appropriately in joint allotments. In 1995, a memorandum of understanding (MOU) was signed by managers from the NPS and the BLM to provide for a transfer of grazing management responsibilities to the park when sufficient resources, funding, and staffing were present to carry out those responsibilities. At that time, the park took over the issuance of permits for seasonal livestock trailing across its lands. In 1999, Capitol Reef assumed all administration of the Sandy 3 Allotment. The Allotment Management Plan for the Hartnet Allotment, which is currently being revised, will define each agency's roles and responsibilities. Once the plan is completed, the park will fully administer its portion of the allotment.

5.3.2 Cooperating Agencies

As discussed in Section 1.7.2, the BLM is required by law to prepare NEPA analysis and documentation in cooperation with state and local governments, and other agencies with jurisdiction by law or special expertise (42 U.S.C. 4331(a), 4332(2)). Qualified agencies, tribes, or other governments that enter into formal cooperation under this provision are called cooperating agencies. In support of the cooperating agency mandate, BLM invited local, county, state, and tribal agencies to become cooperating agencies in the development of the Richfield RMP. Seven agencies accepted the invitation to become formal cooperating agencies in developing the RMP and signed cooperating agency agreements: the State of Utah; Garfield, Piute, Sevier, and Wayne counties; and the USFWS. Emery County, outside but adjacent to the planning area, was likewise afforded cooperating agency status based on its MOU with the Price Field Office.

The cooperating agency agreements define the relationship between the BLM and the agencies in developing the Richfield RMP. As stated in the MOUs:

...BLM is required to assure the RMP complies with the Federal Land Policy and Management Act of 1976 (FLPMA), particularly Title II, Section 202, Land Use Planning, including Section 202(c)(9) that, among other things, directs the BLM to coordinate its land use planning activities with local governments, to consider local plans in developing BLM land use plans, to assist in resolving, to the extent possible, inconsistencies between Federal and non-Federal government plans, and to be consistent with state and local plans to the maximum extent, consistent with Federal law and the purposes of the Act.

Cooperating agency representatives participated regularly in the Proposed RMP/Final EIS planning process, including serving on interdisciplinary teams and subteams, and were given full access to and opportunities to comment on working documents and other predecisional information. In particular, the counties have been engaged in the travel management issues including off-highway vehicles (OHV) route inventory and designation process and, to date, have cooperated in more than 60 information sharing meetings.

The Utah Governor's Office will receive copies of this Proposed RMP/Final EIS for its use in determining consistency with state plans.

5.4 PLANNING CONSISTENCY

The BLM's planning regulations require that RMPS be consistent with officially approved or adopted resource-related plans of other federal agencies, state and local governments, and Native American tribes, as long as the guidance and RMPs are also consistent with the purposes, policies, and programs of federal law and regulations applicable to public lands.

43 U.S.C. §1712(c) (9) states that the Secretary of the Interior (through the land use plans of the federal agencies under it) shall

coordinate the land use inventory, planning, and management activities of or for such lands with the land use planning and management programs of other Federal departments and agencies and of the States and local governments within which the lands are located.

It further states that the Secretary shall assure that consideration is given to those state, local, and tribal plans that are germane in the development of land use plans for public lands [and] assist in resolving, to the extent practical, inconsistencies between Federal and non-Federal Government plans...

This language does not require the BLM to adhere to or adopt the plans of other agencies or jurisdictional entities, but rather to give consideration to these plans and make an effort to resolve inconsistencies to the extent practical.

The BLM is aware that there are specific county and state plan decisions relevant to aspects of public land management that are discrete from, and independent of, federal law. However, the BLM is bound by federal law. The FLPMA requires that the development of an RMP for public lands be coordinated and consistent with county plans, to the maximum extent possible by law, and inconsistencies between federal and non-Federal Government plans be resolved to the extent practical (FLPMA, Title II Sec. 202 (c)(9)). As a consequence, where state and local plans conflict with federal law, there may be an inconsistency that cannot be resolved or reconciled.

Thus, while county and federal planning processes, under FLPMA, are required to be as integrated and consistent as practical, the federal agency planning process is not bound by or subject to county plans, planning processes, or planning stipulations. The BLM will identify these conflicts in the Proposed RMP/Final EIS, so that the state and local governments have a complete understanding of the impacts of the Proposed RMP on state and local management options. A consistency review of the Proposed RMP with the state and county master plans is included in Chapter 5. In addition, the relevant goals, objectives, or policies of a county are often equivalent to an activity or implementation-level decision and not a land use plan decision. The very specific county goals would be addressed in any subsequent BLM activity or implementation-level decision.

Table 5-2 through Table 5-8 outline the planning consistency of the Proposed RMP with the approved management plans, land use plans, and controls of other agencies with jurisdiction in or adjacent to the planning area. The authorized officer will continue to collaborate with federal agencies, state and local governments, and Native American tribes on implementation of the RMP and on pursuing consistency with other plans and will move toward integration of such plans to the extent that they are consistent with federal laws, regulations, and policy directives. Additional discussion is contained in Chapter 1.

Table 5-2. Garfield County General Plan

Resources	Garfield County General Plan (1/1998)	Consistent
Solid Waste	Garfield County will develop a policy regarding the amount of solid waste it will accept from public lands and develop a fee schedule for public lands solid waste management.	N/A
Air Quality	The preservation of clean air is one of the goals of the county. Most areas are Class 2 and development is permitted.	Yes
Water Quality	The county supports using unused water resources, using existing sources in the most efficient manner, eliminating existing pollution and preventing new pollution.	Yes
Economic	The county supports aggressively pursuing coal and other mineral resource development, exploring tourism and recreational opportunities, retaining and expanding existing agricultural/timber-related businesses, increases in payments in lieu of taxes (PILT), and creating new attractions and recreational facilities. BLM/USFS land management practices should encourage economic ecological sustainability.	Yes
Land/Realty	State school land exchanges should consider future impacts on the growth of county's communities. State school land/federal land exchanges should increase "in-county" state land acreage totals or county-benefiting economic value. Existing public access to public lands should be preserved and enhanced and all RS-2477 right-of-way (ROW) should be preserved. Transfers of private lands to federal/state ownership should not result in a net "private land" acreage loss, unless they result in long-term, ongoing economic benefit to the county.	Yes
Safety	The county reserves the right to establish user fees for search and rescue activities, based on a user pay concept.	N/A
Wildlife	Wildlife numbers should be established for designated areas. The introduction of any exotic plant or animal species into the county should not take place without formal concurrence by the County Commission, and public hearings should be held. Watchable wildlife areas should be developed.	Yes
Grazing	The number of AUMs allocated should be expanded to the full carrying capacity of the forage resource.	Partial
Timber	Partnerships should be created and should promote long-term timber industry development to stabilize, maintain, and expand the industry through the combined efforts of business and the public. The county wants to ensure that forests are maintained as a	Yes

Resources	Garfield County General Plan (1/1998)	Consistent
	healthy renewable resource.	
Wild and Scenic Rivers	The county will comment on and may develop and submit designation proposals to the appropriate federal agencies.	Yes

Table 5-3. Garfield County General Management Plan Resource Management Amendment (12/2007)

Resources	Garfield County General Management Plan Resource Management Amendment	Consistent
Air Quality	Management direction for this resource/resource use has not been completed. It is intended that management direction for this resource/resource use will be completed, subject to public comment, and adopted at some point in the future.	Yes
Geology, Topography, and Climate	Management direction for this resource/resource use has not been completed. It is intended that management direction for this resource/resource use will be completed, subject to public comment, and adopted at some point in the future.	Yes
Soil Resources	Management direction for this resource/resource use has not been completed. It is intended that management direction for this resource/resource use will be completed, subject to public comment, and adopted at some point in the future.	Yes
Water Resources	Management direction for this resource/resource use has not been completed. It is intended that management direction for this resource/resource use will be completed, subject to public comment, and adopted at some point in the future.	Yes
Vegetation	Management direction for this resource/resource use has not been completed. It is intended that management direction for this resource/resource use will be completed, subject to public comment, and adopted at some point in the future.	Yes
Noxious/Invasive Weeds	Large infestations of Tamarisk and Russian Olive have impacted many of the streams, riparian areas, and groundwater resources of the county. Continued efforts are needed to completely eradicate the species and protect the area from recurrent infestations.	Yes
Special Status Species (Threatened, Endangered, and Sensitive)	Management direction for this resource/resource use has not been completed. It is intended that management direction for this resource/resource use will be completed, subject to public comment, and adopted at some point in the future.	Yes
Fish and Wildlife	Management direction for this resource/resource use has not been completed. It is intended that management direction for this resource/resource use will be completed, subject to public comment, and adopted at some point in the future.	Yes
Forage	It is the county's position that forage allocations be balanced between competing users based on fair and equitable assumptions and considering local goals and desires. Perhaps the greatest concern is that there needs to be a clear	Yes

Resources	Garfield County General Management Plan Resource Management Amendment	Consistent
	understanding is needed of much how forage is available to be allocated between livestock and wildlife, and how much of that forage goes to each.	
Wildland Fire Ecology	Management direction for this resource/resource use has not been completed. It is intended that management direction for this resource/resource use will be completed, subject to public comment, and adopted at some point in the future.	Yes
Cultural Resource Management	The county identifies several desired conditions and policies related to improving inventory, completing compliance in a timely manner, retaining existing resources, constructing a curation facility, capitalizing on economic opportunities associated with research and identification (etc), and issuing permits.	Yes
Paleontological Resources	The county identifies several desired conditions and policies related to improving inventory, completing compliance in a timely manner, retaining existing resources, constructing a curation facility, capitalizing on economic opportunities associated with research and identification (etc), and issuing permits.	Partial
Visual Resources	Each federal agency has its own system for classifying visual resources and for scenery management. No two agencies are completely consistent with the county's planning efforts or expressed desires. Generally, visual classification areas are more restrictive than needed outside national parks and designated Wilderness.	No
Forestry and Woodland Products	Resource/resource use has not been completed. It is intended that management direction for this resource/resource use will be completed, subject to public comment, and adopted at some point in the future.	Yes
Transportation	County desired conditions and policies include resolving issues in a timely manner, preserving access to public and private lands, recognizing the transportation network, resolving RS-2477 issues, incorporating sufficient scope to reduce additional analysis, eliminating the unauthorized use of cross-country travel on public and private lands and working cooperatively with federal agencies to resolve valid existing rights, transportation needs, maintenance requirements, improvement projects, and other ROW and/or scope issues.	Partial
Minerals and Energy Development	Resource/resource use has not been completed. It is intended that management direction for this resource/resource use will be completed, subject to public comment, and adopted at some point in the future.	Yes
Special Designations	Current settings, need for management changes, desired conditions, policies, goals, objectives, and criteria related to special designations were described by the county. Management actions must be consistent to the maximum extent allowed by law with Garfield County's General Management Plan. Unless directed by federal or state law, management actions that are contrary to the stated positions are inconsistent with Garfield County's General Management Plan. When no body of law exists regarding land management decisions or when decisions are left	Partial

Resources	Garfield County General Management Plan Resource Management Amendment	Consistent
	to the agencies' discretion, management actions must be consistent with the positions identified in this plan.	
Wilderness	The county identifies several desired conditions and policies related to designating eligible and suitable Wilderness: releasing other lands from wilderness character; compensating the county for visitor services; basing Wilderness, primitive and non-motorized types of recreation, and non-wilderness study area (WSA) lands with wilderness characteristics areas on county approved designations; and developing BLM lands not designated as Wilderness to the maximum allowed by law for commodity production and socioeconomic growth.	No
Research Natural / Geological / Botanical Areas	The county identifies several desired conditions and policies related to these lands before designations are made: the proposal needs to meet the county's identified criteria; a thorough inventory needs to be made to consider whether a similar area is already being protected; these areas need to be consistent with the county's plan and, absent federal law to the contrary, be subject to local law, ordinance, or other special consideration; and areas need to be limited to only those areas that can provide significant scientific information and interpretive opportunities while preserving the custom and culture and enhancing the socioeconomics.	N/A
Scenic Byways/Highways	<p>It is the objective of the county to promote these designations as showcases of multiple use and to oppose management of adjacent lands that is inconsistent with the Garfield County General Management Plan.</p> <p>It is the policy of Garfield County to cooperate with other agencies to determine the demonstrated need and the minimum land necessary to accomplish desired outcomes.</p> <p>It is the policy of Garfield County to support only scenic highways that are consistent with local bodies of law, ordinances, plans, and are the subject of a cumulative environmental review, which determines the impact to local and regional environments and social and economic impacts caused by the designation.</p>	Yes
Areas of Critical Environmental Concern	<p>The county will be proactive in the management of ACECs. Approximately 1,041,245 acres of Garfield County's 3,331,065 acres are included in Bryce Canyon National Park, Capitol Reef National Park, Canyonlands National Park, Glenn Canyon National Recreation Area, and the Grand Staircase/Escalante National Monument. In addition, the USFS manages one designated Wilderness Area. It is the county's position that relevant/important scenic, cultural, and recreation lands (approximately one-third of the county) are already protected.</p> <p>The county will support only those ACEC designations that can be demonstrated to have relevant and important values as defined herein that are being threatened with irreparable damage.</p>	Yes
Wilderness Study Areas	It is the county's policy to support Wilderness designation for lands the county has deemed eligible and suitable for Wilderness	No

Resources	Garfield County General Management Plan Resource Management Amendment	Consistent
	<p>under P.L. 88-577.</p> <p>It is the county's policy to oppose Wilderness designation and/or management for wilderness characteristics on lands the county has deemed are not eligible and suitable for Wilderness designation under P.L. 88-577.</p> <p>It is the county's policy, to the maximum extent allowed by law, that all lands deemed not eligible and suitable for Wilderness designation and/or management for wilderness characteristics be released from prescriptive management and returned to commodity production or multiple use/sustained yield management.</p> <p>It is the policy of the county to work cooperatively with land managing agencies, the State of Utah, and Utah's congressional delegation to have the lands identified through the county review, study, and recommendation process appropriately designated and managed.</p> <p>The county agrees that some public lands need specific restrictions, but it believes those restrictions should be the minimum necessary and should be developed in a spirit of cooperation, ensuring the greatest use and enjoyment by the public and local residents.</p> <p>Areas identified in the Utah BLM Statewide Wilderness Final EIS as failing to meet outstanding solitude or primitive recreation standards should not be managed for primitive or semi-primitive non-motorized recreation.</p>	
National Trails	It is the policy of the county to consider each proposed trail on a case-by-case basis, considering other values that might be affected by designation; subject to goals and objectives of the Garfield County General Management Plan and demonstrated need including outstanding remarkable values emphasized by designation.	Yes
Wild and Scenic Rivers	<p>It is the county's policy that, once undertaken, all WSR evaluations be completed through the suitability stage.</p> <p>It is the county's policy to support only those river segments that meet the quality standards set forth by the county in a public-supported process.</p>	Yes
Backcountry/Roadless/Primitive Areas	<p>It is the goal of the county to work cooperatively with federal land management agencies regarding designation of backcountry/roadless/primitive areas.</p> <p>It is the policy of the county to manage only those areas identified in the Garfield County General Management Plan as Rec Ib—near Wilderness as backcountry/roadless/ primitive. Any deviation from the plan, without approval of the County Commission, is inconsistent with the local planning process.</p> <p>Backcountry/roadless/primitive areas shall be designated and managed, to the maximum extent allowed by law, in accordance with county stated desired conditions.</p>	Partial
Special Recreation Management	It is the goal of the county to establish SRMAs only for resources that significantly enhance the socioeconomic vitality, community	No

Resources	Garfield County General Management Plan Resource Management Amendment	Consistent
Areas (SRMA)	<p>viability, custom, and culture while expanding agency financial, infrastructure, and management support to fully develop use and enjoyment of the resource.</p> <p>It is the policy of the county to oppose the designation of SRMAs when management scenarios restrict use and enjoyment of resources or when financial, infrastructure, and management commitments fail to fully develop use and enjoyment of resources.</p> <p>SRMAs are inconsistent with primitive recreation because SRMAs require intense management, increased facilities, and investments that impact the land. These requirements conflict with the concepts of primitive recreation (“untrammeled by man,” “without man’s influence,” and “infrequent contact with man and his influence.”)</p> <p>SRMAs are an appropriate management tool to fulfill agency responsibility to ensure traditional, diverse recreation relating to cross-country travel and open OHV use.</p> <p>Failure to allocate at least 1 percent of agency land in the county as SRMAs (or other appropriate designations) for cross-country travel and/or open OHV use is considered an abrogation of recreation planning responsibility and is inconsistent with the Garfield County General Management Plan.</p> <p>The county will consider and support/oppose SRMA management on a case-by-case basis for lands that contain special features of recreation interest, which do not qualify for ACEC, WSR, or other special designation.</p>	
Non-WSA Lands With Wilderness Character	<p>The county accepts and adopts the BLM determination reached in the original wilderness inventory that these lands clearly and obviously lack wilderness character and incorporates the inventory and determinations by reference.</p> <p>The county adopts the determination identified on page A1, column 3, paragraph 1 of the Utah 1996 Wilderness Re-inventory that these areas do not have wilderness character on every acre.</p> <p>The county adopts the determination identified on A1, column 3, paragraph 1 of the Utah 1996 Wilderness Re-inventory that non-WSA lands with wilderness character located adjacent to WSAs were not evaluated.</p> <p>Where inconsistencies exist between the original wilderness inventory conducted as directed by Congress in response to the Wilderness Act of 1964 and Utah 1996 Wilderness Re-inventory, the county adopts the original inventory and determinations as correct, accurate, and the best/most current data. In addition, the county rejects inconsistent findings of Utah 1996 Wilderness Re-inventory as inaccurate and based on subjective, unauthorized criteria.</p> <p>It is the policy of the county that non-WSA lands with wilderness character be managed for commodity production or multiple use and sustained yield. Management actions must be consistent to the maximum extent allowed by law with the Garfield County</p>	No

Resources	Garfield County General Management Plan Resource Management Amendment	Consistent
	General Management Plan, and failure to comply will be considered arbitrary and capricious.	
Visual Resource / Scenery Management	<p>Visual Resource Management (VRM) is subjective, and discretionary management that is not consistent with the Garfield County General Management Plan fails to meet the standards required by FLPMA 202(c).</p> <p>It is the policy of the county that any specific action to manage or change visual management or scenery classifications comply with the Garfield County General Management Plan or be approved by the Garfield County Commission.</p> <p>The Garfield County General Management Plan will serve as the governing body of local law concerning the management of visual resources. Before any discretionary action can be taken or approved by federal land managers, it must be shown that the action has been subjected to direct, indirect, and total cumulative impact analysis, have the support of the local Board of County Commissioners, and be consistent with the Garfield County Resource Management Plan.</p> <p>Establishment of visual resource/scenery management classifications, which place restrictions on public lands without considering cumulative impacts associated with congressional designations and preservation areas (national parks, national monuments, NRAs, and designated Wilderness), is inconsistent with the Garfield County General Management Plan.</p> <p>The county supports the least restrictive visual resource classification allowed by law unless otherwise approved by the Garfield County General Management Plan or the County Commission.</p> <p>The county deems VRM scenarios that are more restrictive than the least restrictive allowed by law in conflict and inconsistent with the Garfield County General Management Plan unless authorized by the Plan or the County Commission.</p>	No
No Surface Disturbance	<p>The county has developed a component for surface disturbing activities as part of the Garfield County General Management Plan to provide consistency across agency boundaries. Before any action is taken that will place an area into this no surface occupancy, the following criteria shall be followed:</p> <ol style="list-style-type: none"> 1. A demonstrated need; threat to human health, safety, or welfare of the human environment; or a critical environmental issue that can be managed by no other designation must exist. 2. A demonstrated need must be brought before the Garfield County Board of Commissioners for discussion. 3. Prior to a final agency action, the proposal must be brought to the attention of the Public Lands Steering Committee and local community governments, and public hearings must be held so that all aspects, issues, and concerns of local citizenry can be discussed. 4. Best management practices must be developed and an environmental document be completed, which addresses the total cumulative impacts to the biological environment and social 	Partial

Resources	Garfield County General Management Plan Resource Management Amendment	Consistent
	<p>and emotional impacts as well as the economic impacts to the local area.</p> <p>5. When the process is complete, the Board of Commissioners will accept, reject, or suggest modifications to the proposal and make a final decision on which action will be in the best interest of the county.</p> <p>6. That decision will be considered as final local law in Garfield County.</p>	
Special Protective Orders	<p>Special Protective Orders will be considered only as a management tool used as a last resort.</p> <p>It is the policy of the county that Special Protective Orders be used, only in areas in which there are remarkable values; a demonstrated need for the protection, safety, health, or other human needs; emergency conditions; and with the concurrence of the Garfield County Commission.</p>	N/A
Multiagency Concerns	<p>The Garfield County Commission is a duly elected body and represents a legal subdivision of state government. The county must be a full partner in all laws, ordinances, policies, planning, and needful decisions relating to management of public lands in Garfield County.</p> <p>With the increasing influx of visitors to public lands, providing public services has become increasingly burdensome. Federal and state agencies must accept their share of the responsibility for providing critical services. Managers and visitors are jointly responsible for impacts to public services.</p> <p>The county will classify public lands in the county consistent with federal procedures for visual resource/scenery management, recreation opportunity spectrum analysis, wise stewardship, and responsible protection of the health and welfare of the land.</p> <p>The county will support management of public lands in accordance with Garfield County's General Management Plan and Land Use Policy; multiple use lands administered by the Federal Government, unless specifically withdrawn through congressional mandate for specific purposes, must be managed under the principles of "multiple use and sustained yield." Federal land managers are inconsistent with the definition of "multiple use". Multiple use means, but is not necessarily limited to, those items historically and traditionally practiced, both consumptive and non-consumptive, which include grazing, mining, recreation, oil and gas exploration, timber production (including wood products like fence posts and firewood), wildlife, vegetative management, and water use and development. Garfield County asserts these uses are generally compatible and true "multiple use." Management allows the land and its resources to be used for multiples uses simultaneously or in concert with each other. More than one use can occur at the same time, and many activities are mutually beneficial.</p> <p>Wilderness values should not be applied as suitability criteria in determining grazing capacities in designated wilderness or wilderness study areas. Standards for Rangeland Health should</p>	Partial

Resources	Garfield County General Management Plan Resource Management Amendment	Consistent
	<p>be used for grazing allocations.</p> <p>County custom, culture, and economic stability depend on agriculture, livestock production, mining, tourism, recreation, the timber industry, the continued use and availability of public lands, and accompanying resources. Federal and state management plans must identify and address the impacts their proposed management decisions and practices have on traditional resource uses, custom, and culture.</p> <p>Sufficient land within the county has been designated for primitive recreation and preservation purposes (parks, monuments, recreation areas, and Wilderness). The county opposes additional lands administered under single-use management schemes unless specifically approved by the County Commission.</p> <p>The county actively supports public land practices that provide for traditional multiple uses, support the custom and culture of the county, and enhance commodity production consistent with man's role as steward of the land.</p> <p>Garfield County supports motorized and non-motorized access to public lands. Access to public land has a direct impact on the county's economic stability, custom, and culture. Open access maintains stability in the county. Garfield County will participate in all relevant federal and state access decisions, including RS 2477 determinations, Title V issues, closure discussions, and transportation decisions.</p> <p>The county has developed a transportation system that identifies the minimum infrastructure necessary to maintain the custom, culture, and socioeconomic needs of the county. County concurrence must be sought prior to access reduction to prevent negative impacts to the sustainability of local communities.</p> <p>Given the importance of public land access, the county asserts roads, paths, ways, and trails constitute valid existing rights if created before the passage of FLPMA and/or enabling authority.</p> <p>The county declares federal actions regarding RS 2477 are unjust and illegal and have placed an unfair burden on Garfield County to protect its ROWs. Garfield County will aggressively protect its right to public access. Agencies that adopt management alternatives that impact the transportation network prior to final determination of jurisdiction fail to recognize valid existing rights. Restrictions placed on existing roads, paths, ways, and trails prior to final determinations of jurisdiction are speculative, arbitrary, capricious, and is inconsistent with the Garfield County General Management Plan.</p>	
Livestock Grazing	<p>Wilderness values should not be applied as suitability criteria in determining grazing capacities in designated wilderness or WSAs. Standards for Rangeland Health should be used for grazing allocations.</p> <p>County custom, culture, and economic stability depend on agriculture, livestock production, mining, tourism, recreation, the timber industry, the continued use and availability of public lands, and accompanying resources. Federal and state management</p>	Yes

Resources	Garfield County General Management Plan Resource Management Amendment	Consistent
	plans must identify and address the impacts their proposed management decisions and practices have on traditional resource uses, custom, and culture.	
Lands/Realty	<p>Sufficient land within the county has been designated for primitive recreation and preservation purposes (parks, monuments, recreation areas, and Wilderness). The county opposes additional lands administered under single-use management schemes unless specifically approved by the County Commission.</p> <p>The county actively supports public land practices that provide for traditional multiple uses, support the custom and culture of the county, and enhance commodity production consistent with man's role as steward of the land.</p> <p>Private and Public Land Ratios—Public land acreage currently owned and managed by federal and state agencies is more than sufficient for the public interest. Approximately 94 percent of the county is owned or controlled by federal and state entities. Sufficient acreage exists in the national parks system, national monument system, and other areas of special designation. The county has a “no net loss of private land” and “no expansion of national parks/monuments” position relative to federal-state property exchanges and transfers without the approval of the County Commission. The determination of “no net loss” should consider both acreage and values. The county supports a “net gain of private lands” regarding acreage and value.</p> <p>It is therefore the policy of the county to place maintenance and improvement of transportation facilities as a higher priority than protecting visual resources adjacent to the transportation facilities. Where existing transportation facilities are present (roads, paths, ways, trails, airstrips, trailheads, parking areas, airports, etc.), the area is considered to have enhanced visual characteristics, because the public has an opportunity to view it. Best management practices, which support appropriate visual resource objectives, will be applied to transportation maintenance and improvement projects.</p>	Yes
Access	<p>The county supports motorized and non-motorized access to public lands. Access to public lands has a direct impact on the county's economic stability, custom, and culture. Open access maintains stability in the county. Garfield County will participate in all relevant federal and state access decisions, including RS 2477 determinations, Title V issues, closure discussions, and transportation decisions.</p> <p>The county has developed a transportation system that identifies the minimum infrastructure necessary to maintain the custom, culture, and socioeconomic needs of the county. County concurrence must be sought prior to access reduction to prevent negative impacts to the sustainability of local communities.</p> <p>Given the importance of public land access, the county asserts roads, paths, ways, and trails constitute valid existing rights if created prior to the passage of FLPMA and/or enabling authority. The county declares federal actions regarding RS 2477 are</p>	Partial

Resources	Garfield County General Management Plan Resource Management Amendment	Consistent
	unjust, illegal, and have placed an unfair burden on Garfield County to protect its ROWs. The county will aggressively protect its right to public access. Agencies that adopt management alternatives that impact the transportation network prior to final determination of jurisdiction fail to recognize valid existing rights.	
Recreation and Tourism	<p>Visitors to public lands have a direct bearing on the economic well-being of the county and its communities. Visitors also impact county services including search and rescue, emergency medical, solid waste collection and disposal, law enforcement, and fire response. The county supports increased recreational activity on public lands. However, federal and state agencies must acknowledge, and more aggressively address, the impacts associated with their visitors. Federal and state land managers are jointly responsible with their visitors to compensate the county for public services.</p> <p>The county adopts the BLM's Final Wilderness EIS finding that primitive recreationists spend approximately \$4.10 per day.</p>	Yes

Table 5-4. Garfield County Economic Development Plan (2007)

Resources	Garfield County Economic Development Plan	Consistent
Economic Development	The county's economy has expanded from chiefly farm-based and natural resource extraction-based, to one that includes industry, retail and tourism, and other service-oriented businesses. The county must continue to seek innovative ways to diversify its economy, provide job opportunities for all county citizens, safeguard precious and irreplaceable resources, and wisely plan for change.	Yes

Table 5-5. Sevier County General Plan (12/2006)

Resources	Sevier County General Plan	Consistent
Multiple Use	In Sevier County, multiple use activities should continue and include uses such as agricultural grazing, fishing and hunting, mineral exploration and mining, recreation, wildlife habitat, and timber sales.	Yes
Livestock Grazing	Agencies should continue to promote, permit, and regulate grazing on public lands. Removing livestock should not be the only option for managing public lands for utilization. The county should support the current Public Rangelands Improvement Act (PRIA) formula for determining AUM costs for grazing on public lands. Local agricultural boards, councils, and permittees should be consulted by federal land managers to provide local input on grazing issues.	Yes
Roads/RS-2477	The county will continue the road use agreements with the BLM, USFS, and other agencies that own public and private lands so that ROWs and access to public lands are maintained. All present or expanded RS-2477 roads within the county shall be recognized	Yes

Resources	Sevier County General Plan	Consistent
	by applicable federal land management agencies.	
Vegetation and Watersheds	The county supports efforts to improve vegetative management and protect the watershed on public lands. Activities such as chaining, burning, fencing, reseeding, grazing, and others are beneficial to the watershed.	Yes
Wildlife	The county encourages the use of alternate funding sources to improve habitat. It seeks to resolve conflicts between elk habitat and livestock grazing. Managing and enhancing wildlife populations and habitat support economic and recreational opportunities for the county. The county supports reasonable wildlife management as long as it does not create a single-use status adversely impacting or limiting other resources on public lands.	Yes
Mineral Resources	The use, monitoring, permitting, or extracting of resources such as clay, coal, gypsum, salt, sand/gravel, natural stone and petroleum, gas and oil shale continues to be important to the county.	Yes
Water Resources	Management of the Central Sevier Valley and Sevier-Sigurd Basin systems, culinary springs and wells, diversions, canal and irrigation companies, water quality, and water rights continues to be a vital interest of the county.	Yes
	The county recommends that appropriate access and source protection zones continue to be closely monitored to maintain water quality.	Yes
	The county recommends that flood plain detention basins and flash flood channels be protected from development and be well maintained.	Yes
	The county will cooperate with entities to ensure that known and potential inventories of spring and well sources of culinary waters are identified and appropriately protected.	Yes
Easements/ROW	Special purpose or prescriptive easements and established ROWs for irrigation bridges, canals, and waterways will be maintained and recorded. The county recommends that easements be no greater than 30 feet and not encroach on private property. Corridors, easements, or ROWs should be maintained, preserved, protected, and recorded as development is approved in the unincorporated areas of the county.	Yes
Access	Access to natural resources will be preserved and protected. Minerals, mining and mineral-related production, and timbering will be actively extended and promoted.	Yes
Wildfire and Hazards	The county intends to adopt agreements and ordinances consistent with fire, interface, mitigation, and natural hazard codes that assist in protecting private and public property from natural hazards and wildland fires.	Yes
Hazardous Wastes	The county promotes training and strengthening the operations of public health and safety personnel to prevent the unauthorized, negligent disposal of debris, solid wastes, and hazardous or potentially hazardous wastes. The intent of this policy is to protect land resources, the visual environment, and ecology of surface	Yes

Resources	Sevier County General Plan	Consistent
	and groundwaters.	

Table 5-6. General Plan of Wayne County (5/1994)

Resources	General Plan of Wayne County	Consistent
Multiple Use	Wayne County supports preserving traditional multiple use of resources. The county feels that these uses should take precedence when conflicts between competing uses arise, i.e., wildlife vs. livestock, timber harvesting vs. recreation.	Yes
Private Property Rights	The county supports protecting private property rights, as well as county interests and values, through the development of land use regulations.	Yes
Water Rights	The county wishes to preserve and expand existing water rights.	Yes
National Park Boundaries	The county believes that national park boundaries (buffers) should not be expanded solely through national park or congressional decisions. The county desires that the federal land managers improve their coordination for decisions and practices on public lands adjacent to the park boundaries.	Yes
Tourism and Recreation	The county supports exploring tourism and recreational opportunities. The county wishes to create new attractions and recreational facilities within the county.	Yes
Livestock	BLM and USFS rangelands will be managed and improved using accepted traditional range improvement/conservation practices. The county supports maintaining the number of AUMs.	Yes
Economic	The county supports retaining and expanding agricultural businesses, specifically, livestock, dairy/cheese industry, timber-related industries, and commercial fisheries.	Yes
Wildlife	The county supports establishing and maintaining upper limits on big game herd sizes.	Yes
Lands/Realty	No net increase in federal ownership as a result of state school land/federal land exchanges within the county. State school trust sections within parks are exchanges for other federal lands within the county. No involuntary transfer of private lands to public ownership if such transfers result in a tax revenue and value loss. State school trust lands should not be consolidated; checkerboard should be maintained on BLM lands. The county supports privatization of land. Transfers of private lands to federal or state ownership should not result in a net "private land" acreage loss. The county supports pursuing an increase in PILTs by the Federal Government.	Yes
Transportation	All transportation routes on public lands, i.e., primitive ROWs, trails, roads, canals, ditches, pipelines, transmission lines,	Yes

Resources	General Plan of Wayne County	Consistent
	livestock driveways, and any other traditional use should be protected.	
Law Enforcement	The county believes that the Federal Government should cover emergency/law enforcement costs.	N/A
Forestry	<p>The county seeks to maintain the current level of timber harvest of 4 million board feet.</p> <p>The county supports restructuring timber sale contracts to eliminate the discrimination of our local mills caused by the current sale size and administration.</p>	Yes
Parker Mountain Complex	The county supports livestock grazing and the established seasons of use, allotment boundaries, numbers, and dates; controlled livestock numbers; and the protection of all water rights.	Yes
	The county supports a controlled antelope herd of 400 head and enforcing that number with hunts and trapping.	Yes
	The county supports the recognition and protection of water rights and privileges by the BLM.	Yes
	The county feels that all roads and highways, bridges, flumes, and culverts should be recognized and maintained/improved and that 60–100 foot ROWs be allowed. Obstructions or gates should not be put in place unless there is agreement by all concerned.	Yes
	Where possible and necessary, any public land needed by towns or cities for expansion purposes should be provided if it does not infringe on others with established uses.	Yes
Fremont River Complex	The county does not favor any land being designated as wilderness. The lands should be available for multiple use and production as needed.	No
	The county feels that special designations (ACEC) should not be considered and that they are too restrictive for the multiple use concept.	No
	The county feels that it does not have any rivers or streams that qualify for WSR designation and that this designation is too restrictive and interferes with upstream water rights.	No
	The county feels that any land exchange should benefit all parties and that these transactions should be brought to the attention of the Commission.	Yes
	The county believes that all historical and cultural resources should be identified, recognized, and honored.	Yes
	The county believes that salinity problems should be addressed by federal entities that possess the means to solve the problems.	Yes
	The county feels that all roads and highways, bridges, flumes, and culverts should be recognized and maintained/improved and that 60–100 foot ROWs be allowed. Obstructions or gates should not be put in place unless there is agreement by all concerned.	Yes

Resources	General Plan of Wayne County	Consistent
	The county believes all resources should be managed for the multiple use concept, grazing, mining, and timber. It also favors the current formula for establishing grazing fees on BLM and USFS land.	Yes
Henry Mountain Complex	The county feels that all WSA lands should be released immediately and opened as needed for mineral exploration.	No
	The county believes that bison are a part of the region and the herd should not exceed 200 head.	Yes
	The county believes that the BLM should be allowed to manage the NPS lands as though they were regular BLM land, except for the ACEC near the campground/visitor center.	No
	The county believes that the current bighorn sheep management should continue.	Yes
	The county believes that recreation, hunting, hiking, boating, camping, and four wheeling should be managed to protect the environment as other uses are.	Yes
	The county believes that special designations (ACEC) should occur only in the national parks. The county does not feel that the Fremont River meets the WSR criteria. The county also supports the multiple use concept relative to water rights.	No
	The county maintains that water rights and privileges be protected.	Yes
	The county feels that all roads and highways, bridges, flumes, and culverts should be recognized and maintained/improved and that 60–100 foot ROWs be allowed. Obstructions or gates should not be put in place unless there is agreement by all concerned.	Yes

Table 5-7. Sanpete County General Plan (6/1997)

Resources	County Plan Decision	Consistent
Culture, Historic Preservation, Recreation, and Tourism	Sanpete County's mission is to coordinate the efforts needed to preserve and renew the shared culture and economic and natural heritage through business and tourism development. The county supports increased commerce, travel, tourism, and other uses that are compatible with the present multiple uses. The county recognizes the preservation of its historic and cultural resources. The county wishes to preserve, protect, and promote increased use of recreation resources.	Yes
Economic Development and Employment	The county supports efforts to identify and develop resources that will provide growth and promote businesses.	Yes
Orderly Growth and Demographics	The county maintains that open lands, especially public lands, be promoted for summer and winter recreational purposes. The county wants the best utilization of natural resources, maintenance of their quality of life, and the preservation of the	Yes

Resources	County Plan Decision	Consistent
	environment.	
County, Federal, Municipal, and State Lands	The county wishes to reposition public trust lands to facilitate local development through appropriate selections and exchanges. The county maintains that all users of public land should bear a proportionate share of the costs associated with administering through uniformly applied user fees.	Yes
Agriculture, Water, Minerals, and Natural Resources	The county believes that no use, or proposed land use, should materially alter the current land ratio designed or devoted to agricultural production or use. The county requires that water rights be maintained. The county wants monitoring of agricultural or commercial activities to prevent point sources of pollution to streams and drainages.	Yes

Table 5-8. General Plan for Piute County (12/1994)

Resources	General Plan for Piute County	Consistent
Livestock	It is Piute County's desire to preserve and enhance livestock and agricultural industries.	Yes
Tourism/Recreation	It is the county's desire to strengthen its economic base by responsibly developing traditional recreational uses (hunting, fishing, and camping) and popular activities (mountain biking, all-terrain vehicle [ATV] riding, cross-country skiing, and rock hounding).	Yes
Wildlife	It is the county's desire that wildlife resources be comprehensively managed to preserve and enhance economic and recreational opportunities (consumptive and non-consumptive).	Yes
Water	It is the county's interest to protect existing water rights and to pursue the acquisition of additional water rights for culinary, agricultural, and recreational purposes.	Yes
Mineral	It is the county's interest that federal and state management plans continue to provide opportunities for the growth and development of the mining industry.	Yes
Timber	The county supports responsible timber and woodland resource management.	Yes
Multiple Use/Access	It is the county's interest that BLM and USFS lands be managed for multiple use and access be maintained on public lands.	Yes
RS-2477	It is the county's wish to ensure that local input regarding access on existing roads (RS-2477) be maintained.	Yes
Wilderness Characteristic	It is the county's position that the continued expansion of proposed wilderness areas and the continually diminishing standards by which wilderness characteristics are identified will dilute the importance of the wilderness concept and destroy what should be an important and special aspect of our public lands. As indicated, the impacts on Piute County from the heavy	Yes

Resources	General Plan for Piute County	Consistent
	<p>presence of federal lands are substantial, and any increase in the number of restrictions that result from new management protocols would be devastating to the county's economy. The county believes that the lands identified as having wilderness characteristics within the boundaries of Piute County should be managed for multiple use-sustained yield, and we believe that the data we have supplied support this position, indicate that the lands have had long and diverse use, and show that the areas that have not been impacted by use are too small to be practicably managed for their wilderness characteristics.</p>	
<p>A recommended proposal for amending the Piute County General Plan to clarify longstanding policies for the following regions: Kingston Ridge Phonolite Hill Rocky Ford</p>	<p>Achieve and maintain a continuing yield of mineral resources, livestock grazing, water resources, and traditional access to outdoor recreational opportunities, at the highest reasonably sustainable levels.</p> <p>Maintain and keep open all roads in the region that appear on Piute County's most recent transportation map and provide for such additional roads and trails as may be necessary from time to time.</p> <p>Manage the region to not interfere with the fiduciary responsibility of SITLA with respect to trust lands located in that region.</p> <p>Avoid managing part or all of the region for so-called wilderness characteristics because it would violate FLPMA, contradict the state's public land policy, and contradict the foregoing plans of Piute County for managing the region.</p> <p>Avoid imposing any of the ACEC designation alternatives currently under consideration in the Richfield RMP revision process, because it would contradict Piute County's plan for managing the region.</p> <p>Avoid including any river segment in the region in the national WSR system because it would violate the National Wild And Scenic Rivers Act and related regulations, contradict the state's public land policy, and contradict the foregoing plans of Piute County for managing the region.</p> <p>Assigning a VRM Class I or II rating for any part of the region would contradict the state's public land policy and contradict Piute County's plan for managing the region.</p>	<p>No</p>

This PRMP/FEIS is consistent with Wildlife Management Plans, the State Water Plan, State Park Plans (Fremont Indian State Park, Piute State Park, Otter Creek State Park, Palisades State Park, and Goblin Valley State Park). Table 5-9 discusses the consistency between the State of Utah Code 63j-4-401 and the Richfield PRMP/FEIS.

Table 5-9. Consistency with State of Utah Code 63j-4-401

Resource	State of Utah Code 63j-4-401	BLM
<p>ACECs</p>	<p>State of Utah: It is the policy of the State of Utah to withhold support for ACEC designation unless or until relevant and important values or significant natural hazards are clearly identified</p>	<p>BLM: The potential ACECs brought forward for designation into the Proposed RMP have gone through a rigorous and stringent process in accordance with</p>

Resource	State of Utah Code 63j-4-401	BLM
	<p>and the area requires special management protections not afforded by normal multiple-use management. ACECs should be no larger than necessary and management should be no more restrictive than necessary to prevent irreparable damage to relevant and important values or protect human safety. To the extent allowed by federal law, management prescriptions should comport with the plans and policies of the State and of the county where the proposed designation is located. These prescriptions should not result in management equivalent to that afforded congressionally designated wilderness areas.</p>	<p>FLPMA, the planning regulations at 43 CFR 1600, Land Use Planning Handbook (H- 1601-1), and in accordance with BLM Manual 1613 and ACEC Policy and Procedures Guidelines (45 FR 57318). Appendix 1 outlines the process the interdisciplinary team underwent to determine whether a nominated ACEC had relevance and/or importance values. The size of the proposed ACECs is limited only to the area(s) of geography where the relevance and importance values are manageable to protect and prevent irreparable damage. In the Proposed RMP, the potential ACECs generally do not have redundant special designations and/or other existing protections applied.</p> <p>The potential ACECs carried forward into the Proposed RMP necessitate an ACEC designation because special management protection is necessary (outside of normal multiple-use management) to specifically protect the relevance and importance values within the areas identified. The special management prescriptions that have been proposed are narrowly tailored to protect the identified relevant and important values; none of which are recognized as wilderness resources. For these reasons, the potential ACEC decisions carried forward into the Proposed RMP are considered by BLM to be consistent with Utah Code 63j-4-401.</p>
<p>Wild and Scenic Rivers</p>	<p>State of Utah: It is the policy of the State of Utah that federal land managers should refrain from applying a non-impairment management standard to river segments inventoried as “eligible” for inclusions in the national Wild and Scenic Rivers and all eligible segments should promptly be evaluated for suitability. The State of Utah will work with federal land managers to identify suitable segments and work towards a recommendation to congress for designation where careful analysis: (1) identifies and evaluates regionally significant segments, (2) addresses the impact designation will have on physical, biological, and economic resources, (3) demonstrates that suitable segments have water present and flowing at all times, and (4) not interfere with water resources development.</p> <p>Interim management of suitable segments should not interfere with development of valid existing water rights, including development of waters apportioned to the State under all interstate compacts or agreements, including the Bear River Compact and the Upper Colorado River Compact. To the extent allowable by federal law and where not in conflict with state law or policy, interim management of suitable segments and</p>	<p>BLM: The State of Utah has worked as a Cooperating Agency throughout this planning process and has been intimately involved with the BLM’s wild and scenic river planning process. The State has assisted Field Office specialists to help determine eligibility findings for each of the river segments, and has provided social and economic expertise and advice as the BLM determined which eligible segments to carry forward as suitable into the Proposed RMP. BLM has committed to working cooperatively among Federal, State, and local governments and communities during the post-planning wild and scenic river study phase when statewide recommendations for inclusion of river segments into the National Wild and Scenic Rivers System would go forward to Congress. Prior to this post-planning phase, BLM would work with affected partners to help identify in-stream flows necessary to protect the outstandingly remarkable values for which the subject river segments were found suitable via this planning process. Thus, because there are</p>

Resource	State of Utah Code 63j-4-401	BLM
	congressional recommendations for designation should be consistent with plans and policies of the county or counties where the river segment is located.	no effects of this planning decision on valid existing rights, and because suitability findings in this planning process do not create new water rights for the BLM, the land use planning wild and scenic river suitability determinations are found by BLM to be consistent with the Utah Code 63j-4-401.
Grazing	<p>State of Utah: It is the policy of the State of Utah that the citizens of the state are best served by applying multiple-use and sustained-yield principles in public land use planning and management. Public lands should continue to produce food and fiber, and the rural character and landscape should be preserved through a healthy and active agricultural and grazing industry. Land management plans should maximize forage availability for domestic livestock and wildlife use. The State favors active management to restore and maintain rangeland health, increase forage, and improve watershed for the mutual benefit of local communities, domestic livestock, and wildlife.</p> <p>Adjustments in AUM levels may occur as required by range and watershed conditions, based on scientific, on-the-ground analysis. Grazing AUMs should be placed in suspension where range conditions will not sustain the current level of AUMs or where necessary to protect range and watershed health. Any suspended AUMs should be returned to active use when range conditions improve. The State generally opposes forced relinquishment or forced retirement of grazing AUMs but will continue to recognize voluntary relinquishments and retirements agreed to prior to RMP revisions.</p>	<p>BLM: Grazing decisions carried forward into the Proposed RMP are considered by BLM to be consistent with Utah Code 63j-4-401. Proposed RMP decisions on public lands would continue to promote a healthy active grazing industry. Forage allocations for livestock and wildlife are fully allocated on public lands. Numerous RMP decisions under other identified resources allow for the restoration and maintenance of rangeland and watershed health. For example, the Proposed RMP provides the umbrella to allow implementation-level actions for hazardous fuel reductions, fire rehabilitation, vegetation treatments, riparian improvements, range and wildlife habitat improvements, UPCD projects – including Healthy Lands Initiative projects, seed collection, etc. Minor, if any, adjustments to current permitted livestock AUMs are made in the Proposed RMP. Prior voluntary relinquishments and/or retirements have been recognized.</p>
Wilderness Characteristics	<p>State of Utah: It is the policy of the State of Utah to oppose management of public lands as wilderness except where congress designates lands as wilderness. Under State policy and FLPMA's multiple-use mandate, BLM ascribed management prescriptions for non-WSA lands inventoried as possessing wilderness characteristics should take into account the long-term needs of future generations for renewable and non-renewable resources, including, but not limited to, recreation, range, timber, minerals, watershed, wildlife, and fish. Designation as VRM Class I, closure to oil and gas leasing, withdrawal from mineral entry, and closure to motorized and mechanized use affords protections comparable to those associated with formal wilderness designation and should be avoided for non-WSA lands with wilderness characteristics. Non-WSA lands with wilderness characteristics should be managed in a manner consistent with the multiple-use, sustained yield standard that applies to BLM lands other than</p>	<p>BLM: The Proposed RMP identifies certain “non-WSA lands with wilderness characteristics” in order to protect, preserve, and maintain their wilderness characteristics. BLM recognizes that it cannot, through the planning process, designate these lands as WSAs nor is it possible to manage them in accordance with IMP. For example, there is no provision to meet the “non-impairment criteria” mandated in IMP for WSA management. However, in following Section 201 of FLPMA, BLM has maintained its wilderness inventory and has determined that lands previously found not to possess wilderness characteristics during the FLPMA Section 603 inventory process in the late 1970's and early 1980's, now have been determined to possess them. The focus of management in the areas carried forward in the Proposed RMP is to primarily provide for an experience of solitude and primitive recreation. This is</p>

Resource	State of Utah Code 63j-4-401	BLM
	congressionally designated wilderness or WSAs.	<p>enhanced by maintaining the naturalness of the geographic areas. However, management prescriptions do not mirror those for WSAs or designated wilderness since these two management objectives are sufficiently dissimilar that imposing similar prescriptions would not allow BLM to meet the planning objectives outlined in the Draft RMP/Draft EIS. WSAs and designated wilderness are rights-of-way exclusion areas, closed to fluid mineral leasing by law, and do not allow for surface disturbing activities. In comparison, lands with wilderness characteristics have no set management by either law, rule, regulation, or policy. The Proposed RMP would allow for surface disturbing activities where and when they are compatible with enhancing management objectives identified in the Proposed RMP.</p> <p>In order to ensure that BLM's planning decisions regarding the management of wilderness characteristics are consistent with Utah law, potential adjustments may be made in the Record of Decision to nomenclature. This editorial change would not affect management or goals and objectives.</p>
RS-2477 Assertions	<p>State of Utah: The State of Utah will defend its interest, and that of its political subdivisions, in rights-of-way accepted under the self-effectuating grant process set forth in Revised Statute 2477 (repealed by the Federal Land Policy and Management Act of 1976) and <u>SUWA v. BLM</u>, 425 F.3d 735 (10th Cir. 2005). The State of Utah expects and requests the BLM to fully consider all information concerning individual rights-of-way submitted to BLM. Further, the State of Utah expects and requests BLM's consideration of this information as part of the preparation and implementation of Resource Management or Management Framework Plans, and preparation or implementation of Transportation Plans as part of the ongoing inventory of resources on the public lands.</p>	<p>BLM: The Proposed RMP makes no commitments with respect to any valid existing rights, particularly those concerning RS-2477. Chapter 1 of this land use plan states that resolution of this issue is outside the purview and scope of public lands planning efforts and must be adjudicated by a court of law or other legal means. Therefore, nothing in this plan extinguishes any valid rights-of-way or alters, in any way, the legal rights of the State of Utah to assert RS-2477 rights or to challenge any use restrictions imposed by the RMP that they believe are inconsistent with their rights.</p>

The RFO RMP is consistent with the following agency plans: Dixie National Forest Plan 1997, Fishlake National Forest Plan 1996, Canyonlands National Park Plan 1994, Capitol Reef National Park Plan 1995, and Glen Canyon National Recreation Area 1999. **Comments were not received to indicate inconsistency of these plans with the draft RMP.**

5.5 PUBLIC INVOLVEMENT

The public participation process for the RMP/EIS has been ongoing throughout the development of the RMP/EIS and will continue to the ROD. It includes a variety of efforts to identify and address public

concerns and needs. In addition to formal public participation activities, informal contacts occur frequently with public land users, industry, and interested persons through meetings, field trips, telephone calls, or letters. All public participation applicable to the RMP/EIS has been documented and analyzed as part of the planning process and kept on file in the RFO.

5.5.1 Scoping

The land use planning process for the RFO formally began on November 1, 2001, when a notice announcing the “Intent to Prepare a Resource Management Plan for Public Lands and Resources in Garfield, Piute, Sanpete, Sevier, and Wayne Counties, UT” was published in the *Federal Register*. Key points regarding public involvement stated in the Notice of Intent (NOI) were as follows:

- The BLM will work closely with interested parties to identify potential management decisions that are best suited to the public’s needs.
- This collaborative process will take into account local, regional, and national needs and concerns....
- This notice initiates the public scoping process to identify planning issues....
- To ensure local community participation and input, public meetings will be held....
- Early participation by all interested parties is encouraged and will help determine the future management of the RFO public lands....
- Written comments will be accepted throughout the planning process....

The NOI invited the public to nominate ACECs and WSRs, and also to comment on the “Preliminary Planning Criteria” (criteria are included in Chapter 1 of this document).

The BLM conducted a formal scoping period, which ran for 151 days, from November 1, 2001, to April 1, 2002. (The minimum requirement is for a 60-day scoping period.) Comments received during that time were summarized in the *Richfield RMP Scoping Report, July 2002* (available for review on the RMP planning web page at www.blm.gov/ut/st/en/fo/richfield/planning.html). Comments received since the scoping period closed were not summarized in the scoping report; nonetheless, they were considered in developing the Draft RMP/EIS and are included in the administrative record. Comments submitted during scoping for the Henry Mountain RMP in the early 1990s (which was never completed) were also referenced and considered in this planning process.

Scoping Public Meetings

The BLM held public scoping meetings in five Utah communities in March 2002 (Table 5-10). Registered attendance at the meetings totaled 182. The meetings were structured so that all attendees were given an opportunity to comment if they chose to do so. Five-hundred and sixty individual comments were recorded.

Table 5-10. Public Scoping Meetings

Date	Location	Attendance	Main Issues
March 12, 2002	Richfield, Utah	48	Access, recreation, OHV
March 13, 2002	Junction, Utah	28	Access, transportation, special designations

Date	Location	Attendance	Main Issues
March 14, 2002	Manti, Utah	24	Range, access, special designations
March 19, 2002	Loa, Utah	52	Special designations, recreation, OHV
March 21, 2002	Salt Lake City, Utah	30	Recreation, OHV, special designations

Written Comments

Written comments submitted during scoping totaled 1,061, including letters and cards, e-mails, faxes, and two petitions with 619 signatures. Comments were submitted from across the nation, but almost half came from Utah. Among the written comments—excluding the petitions—the top issues were wilderness and special designations. These issues were followed closely by recreation and OHV use, then range management and livestock grazing, oil and gas leasing and development and mining, and access/transportation. Access/transportation and recreation/OHVs were the big issues identified in the petitions.

Written and oral comments were compiled and analyzed in the *Richfield RMP Scoping Report, July 2002*, available online at <http://www.blm.gov/ut/st/en/fo/richfield/planning.html>. Selected scoping comments are included in *What You Said: Selected Comments From the Richfield RMP Scoping, August 2002*, also available online at the URL above.

5.5.2 Mailing List

An initial mailing list for land use planning was developed from existing RFO mailing lists. This mailing list has been revised and updated regularly throughout the planning process. Those on the mailing list received *Planning Posts* and other notices reporting on the progress of the Richfield RMP.

5.5.3 Planning Posts

At key points in the planning process, *Planning Posts* were issued.

- **Planning Post 1, February 2002:** Described the Richfield Draft RMP/EIS process and the reason it was needed, listed preliminary planning issues, and provided a notice of public meetings, preliminary schedule, and comment form.
- **Planning Post 2, August 2002:** Summarized the results of scoping.
- **Planning Post 3, March 2004:** Announced the extended schedule for completing the RMP, summarized the draft alternatives, described the WSR evaluation process, listed river segments found eligible in the preliminary evaluation, and invited comments on the evaluation.

5.5.4 Website

A website to provide Internet access to planning information was established early in the process at <http://www.blm.gov/ut/st/en/fo/richfield/planning.html>. The site serves as a repository for documents related to the RMP development that are maintained in portable document format (PDF) to ensure that

they are available to the widest range of users. The website also provides the public with the means to submit comments or add their names to the mailing list.

5.5.5 Informal Communication

In the spirit of the Secretary of Interior’s “4 Cs”—communication, consultation, cooperation, all in the service of conservation—the field manager, land use planner, and other staff communicated with various individuals and groups interested in the RMP, including the following:

- Blue Ribbon Coalition
- Friends of Grover
- Southern Utah Wilderness Alliance (SUWA)
- Sportsmen for Fish and Wildlife
- The Nature Conservancy
- Utah Farm Bureau
- Utah Rivers Council
- Utah Shared Access Alliance (USA-ALL)

5.5.6 Notice of Availability of Draft RMP/EIS

On October 3, the BLM filed with the EPA its Draft RMP/EIS for the RFO. On October 26, 2007, the BLM and EPA published a Notice of Availability in the *Federal Register*, which marked the beginning of the formal 90-day public review comment period. The Draft RMP/EIS states that BLM is revising its current land use plan and proposes several alternative ways of managing public lands within the Richfield Planning Area. The Draft RMP/EIS was designed to provide a comprehensive look at the impacts to natural and cultural resources from various planning alternatives. The formal 90-day public comment period ended on January 23, 2008. The BLM provided hard copies and CDs of the Draft RMP/EIS directly to cooperating agencies; other federal, state, and local agencies; and tribal representatives. Hard copies and CDs also were made available to the public at the Richfield Field Office, the Utah State Office, and during public meetings. The Draft RMP/EIS was also available electronically on the BLM’s website. In addition, the BLM widely distributed notices regarding the availability of the Draft RMP/EIS.

5.5.7 Draft RMP/EIS Public Comment Meetings

During the 90-day public comment period, the BLM held public meetings in six locations (Table 5-11) in an effort to inform the interested and affected public about the Draft RMP/EIS. These meetings were attended by 102 people and were structured in an open house format with BLM specialists available to provide information and answer questions. The public was also able to submit written comments at the meetings. The public meetings were announced in local newspapers, on the project website, and through postcards mailed to individuals on the Richfield RMP mailing list.

Table 5-11. Draft RMP/EIS Public Comment Meetings

Date	Location	Attendance
December 3, 2007	Richfield, UT	19
December 6, 2007	Panguitch, UT	5
December 10, 2007	Bicknell, UT	37

Date	Location	Attendance
December 11, 2007	Manti, UT	5
December 12, 2007	Salt Lake City, UT	26
December 13, 2007	Junction, UT	10
Total		102

5.5.8 Draft RMP/EIS Public Comment Response Process

During the 90-day formal DRMP/EIS public comment period, the RFO received 15,367 comments. Of these, the BLM identified 14,706 to be form letters and 661 to be unique submissions. The BLM carefully compiled, reviewed and analyzed, and addressed all of these submissions, where substantive. Comments from cooperating agencies and responses to those comments are addressed in Section 5.5.10 below. Comments and responses to other substantive comments are provided on a CD attached to this document. In addition to comments received during the formal public comment period, the RFO received additional submissions after the close of the comment period which the BLM maintains in its files.

According to NEPA, the BLM is required to identify and formally respond to all substantive public comments. The BLM developed a systematic process for responding to comments to ensure all substantive comments were tracked and the content seriously considered. A description of this system follows.

First, BLM developed a **coding structure** to help sort comments into logical groups by topics and issues. Codes were derived from resources covered in the Draft EIS or by common issues. Submissions (letters, e-mails, faxes, etc.) were given a unique identifier for tracking purposes and then each submission was carefully reviewed to capture all comments, if substantive (additional description of this process can be found below). All comments received can be tracked to the original submission.

Second, BLM created a **Comment Database**. For each comment in a unique submission, BLM captured the name and address of the commenter, assigned a code to the comment, and captured the text of all substantive comments.

The coding and comment database processes aimed at assisting the ID Team in determining whether the substantive issues raised by the public warranted modification of one or more of the alternatives or further analysis of issues and impacts. With the information provided through the public review process, the BLM reconsidered the draft alternatives, made changes as appropriate, and developed the Proposed RMP and Final EIS. Factual or grammatical errors, which led to a change in text, are not summarized but were incorporated into the Proposed RMP/Final EIS.

Finally, BLM used the comment database to prepare a narrative summary of the substantive comments. Opinions, feelings, and preferences for one element or one alternative over another, and comments of a personal and/or philosophical nature were all read, analyzed, and considered, but because such comments are not substantive in nature, BLM did not respond to them.

5.5.9 Public Comments

During the public comment period, the BLM received 15,367 comments at public meetings, by fax, by e-mail, and by regular mail from the public, cooperating agencies, other federal agencies, Native American tribes, organizations, and businesses. Where warranted, the BLM responded to substantive comments by

making revisions to the Proposed RMP/Final EIS (text changes). If no change was warranted, the BLM responded to the substantive comment in writing. The BLM considered every comment in the content analysis process, whether it came repeatedly from many people with the same message(s) or from a single person raising a technical or personal point. In analyzing comments, the BLM emphasized the content of the comment rather than the number of times a comment was received. The BLM responded to all substantive comments.

Respondents invested considerable time and effort to submit comments on the Draft RMP/EIS. Comments covered a wide spectrum of thoughts, opinions, ideas, and concerns. The most commonly addressed themes included travel, special designations (ACECs, WSRs) and wilderness values, recreation, and minerals/energy development. While each person's viewpoint was diligently considered, the threshold analysis involved determining whether a comment was substantive or non-substantive; because NEPA requires that BLM respond only to substantive comments, BLM relied on the CEQ's regulations, to determine what constituted a substantive comment.

A **substantive comment** does one or more of the following:

- Questions, with a reasonable basis, the accuracy of the information and/or analysis in the EIS
- Questions, with a reasonable basis, the adequacy of the information and/or analysis in the EIS
- Presents reasonable alternatives other than those presented in the Draft EIS that meet the purpose and need of the proposed action and addresses significant issues
- Questions, with a reasonable basis, the merits of an alternative or alternatives
- Causes changes in or revisions to the proposed action
- Questions, with a reasonable basis, the adequacy of the planning process itself.

The NEPA handbook identifies the following types of substantive comments:

- **Comments on the Adequacy of the Analysis:** Comments that express a professional disagreement with the conclusions of the analysis or assert that the analysis is inadequate are substantive in nature but may not lead to changes in the Proposed RMP/Final EIS. Interpretations of analyses should be based on professional expertise. When there is disagreement within a professional discipline, a careful review of the various interpretations is warranted. In some cases, public comments may necessitate a reevaluation of analytical conclusions. If, after reevaluation, the manager responsible for preparing the EIS (authorized officer or AO) does not think that a change is warranted, the response should provide the rationale for that conclusion.
- **Comments That Identify New Impacts, Alternatives, or Mitigation Measures:** Public comments on a draft EIS that identify impacts, alternatives, or mitigation measures that were not addressed in the draft are substantive. This type of comment requires the AO to determine whether it warrants further consideration. If it does, the AO must determine whether the new impacts, new alternatives, or new mitigation measures should be analyzed in either the Final EIS; a supplement to the Draft EIS; or a completely revised and recirculated Draft EIS.
- **Disagreements With Significance Determinations:** Comments that directly or indirectly question, with a reasonable basis, determinations regarding the significance or severity of impacts are substantive. A reevaluation of these determinations may be warranted and may lead to changes in the Final EIS. If, after reevaluation, the AO does not think that a change is warranted, the response should provide the rationale for that conclusion.

Non-substantive comments simply state a position in favor of, or against, an alternative or a management action proposed in an alternative, merely agree or disagree with BLM policy, provide information not directly related to issues or impact analyses, or otherwise express an unsupported

personal preference or opinion. For additional clarification, types of non-substantive comments are as follows:

- **Expressions of Personal Preferences or Opinion:** Comments that express personal preferences or opinions on the proposals are non-substantive and thus do not require further agency action. This includes comments in favor of or against the proposed action or alternatives, comments that only agree or disagree with BLM policy, or comments that raise, debate, or question a point of fact or policy. However, such comments are summarized whenever possible and brought to the attention of the AO.

The BLM has reviewed and considered all non-substantive comments but has not provided formal responses to such comments. Although personal preferences and opinions may be considered by the decision-maker as it chooses the final agency's preferred action, they generally will not affect the analysis. Table 5-12 and Table 5-13 include a list of the organizations and individuals that submitted substantive comments.

Table 5-12. Organizations That Submitted Substantive Comments

Blue Ribbon Coalition	Brendell Manufacturing Inc.	Bullhead 4 Wheelers
Capital Trail Vehicle Association	Coalition to Preserve Rock Art	Colorado 500
Colorado Plateau Archaeological Alliance	Congress of the United States	Dorsey and Whitney LLP
Emery County Public Lands	Garfield County	Garkane Energy Cooperative
Georgia Pacific Gypsum LLC	Glen Canyon Institute	Grand Canyon Trust
Grover Landowners	Hanks and Mortensen P.C.	Historic Restoration Blue Valley and Old Giles Town
Hoovers Cafe/Winkelman Cabins	IPAMS	Kaibab Band of Paiute Indians
Mesa Farm	Moab Friends-For-Wheelin'	MY4x4
National Outdoor Leadership School	National Parks Conservation Association	Office of the Governor
Outward Bound	PacifiCorp	Paiute ATV Trail Committee
Piute County	Public Lands Access Alliance	Public Lands Advocacy
Sanpete County/Sanpete County Courthouse	Sevier County	Sierra Club, Pennsylvania Federal Public Lands Chairman
Six-County Association of Governments (AOG)	Southern Utah OHV Club	Southern Utah Wilderness Alliance (SUWA)
Sportsmen for Fish and Wildlife (SFW)	The Nature Conservancy	Theodore Roosevelt Conservation Partnership
U.S. Environmental Protection Agency	U.S. Fish and Wildlife Service	Union Telephone Company
USDI National Park Service	USFS-Fishlake National Forest	Utah Archaeological Research Institute
Utah Back Country Pilots	Utah Cattlemen's Association	Utah Farm Bureau Federation

Utah Four Wheel Drive Association (U4WDA)	Utah Native Plant Society	Utah Professional Archaeological Council
Utah Rivers Council	Utah Rock Art Research Association	Utah State Office of Education
Utah State OHV Advisory	Walapai 4 Wheelers	Wasatch Cruisers
Wayne County	Western Land Services	Words and Photographs

Table 5-13. Individuals That Submitted Substantive Comments

George and Frances Alderson	Steve Allen	Virgil Ash
Charles Bagley	Alan Bailey	Robert Barclay
Wayne Barnes	Clotilde Barrett	Kurt Becker
David Bell	Raymond Berry	Doug Bjerregaard
Don Black	Jesse Black	Andrew Blair
Bob Brister	George and Joni Britton	Jan Burton
Robert Burwell	Chris Castilian	Charles Chappell
Kevin Croteau	Bruce Davidson	William Davis
Evan Day	Milton Derrick	Mari Dickson
Rose Difley	Craig C. Downer	Liz Dyer
Steven Edmunds	Robert Emrich	Karen Eng-Toda
Eddie Evel	Jeffrey S. Floor	Delaina Foster
Gail Fox	Julianne French	Kent Gilbert
Robert and Arlene Glover	Tom Greene	Kent Grover
John Hall	Charles Hawley	Alex Himes
Wendy Hoff	Kevin Holdsworth	Judy Hopkins
Brian Hoth	Blair Howze	David Hubbard
Douglas Hunter	Val Hutchinson	Andrew Johnson
Blaine Johnson	Denise Johnson	Ernest Johnson
Tyler Kokjohn	Erik Larsen	Keith Larsen
Leo Leckie	Mark Luttrell	Ann MacAdam
Cindy MacDonald	Gerald MacDonald	William Mahoney
Bonnie Mangold	John Mason	Darrell McClanahan
Jean McIntyre	Norman McKee	C. Robert Mulford
Bonnie Nelson	Tracy Nielson	Todd Ockert
Jason Ogden	Glenn Olsen	Markus Opel
Paul Pace	Phillip Pace	Brian Passey
Tod Petersen	Alan Peterson	Nano and Gil Podolsky

David Potter	Phil Raider	Randy Ramsley
Max Reid	Paul Roales	Ralph Roberts
Dwayne Rowland	Charles Schelz	Cynthia Pederson and Kin Shumway
Cynthia Smalley	Allan and Thalia Smart	Charles Smith
Judy Smith	Lonney Steinhoff	Brian Swanson
Fred and Bessann Swanson	Travis M. Tams	Toni Thiriot
James Thompson	Jonathan Wallace	Lloyd V. Warner
J.B. Washburn	Mark R. Werkmeister	Jackie West
Scott Wheeler	Bruce Willock	Dorde Woodruff
Glen Zumwalt	Judy Zumwalt	

5.5.10 Summary of Public Comments

The results of the content analysis were important to the development of the Proposed RMP/Final EIS. From the nearly 15,367 total submissions that BLM received on the Draft RMP/EIS, it extracted 1,338 individual substantive comments. As required by law, BLM has summarized these comments in this Proposed RMP/Final EIS and has presented them, along with a response. The response to substantive comments is included as a CD attached to this document. Comments from cooperating agencies and responses to those comments are presented below.

Sanpete County

Comment: *Sanpete County would also encourage the development of Reasonably Foreseeable Development (RFD) Scenarios to include post-exploration development in Sanpete County that could occur over the lifetime of the plan.*

Response: The RFD considers exploration and development and the Draft RMP/EIS analyzes impacts from exploration and development.

Comment: *3. Where it makes sense and is feasible for the best use of isolated/landlocked BLM parcels, Sanpete County would support the trading/purchase/consolidation of those parcels with public stakeholders (DWR, SITLA, County, etc) in the County to protect and preserve public access to and for the best use of the resources.*

Response: The local governments were given the opportunity to identify isolated and/or uneconomical parcels that they may have interest in as part of the RMP process. The tables in Appendix 5 identify parcels that local governments desire for potential future community expansion. However, local, county, or state governments may apply for any of the parcels identified in the tables for FLPMA Section 203 sale or other public land under other current authorities for public purposes. Preference is generally given to applicants that would provide a public benefit.

Comment: *4. Sanpete County also shares the concern of the State Engineer if any valid, existing water right would be affected by BLM actions, mitigation and/or compensation actions should be negotiated with the affected parties.*

Response: BLM is obligated by law to honor valid, existing rights. Similarly, holders of valid, existing rights are obligated to honor federal laws regarding the use of federal lands for the exercise of those rights. BLM does not foresee frequent situations in which BLM's obligations under federal law would cause the agency to take actions that would prevent the holders from fully exercising their valid existing rights. BLM works diligently with the owners of valid, existing rights to prevent such situations from occurring. If the holder of a valid, existing right believes the BLM has taken an action that prevents the exercise of that right, the proper venue for determining equitable compensation or mitigation is in a court of valid jurisdiction, not within the context of a land use plan.

Comment: 5. Sanpete County is categorically opposed to any VRM I or II designations. No BLM lands in Sanpete County-or anywhere in the Richfield Field Office planning area for that matter-meet the criteria for Class I or II designations. Even with respect to the Class III designations in Sanpete County, the County is concerned in that the DRMPIEIS sets forth no criteria to support even that designation. The Class III/Class IV dichotomy for Sanpete County BLM lands appears to be subjective and lacking a basis or any criteria or application of criteria. Sanpete County is concerned that such a VRM distinction may be used as a basis for constraining or limiting surface disturbing activities which is inconsistent with the purpose of the inventory system.

Response: The Draft RMP/EIS does not propose any VRM Class I lands for Sanpete County. The Visual Resource Inventory (VRI) was used to develop the VRM classes, with consideration from other resources and resource uses.

Comment: 6. Sanpete County also strongly recommends that the BLM seriously review the socioeconomic study currently being completed through the 6-county AOG. The current RMP undervalues the socio-economic and grazing impacts to our counties.

Response: BLM has reviewed the Utah State University (USU), October 2006, Review of the Socioeconomic Analysis in the Draft EIS prepared by the BLM RFO, which was funded by the six-county AOG. The study expressed concerns with the socioeconomic analysis of livestock grazing, oil and gas production, socioeconomic groups (or “neighborhoods”), and OHV use for the counties. The AOG study was a critique of the original Draft EIS; the current, public Draft EIS has been modified considerably and has taken into account, directly or indirectly, many of the concerns expressed in the original AOG critique.

Sec. 1502.2, Implementation of the CEQ Regulations, sets forth how the BLM is to prepare EISs following:

“(a) Environmental impact statements shall be analytic rather than encyclopedic.

(b) Impacts shall be discussed in proportion to their significance. There shall be only brief discussion of other than significant issues. As in a finding of no significant impact, there should be only enough discussion to show why more study is not warranted.

(c) Environmental impact statements shall be kept concise and shall be no longer than absolutely necessary to comply with NEPA and with these regulations. Length should vary first with potential environmental problems and then with project size.

(d) Environmental impact statements shall state how alternatives considered in it and decisions based on it will or will not achieve the requirements of Sections 101 and 102(1) of the Act and other environmental laws and policies.

(e) The range of alternatives discussed in environmental impact statements shall encompass those to be considered by the ultimate agency decision-maker.

(f) Agencies shall not commit resources prejudicing selection of alternatives before making a final decision (Sec. 1506.1).

(g) Environmental impact statements shall serve as the means of assessing the environmental impact of proposed agency actions, rather than justifying decisions already made.”

Based on CEQ Sec. 1502.2 BLM’s policies and guidelines require BLM to analyze the impacts of significant differences from the current situation (i.e., the Alternative N: No Action). Given that the percent change in AUMs across alternatives is only 0.7 percent, there is no need to do the depth of livestock grazing analysis suggested by the AOG. Furthermore, the Proposed RMP shows no significant difference from the current situation, and therefore no impact from BLM decisions reached in the plan.

The BLM acknowledges the planning area contains distinct socioeconomic “neighborhoods” that likely have differential ties to the BLM lands and would likely experience differential impacts from BLM management changes. A land use plan is a landscape-level plan addressing BLM actions on the entire planning area. This focus is not intended to deny that real differences exist among the various communities and groups within the planning area. The plan takes a broader view. The BLM is unaware of any data suggesting that a “neighborhood”-level analysis would have affected the decisions reached in the plan.

Comment: 7. Sanpete County has concerns relative to cultural resources and their designation or study for designation. Some cultural resource designations may be too easily implemented with little input or coordination with the counties.

Response: The BLM is aware that there are specific county and state plan decisions relevant to aspects of public land management that are discrete from, and independent of, federal law. However, the BLM is bound by federal law. The FLPMA requires that the development of an RMP for public lands must be coordinated and consistent with county plans, to the maximum extent possible by law, and inconsistencies between federal and non-Federal Government plans be resolved to the extent practical (FLPMA, Title II Sec. 202 (c)(9)). As a consequence, where state and local plans conflict with federal law, there will be an inconsistency that cannot be resolved or reconciled. Under 36 CFR 800.2(4)c(3) the county can request to be a consulting party during the Section 106 process and help determine site eligibility, effects and mitigation.

Thus, while county and federal planning processes, under FLPMA, are required to be as integrated and consistent as practical, the federal agency planning process is not bound by or subject to county plans, planning processes, or planning stipulations. The BLM has identified these conflicts in the Proposed RMP/Final EIS, so that the local governments have a complete understanding of the impacts of the Proposed RMP on state and local management options. A consistency review of the Proposed RMP with county master plans is included in Chapter 5. In addition, the BLM has worked closely with the counties as a cooperating agency on the current planning effort, including attending alternative development meetings and reviews of various drafts. The BLM will maintain close coordination with the counties so management of cultural resources on public lands is as consistent as practical, while complying with all federal laws and regulations regarding protection of cultural resources.

Comment: The DRMP/EIS should be modified to expressly provide for seismic and other exploratory activities to occur on Sanpete County BLM lands.

Response: The Draft RMP/EIS allows for seismic and other exploratory activities.

Comment: *The County requests that the BLM recognize the routes already submitted by the County and also those established in the County transportation plan to be completed and amended to the County general plan.*

Response: The County routes provided in GIS were used to augment BLM's route inventory. This information was used in making route designations, using the process described in Appendix 9.

Comment: *11. The transportation plan that is included in the RMP should require the Richfield Field Office to do on-the-ground truthing of routes. The inventory of routes in Sanpete County is incomplete. the inventory process should be ongoing both for adding routes to and subtracting routes from the inventory in cooperation with Sanpete County.*

Response: The BLM has crafted language for this and has been added to the Proposed RMP/Final EIS. Under Management Actions Common to All Alternatives, travel routes can be added or deleted from the Travel Plan based on public demand or unacceptable impacts to resources. This action would be based on monitoring and site specific NEPA analysis.

Comment: *The County requests that the Richfield Field Office use flexibility in identifying seasonal closures of routes again in cooperation with the County as need and reasons change over time.*

Response: The BLM has crafted language for this and has been added to the Proposed RMP/Final EIS. Under Management Actions Common to All Alternatives, travel routes can be added or deleted from the Travel Plan based on public demand or unacceptable impacts to resources. This action would be based on monitoring and site specific NEPA analysis.

Comment: *13. Sanpete County has serious concerns regarding the designation of the limited number of acres as open under Alternative B. Currently 78% of the RFO lands are open for public travel. It is obvious additional restriction of travel from open (cross country) to designated roads and trails is needed. However, Alternative B recommends only 8,400 acres of open lands, or 0.4%, a decrease of 192 times. Some 1,900 acres are in Sanpete near Mayfield. Such a reduction will concentrate open riders in a few isolated areas, creating additional management problems and over utilizing the ground. It is important to provide recreational opportunities for one of the fastest growing and largest recreational use by the public. Many of the open areas included in Alternative A should be considered with Alternative B, especially Factory Butte, Big Rocks, Sahara Sands, Gunnison Reservoir, Fayette Play Area, and Salina to Mayfield as appropriate.*

Response: The Draft RMP/EIS considered a range of alternatives that included open OHV use in 1,636,400 acres to no cross-country OHV use. This range of alternatives included Factory Butte, Big Rocks, Sahara Sands, Gunnison Reservoir, Fayette Play Area, and Salina to Mayfield as open OHV areas. The Proposed RMP would designate the following areas as OHV open areas: Factory Butte (8,000 acres), Big Rocks (90 acres), Glenwood Play Area (1,000 acres), and Aurora Play Area (300 acres). BLM would close the Mayfield OHV open area in the Proposed RMP to protect rare plants.

Comment: *15. Sanpete County recommends that Alternative A (300 feet of centerline) for vehicle access to campsites in OHV limited areas be used; additionally, access to current established campsites that go beyond the 300 foot limit should be included on the travel map for ingress and egress access to these dispersed campsites as identified through on-the-ground inventory and truthing.*

Response: The management suggested within the comment was included within the range of alternatives. Many routes which provide access to campsites have been identified and would be designated routes. Appendix 9 provides criteria to consider the addition of designated routes in future if necessary to better address resources and resource use conflicts.

Comment: 18. *Desired outcomes do not list land management strategies that will increase water retention and production. Sanpete County believes such direction should be provided in the RMP and Management Action listed that will increase beneficial water production.*

Response: The Federal Government has delegated the authority to allocate water within state boundaries to state governments. This means that even though BLM is a federal agency, it must seek water rights from state governments to obtain and provide water for BLM uses. Increases in water production need to be addressed by the State Engineer and/or the Utah Division of Water Resources.

Comment: 22. *The County would also be opposed to the trading/redesignation of AUMs for the introduction of Big-Horn Sheep. Similarly, in a revisit of the grazing alternatives summary chart, it appears there is a direct conflict in the goals for wildlife and Big Horn Sheep compared to no changes in the AUMs. Additionally, it is not clear whether alternatives B, C, and D hold permitted use constant for each allotment or whether reallocation of AUMs between allotments would occur without changing the overall number of AUMs.*

Response: Bighorn sheep were addressed in the multiagency Big Horn Sheep Habitat Management Plan. This plan addresses the area east of Capitol Reef National Park. Bighorn sheep have not been identified for introduction in Sanpete County because of lack of appropriate habitat and the financial impact it would make to the large domesticated sheep industry in the county. Concerning the level of permitted use in Alternatives B, C and D, there is no reallocation of AUMs, except for the Robbers Roost Allotment, as described in Appendix 7 of the Draft RMP/EIS.

Comment: *Dictating changes in the seasons of use from the RMP also violates the requirement that BLM coordinate, consult, and cooperate with individual permittees before amending an allotment management plan—See 43 U.S.C. §1752(d); 43 C.F.R. §4110.3-2.*

Response: The Draft RMP/EIS does not change any seasons of use. It does present criteria by which changes to seasons of use would be considered. Changes in seasons of use are implementation actions. It is mandatory that the BLM involve the permittee in any changes that are made to the season of use. These changes are made only after proper NEPA has been completed. The intent of the change and NEPA documentation is also listed on the BLM's NEPA Electronic Bulletin Board, which the public has access to.

Comment: 25. *Sanpete County would also support the use of flexibility for livestock grazing time and timing. The DRMP/EIS should make express provision for relaxing and modifying on and off dates and season of use parameters in certain grazing allotments as needed on a year-to-year basis, as a prescriptive fire control measure to control cheat grass and other invasive plants. Expressly prescribing such flexibility will aid in the control of noxious weeds or other undesirable plant species and in the control of fuels that were responsible for the Salt Creek fire in Sanpete County and other fires throughout the state. Sanpete County would support early grazing of cheat grass and the re-establishment of natural and/or non natives foliage/vegetation that is better for the land and for grazing (which ultimately returns suspended allotments to active allotments, protects the watershed, and provides for fire suppression). Simply stated, grazing should be a tool for fuels management outside of the permitted season of use.*

Response: The BLM's grazing regulations (43 CFR 4100) require each grazing permit to have mandatory terms and conditions, including a specified season of use, kind of livestock, and other terms and conditions as necessary. The Draft RMP/EIS has been modified to include an alternative that provides for using livestock grazing for site-specific fuels management outside the season of use.

Comment: 26. *Sanpete County also notes that Alternatives C & D for Transportation would significantly limit access for grazers to take care of their cattle or sheep within their allotments and would oppose the RMP adopting these alternatives for implementation.*

Response: Access to administer BLM-permitted actions could be allowed on a case-by-case basis.

Comment: Sanpete County recommends the BLM establish the first priority to sell, trade, or exchange identified lands to enhance public resource uses (i.e., consolidation of wildlife habitat, providing needed or improved public access, providing local public managed recreation areas and other such public benefits).

Response: The Draft RMP-EIS Appendix 5, land tenure adjustment criteria 2, and Table 2-18 lands and realty desired outcomes address this concern.

Comment: Sanpete County believes direction should be given in the RMP that protects the rights of the surface land owner if and when the mineral rights are leased or claimed.

Response: As stated in Table 2-19 of the Draft RMP/EIS: BLM would lease split-estate lands according to BLM RMP stipulations for adjacent or nearby public lands or plans of other surface management agencies as consistent with federal laws, 43 CFR 3101, and the surface owner's rights.

Comment: Vegetation treatments Management Actions should also state actions to control and reduce prevalence of noxious and invasive weeds including those listed by the County.

Response: The BLM is committed to controlling invasive weeds, which is important in maintaining or improving rangeland health. The presence of invasive weeds is an important indicator of rangeland health problems. BLM cooperates with local Cooperative Weed Management Areas (CWMA) to control weeds. The BLM has a Presidential directive, EO 13112, (February 3, 1999) that provides direction that the Federal Government will actively pursue weed control. The BLM also has a national weed management plan, "Meeting the Invasive Species Challenge," and an action plan for the BLM, "Partners Against Weeds," which helps direct weed control efforts. The Draft RMP/EIS Chapter 2 includes language for management of noxious weeds and invasive species (page 2-16).

Comment: A proper baseline should be established that is based on average case scenarios as opposed to worse case scenarios. It is also important to install air quality monitoring stations that apply the best available control technology in order to accurately reflect the true air quality conditions in Sanpete County. Absence of such a baseline and technology undermines the quality of any baseline scenarios. According to air quality expert Howard Vickers, "a slight variation in how data is presented can alter greatly and sometimes unfairly, the analysis of air quality," He states, "Small differences in data or modeling technique can produce substantial problems with the results." It is important that Sanpete County as a stake holder be involved in any air quality analysis that is done so that the County can be assured that proper modeling and data techniques are used.

Response: The "Air Quality Impact Analysis" section of the Proposed RMP/Final EIS includes baseline emission calculations. BLM stands by the assumptions on page 4-7 of the Draft RMP/EIS: "The most conservative case assumptions for air quality were used for the qualitative analysis. When a range of activity factors was assumed, the upper limit of the range was used to complete calculations for future time frames."

Comment: Any grazing AUMs reduced in the RFO planning area due to rangeland health concerns should be restored to livestock when rangeland conditions improve and not be converted to wildlife use.

Response: Increases or decreases in AUMs are allocated to livestock or wildlife depending on the allotment objectives contained in the RMP and Rangeland Program Summary.

Piute County

Comment: We ask the BLM to review the County General Plan, as amended by this planning process, before a final RMP is adopted.

Response: The BLM RFO is aware that the counties updated their general management plans in 2007. The revised general management plan was provided to BLM late in the planning process and may need to be reviewed further in development of the Proposed RMP/Final EIS. The BLM is aware that there are specific county and state plan decisions relevant to aspects of public land management that are discrete from, and independent of, federal law. However, the BLM is bound by federal law. The FLPMA requires that the development of an RMP for public lands be coordinated and consistent with county plans, to the maximum extent possible by law, and inconsistencies between federal and non-Federal Government plans be resolved to the extent practical (FLPMA, Title II Sec. 202 (c)(9)). As a consequence, where state and local plans conflict with federal law, there will be an inconsistency that cannot be resolved or reconciled. Thus, while county and federal planning processes, under FLPMA, are required to be as integrated and consistent as practical, the federal agency planning process is not bound by or subject to county plans, planning processes, or planning stipulations. The BLM will identify these conflicts in the Proposed RMP/Final EIS, so that the state and local governments have a complete understanding of the impacts of the Proposed RMP on state and local management options. A consistency review of the Proposed RMP with the state and county master plans is included in Section 5.4 of this document.

Comment: Further, the County would like BLM to explain why VRM I or even VRM II is necessary. The lands proposed under the preferred alternative seem to be mostly WSAs which were established under VRM II but are now managed under VRM I.

Response: Instruction Memorandum (IM)-2000-96 states “it is the Bureau position... that all WSAs should be classified as Class I, and managed according to VRM Class I management objectives until such time as the Congress decides to designate the area as wilderness or release it for other uses.” The IM further explains “...the VRM management objectives are being used to support WSA management objectives. For WSAs, this is not only about visual values as many WSAs do not necessarily contain exceptionally high scenic values. The primary objective of WSA management is to retain the WSA's natural character essentially unaltered by humans during the time it is being managed as a WSA.” Because the VRM I objective is to “preserve the existing character of the landscape” (BLM-H-8410), such a designation would complement WSA management as explained in the Interim Management Policy (IMP).

Comment: The County does not believe BLM has the authority to create a special management criteria based solely on wilderness characteristics. We believe that the authority governing the inventory and management of lands with wilderness characteristics was passed to BLM through section 603 of the Federal Land Policy and Management Act, and that section 603 has now expired. And, while BLM may have authority to inventory their lands for various purposes, they still require Congressional authorization to manage for wilderness.

Response: BLM's authority for managing lands to protect or enhance wilderness characteristics comes directly from FLPMA Section 202 (43 U.S.C. §1712). This section of BLM's organic statute gives the Secretary of the Interior authority to manage public lands for multiple use and sustained yield. Nothing in this section constrains the Secretary's authority to manage lands as necessary to “achieve integrated consideration of physical, biological, economic, and other sciences.” FLPMA, Section 202(c)(2) (43 U.S.C. §1712(c)(2)). Further, FLPMA makes it clear that the term “multiple use” means that not every use is appropriate for every acre of public land and that the Secretary can “make the most judicious use of the land for some or all of these resources or related services over areas large enough to provide sufficient latitude for periodic adjustments in use...” FLPMA, Section 103(c) (43 U.S.C. §1702(c)). FLPMA

intended for the Secretary of the Interior to use land use planning as a mechanism for allocating resource use, including wilderness character management, among the various resources in a way that provides uses for current and future generations. BLM has long acknowledged that FLPMA Section 603 (43 U.S.C. §1782) requiring a one-time wilderness review has expired. All current inventory of public lands is authorized by FLPMA Section 201 (43 U.S.C. §1711). In September 2006, the Utah District Court affirmed that the BLM retained authority to protect lands it determined to have wilderness characteristics in a manner substantially similar to the manner in which such lands are protected when protected as WSAs. Finally, the Utah v. Norton Settlement Agreement does not affect BLM's authority to manage public lands. This agreement merely remedied confusion by distinguishing between WSAs established under FLPMA § 603 and required to be managed under § 603's non-impairment standard, and other lands that fall within the discretionary FLMPA § 202 land management process. See also IM 2003-275.

***Comment:** We would like the BLM to explain how these lands went from having no wilderness characteristics to the current status as "likely to have" wilderness characteristics, We also deeply object to any management practice which is initiated based on a standard of "likely to have" a certain need or characteristic.*

Response: When developing new land use plans, the BLM must, as with any new information, determine whether the BLM wilderness inventories or public wilderness proposals contain significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or impacts that have not previously been analyzed. To help determine whether the new information or circumstances are significant, the BLM looks at the definition of "significantly" at 43 CFR 1508.27, which requires consideration of both context and intensity. The new inventory information was reviewed and found to be significant. FLPMA specifically identifies "scenic values," "outdoor recreation," and other resource values as resources for inventory and management. See also 43 CFR 1711. A range of alternatives was considered in the Draft RMP/EIS to manage areas with wilderness characteristics. This range of alternatives is consistent with FLPMA.

***Comment:** Given our concerns over this potential management strategy, the County has submitted, with these comments, its own inventory of the lands identified in Alternative D as having wilderness characteristics.*

Response: The presence or absence of man-made intrusions does not mean that an area does not possess wilderness characteristics. It is the cumulative significance of these features that determines whether an area possesses wilderness characteristics. As part of its wilderness characteristics inventory maintenance, BLM used a combination of field checks, Interdisciplinary Team review of data such as range files, county and BLM geographic information system (GIS) data, and review of high-resolution 2006 aerial photographs. Having reviewed the information submitted and determined that the information is not new and significant, BLM stands by its determination.

***Comment:** We have enclosed the data from this inventory in Appendix A. The information in Appendix A was gathered in four ways. First, collaborative meetings with a broad base of stakeholders who use and know the subject lands; second, meetings with people who own grazing permits or mineral rights who have extensive historical familiarity with the lands; third, scrutiny of all data layers as provided by the State's Automated Geographic Reference Center (AGRC), the County, and others; and fourth, field research with GPS units and digital cameras, in an effort to ground-truth the above data.*

Response: The presence or absence of man-made intrusions does not mean that an area does not possess wilderness characteristics. It is the cumulative significance of these features that determines whether an area possesses wilderness characteristics. As part of its wilderness characteristics inventory maintenance, BLM used a combination of field checks, Interdisciplinary Team review of data such as range files, county and BLM GIS data, and review of high-resolution 2006 aerial photographs. Having reviewed the

information submitted and determined that the information is not new and significant, BLM stands by its determination.

***Comment:** The conclusion that we have made, based on this information, is that while there are some small areas that remain relatively undisturbed by man, the BLM has failed to demonstrate the necessary standard on size, naturalness, and outstanding nature. Further, in most areas, the BLM fails to demonstrate the necessary standard on isolation and opportunity for solitude.*

Response: The presence or absence of man-made intrusions does not mean that an area does not possess wilderness characteristics. It is the cumulative significance of these features that determines whether an area possesses wilderness characteristics. As part of its wilderness characteristics inventory maintenance, BLM used a combination of field checks, Interdisciplinary Team review of data such as range files, county and BLM GIS data, and review of high-resolution 2006 aerial photographs. Having reviewed the information submitted and determined that the information is not new and significant, BLM stands by its determination.

***Comment:** Piute County has several other concerns about the proposed wilderness character lands. First, we are in a process of amending our County General Plan based on the aforementioned collaborative process, and have included a statement of opposition to the management of the described for their wilderness character.*

Response: BLM is aware that there are specific state laws relevant to aspects of public land management that are discrete from, and independent of, federal law. However, the BLM is bound by federal law. As a consequence, there may be inconsistencies that cannot be reconciled. FLPMA requires that BLM's land use plans be consistent with state and local plans "to the extent practical" where state and local plans conflict with federal law there will be an inconsistency that cannot be resolved. The BLM will identify these conflicts in the Proposed RMP/Final EIS so that the state and local governments have a complete understanding of the impacts of the Proposed RMP on state and local management options.

***Comment:** Second, as we have stated above, we are troubled by any management condition implemented based on statements such as "likely to have wilderness characteristics."*

Response: Sections 103, 201, and 202 of FLPMA direct the BLM to take into account the national interest, as well as the local interest. In accordance with FLPMA and BLM rules, regulations, and policies, the BLM must provide for the balanced management of all resources and resource uses on public lands.

The BLM gave consideration to the concerns of local governments throughout the planning process. In particular, Piute County is a cooperating agency and has been an active cooperator, including during the development of alternatives where non-WSA areas with wilderness characteristics were considered. The Proposed RMP management actions would not manage for any non-WSA lands with wilderness characteristics in Piute County.

***Comment:** We assert that grazing contributes to the overall health of watersheds, wildlife habitat, and the general rangeland. It is the County's further contention that BLM should adopt a vigorous program of treatment where once available grazing forage has moved to Juniper and Pinion or other woody plants, or where the health of the range has suffered for any other reason. This should include mechanical treatments such as chaining, logging, burning, seeding, or other such methods. We further ask BLM to consider using creative and innovative management in their use of grazing. This may include the use of spring grazing where appropriate, to help with problems of cheat grass and other invasives, and to improve rangeland conditions generally.*

Response: The Proposed RMP supports the statement of reducing juniper and pinyon encroachment. Table 2-15 of the Draft RMP/EIS allows for using livestock grazing to enhance ecosystem health or mitigate resource problems (e.g., noxious/invasive weed control, hazardous fuel reduction) where supported by site-specific environmental analysis.

Comment: We also ask BLM to refer to our County General Plan. We believe that insufficient weight is given in socio-economic studies to the value of the cattle and sheep industry, and associated grazing activities, to the overall economic well-being of rural counties, and Piute County in particular.

Response: Selections from the county plans were considered for socioeconomics in Sections 3.6.1 and 4.6.1 of this document. Appendix 13 summarizes statements, comments, and direction provided by the counties on public land and resource management contained in the general plans of the five counties encompassed by BLM's RFO. In addition, BLM has reviewed both USU's Review of the Socioeconomic Analysis in the Draft EIS prepared by the USDI—BLM RFO, sometimes referred to as the Six-County AOG study, and portions of its Trend Information for the Richfield RMP: Livestock Industry Issues. The AOG study expressed concerns with the Draft RMP/EIS analyses of livestock grazing in the counties. Portions of the Trend Information for the Richfield RMP: Livestock Industry Issues expressed additional livestock issues such as a desire for flexible livestock grazing management provisions.

The AOG study was a critique of the original Draft EIS; the current, public Draft EIS has been modified considerably and has taken into account, directly or indirectly, many of the concerns expressed in the original AOG critique. The RMP provides a balanced approach and equal consideration was given to socioeconomics.

Based on CEQ Sec. 1502.2 BLM's policies and guidelines require BLM to analyze the impacts of significant differences from the current situation (i.e., the Alternative N: No Action). Given that the percent change in AUMs across alternatives is only 0.7 percent, there is no need to do the depth of livestock grazing analysis suggested by the livestock studies mentioned earlier.

Furthermore, the BLM objectively determined a reasonable range of alternatives that best addressed the issues, concerns, and alternatives identified by the public, including BLM management of livestock grazing. Alternative A would have an additional 1.079 AUMs and 36,950 acres available for livestock grazing. There would be no change in livestock grazing management from current management under any of the other alternatives. The Proposed RMP shows no significant difference from the current situation; therefore, there is no significant impact from BLM decisions reached in the plan.

Comment: Our main concern is that the OHV community, so vital to the economies of our small rural communities, seems to be under constant attack, and pressure to diminish their presence on our public lands is continually increasing. For example, under the preferred alternative, you close very large areas to open use which are currently heavily used and popular with the OHV Community, and you leave only 1% of the entire RFO area available to open OHV use.

Response: BLM considered a range of alternatives to address OHV use. Under *The National OHV Strategy*, the BLM is moving from mostly open to designated routes for the protection of natural and cultural resources. Under the Proposed RMP, the majority of routes currently in use would continue to be available for use, but not for cross-country travel. The Proposed RMP would designate 2 SRMAs (Factory Butte and Big Rocks) and the Glenwood and Aurora play areas to allow for a continued OHV cross country experience.

Comment: We also note that the County has a travel map showing all our roads and trails, and the BLM's travel plan should be consistent with the County's information.

Response: As described in the Draft RMP/EIS, the BLM used a variety of methods to inventory existing routes/ways within the RFO for consideration in the planning process, including global positioning system data (when available), data provided by the counties, map and orthophoto data, and staff/cooperator knowledge. Based on this inventory, the BLM identified 4,380 miles of routes/ways (Map 3-10 of the Draft RMP/EIS) within the RFO. It should be noted that route designations are implementation decisions and that the resulting transportation network could change over time. Management direction for OHVs is provided in 43 CFR 8340, BLM Manual 8340, and the BLM National OHV Management Strategy.

Comment: *Piute County is not comfortable with the BLM's RFD, or the manner in which the BLM determines the potential future economic viability of certain minerals. It does not match county planning or the county's assessment of potential value.*

Response: The RFD predicts a reasonable development scenario for oil and gas activity. The commenter does not substantiate deficiencies in the analysis or RFD. The mineral potential report addressed the likelihood of mineral development. Chapter 3 of the Draft RMP/EIS updated the mineral potential report. The commenter does not substantiate deficiencies in the analysis. The coal resource reports identified areas with mineable resources. The unsuitability criteria were applied to determine areas suitable for consideration of coal leasing. The commenter does not substantiate deficiencies in the analysis.

Comment: *Designation of any segments of as wild and scenic would unnecessarily restrict the ability of the water users to carry on the daily management of their water.*

Response: Barring congressional action, there is no effect on water rights or in-stream flows related to suitability findings made in a land use plan decision. Even if Congress were to designate rivers into the National Wild and Scenic Rivers System, any such designation would have no effect on existing water rights. Section 13(b) of the Wild and Scenic River Act states that jurisdiction over waters is determined by established principles of law. In Utah, the State has jurisdiction over water. Although the Wild and Scenic Rivers Act implies a Federal reserved water right for designated rivers, it does not require or specify any amount, and as noted above, confirms that Utah has jurisdiction over water rights. The BLM would be required to adjudicate the water right, in the same manner as any other entity, by application through State processes. Thus, for congressionally designated rivers, the BLM may assert a Federal reserved water right for appurtenant and unappropriated water with a priority date as of the date of designation (junior to all existing rights), but only in the minimum amount necessary to fulfill the primary purpose of the reservation.

Comment: *We are also concerned about the management before actual Congressional action creates formal wild and scenic designation.*

Response: Management protection afforded rivers is found in Section 5(d) of the Wild and Scenic River Act and depends on whether the identified river segment is found eligible or suitable. River segments found eligible are managed at the discretion of the administering agency to protect free-flow, outstandingly remarkable values, and tentative classification until a suitability determination is made; rivers found suitable are managed at the discretion of the administering agency for the same values and recommended classification pending congressional action or for the duration of the RMP, but not as a designated WSR, which is specified by Congress. Management prescriptions under both suitability and eligibility phases are subject to valid existing rights.

Comment: *We reiterate that we do not believe BLM has met the suitability standards based on the requirements of state law.*

Response: Federal law, with which the BLM must comply, takes precedence over others: Section 16(b) of the Wild and Scenic River Act defines a river as “a flowing body of water or estuary, or a section,

portions, or tributary thereof, including rivers, streams, creeks, runs, rills, kills, and small lakes”. For purposes of evaluation, the volume of water flow need only be sufficient to sustain or complement the identified resource values—rivers with intermittent or non-perennial flows already exist within the national river system.

Wayne County

***Comment:** We ask the BLM to review the County General Plan, as amended by this planning process, before a final RMP is adopted.*

Response: The BLM RFO is aware that the counties have updated their general management plans in 2007. The revised general management plan was provided to BLM late in the planning process and may need to be reviewed further in development of the Proposed RMP/Final EIS. The BLM is aware that there are specific county and state plan decisions relevant to aspects of public land management that are discrete from, and independent of, federal law. However, the BLM is bound by federal law. The FLPMA requires that the development of an RMP for public lands be coordinated and consistent with county plans, to the maximum extent possible by law, and inconsistencies between federal and non-Federal Government plans be resolved to the extent practical (FLPMA, Title II Sec. 202 (c)(9)). As a consequence, where state and local plans conflict with federal law there will be an inconsistency that cannot be resolved or reconciled. Thus, while county and federal planning processes, under FLPMA, are required to be as integrated and consistent as practical, the federal agency planning process is not bound by or subject to county plans, planning processes, or planning stipulations. The BLM will identify these conflicts in the Proposed RMP/Final EIS, so that the state and local governments have a complete understanding of the impacts of the Proposed RMP on state and local management options. A consistency review of the Proposed RMP with the state and county master plans is included in Section 5.4 of this document.

***Comment:** Therefore, we believe, as policy, there should be less focus on creating ever-expanding areas where management is restricted or prohibited, and more active management of those areas to address issues of fire and vegetation.*

Response: The RFO considered fire and vegetation issues in selecting new areas for managing non-WSA lands with wilderness characteristics.

***Comment:** Also, the statement in your explanatory materials that “the citizens of Wayne County support VRM I or II management” is simply not true. We constantly hear from our citizens regarding this matter, and the overwhelming majority do not support VRM I.*

Response: BLM acknowledges that there are varying opinions on VRM Classes among the citizens of Wayne County.

***Comment:** Further, the County would like BLM to explain why VRM I or even VRM II is necessary. The lands proposed under the preferred alternative seem to be mostly WSAs which were established under VRM II but are now managed under VRM I.*

Response: IM-2000-96 states “it is the Bureau position... that all WSAs should be classified as Class I, and managed according to VRM Class I management objectives until such time as the Congress decides to designate the area as wilderness or release it for other uses.” The IM further explains “...the VRM management objectives are being used to support WSA management objectives. For WSAs, this is not only about visual values as many WSAs do not necessarily contain exceptionally high scenic values. The primary objective of WSA management is to retain the WSA’s natural character essentially unaltered by humans during the time it is being managed as a WSA.” Because the VRM I objective is to “preserve the

existing character of the landscape” (BLM-H-8410), such a designation would complement WSA management as explained in the IMP.

***Comment:** The County does not believe BLM has the authority to create a special management criteria based solely on wilderness characteristics.*

Response: BLM’s authority for managing lands to protect or enhance wilderness characteristics comes directly from FLPMA Section 202 (43 U.S.C. §1712). This section of BLM’s organic statute gives the Secretary of the Interior authority to manage public lands for multiple use and sustained yield. Nothing in this section constrains the Secretary’s authority to manage lands as necessary to “achieve integrated consideration of physical, biological, economic, and other sciences.” FLPMA, Section 202(c)(2) (43 U.S.C. §1712(c)(2)). Further, FLPMA makes it clear that the term “multiple use” means that not every use is appropriate for every acre of public land and that the Secretary can “make the most judicious use of the land for some or all of these resources or related services over areas large enough to provide sufficient latitude for periodic adjustments in use...” FLPMA, Section 103(c) (43 U.S.C. §1702(c)). FLPMA intended for the Secretary of the Interior to use land use planning as a mechanism for allocating resource use, including wilderness character management, among the various resources in a way that provides uses for current and future generations. BLM has long acknowledged that FLPMA Section 603 (43 U.S.C. §1782) requiring a one-time wilderness review has expired. All current inventory of public lands is authorized by FLPMA Section 201 (43 U.S.C. §1711). In September 2006, the Utah District Court affirmed that the BLM retained authority to protect lands it determined to have wilderness characteristics in a manner substantially similar to the manner in which such lands are protected when protected as WSAs. Finally, the Utah v. Norton Settlement Agreement does not affect BLM’s authority to manage public lands. This agreement merely remedied confusion by distinguishing between WSAs established under FLPMA § 603 and required to be managed under § 603’s non-impairment standard, and other lands that fall within the discretionary FLPMA § 202 land management process. See also IM 2003-275.

***Comment:** We would like the BLM to explain how these lands went from having no wilderness characteristics to the current status as “likely to have” wilderness characteristics.*

Response: When developing new land use plans, the BLM must, as with any new information, determine whether the BLM wilderness inventories or public wilderness proposals contain significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or impacts that have not previously been analyzed. To help determine whether the new information or circumstances are significant, the BLM looks at the definition of “significantly” at 43 CFR 1508.27, which requires consideration of both context and intensity. The new inventory information was reviewed and found to be significant. FLPMA specifically identifies “scenic values,” “outdoor recreation,” and other resource values as resources for inventory and management. See also 43 CFR 1711. A range of alternatives was considered in the Draft RMP/EIS to manage areas with wilderness characteristics. This range of alternatives is consistent with FLPMA.

***Comment:** The County has submitted, with these comments, its own inventory of the lands identified in Alternative D as having wilderness characteristics.*

Response: The BLM considered the county’s inventory in developing the Proposed RMP and, based upon all available information, BLM carried forward 78,600 acres (12 percent) of the 682,600 acres of non-WSA lands with wilderness characteristics identified in the Draft RMP Alternative D. The presence or absence of man-made intrusions does not mean that an area does not possess wilderness characteristics. It is the cumulative significance of these features that determines whether an area possesses wilderness characteristics. As part of its wilderness characteristics inventory maintenance, BLM used a combination of field checks, Interdisciplinary Team review of data such as range files, county and BLM GIS data, and

review of high-resolution 2006 aerial photographs. Having reviewed the information submitted and determined that the information is not new and significant BLM stands by its determination.

Comment: *The BLM has failed to demonstrate the necessary standard on size, naturalness, and outstanding nature. Further, in most areas, the BLM fails to demonstrate the necessary standard on isolation and opportunity for solitude.*

Response: As part of its wilderness characteristics inventory maintenance, BLM used a combination of field checks, Interdisciplinary Team review of data such as range files, county and BLM GIS data, and review of high-resolution 2006 aerial photographs. Having reviewed the information submitted and determined that the information is not new and significant, BLM stands by its determination.

Comment: *A statement of opposition to the management of the described lands for their wilderness character. We have enclosed that statement in Appendix B. Second, as we have stated above, we are troubled by any management condition implemented based on statements such as “likely to have wilderness characteristics.” We believe that the County's inventory of those lands represents an accurate picture of the condition and use of those lands, and that our ground-proofing information is much more reliable.*

Response: The BLM considered the County’s inventory in developing the Proposed RMP, and based upon all available information BLM carried forward 78,600 acres (12 percent) of the 682,600 acres of non-WSA lands with wilderness characteristics identified in the Draft RMP Alternative D. The presence or absence of man-made intrusions does not mean that an area does not possess wilderness characteristics. It is the cumulative significance of these features that determines whether an area possesses wilderness characteristics. As part of its wilderness characteristics inventory maintenance, BLM used a combination of field checks, Interdisciplinary Team review of data such as range files, county and BLM GIS data, and review of high-resolution 2006 aerial photographs. Having reviewed the information submitted and determined that the information is not new and significant BLM stands by its determination.

Comment: *Third, nearly 40% of the lands BLM has indicated statewide as “likely to have” wilderness characteristics are within Wayne County. Given that the County already lives with the limitations of having only 3% of their lands in private ownership, having that much land under a new level of special management is an unacceptable burden.*

Response: Sections 103, 201, and 202 of FLPMA direct the BLM to take into account the national interest, as well as the local interest. In accordance with FLPMA and BLM rules, regulations, and policies, the BLM must provide for the balanced management of all resources and resource uses on public lands.

The BLM gave strong consideration to the concerns of local governments throughout the planning process. In particular, Wayne County is a cooperating agency and was included during the development of alternatives when non-WSA areas with wilderness characteristics were considered.

Under the Proposed RMP, only 12 percent of the identified non-WSA lands with wilderness characteristics would be managed to protect wilderness values. Approximately 88 percent of these areas would continue to be managed for multiple-use.

Comment: *BLM should adopt a vigorous program of treatment where once available grazing forage has moved to Juniper and Pinion or other woody plants, or where the health of the range has suffered for any other reason. This should include mechanical treatments such as chaining, logging, burning, seeding, or other such methods. We further ask BLM to consider using creative and innovative management in their use of grazing. This may include the use of spring grazing where appropriate, to help with problems of cheat grass and other invasives, and to improve rangeland conditions generally.*

Response: The proposed alternative supports the statement of reducing juniper and pinyon encroachment. Table 2-15 of the Draft RMP/EIS allows for using livestock grazing to enhance ecosystem health or mitigate resource problems (e.g., noxious/invasive weed control, hazardous fuel reduction) where supported by site-specific environmental analysis.

Comment: We believe that insufficient weight is given in socio-economic studies to the value of the cattle and sheep industry, and associated grazing activities, to the overall economic well-being of rural counties, and Wayne County in particular.

Response: Selections from the county plans were considered for socioeconomics in Sections 3.6.1 and 4.6.1 of this document. Appendix 13 summarizes statements, comments, and direction provided by the counties on public land and resource management contained in the general plans of the five counties encompassed by BLM's RFO. In addition, BLM has reviewed both USU's Review of the Socioeconomic Analysis in the Draft EIS prepared by the USDI—BLM RFO, sometimes referred to as the Six-County AOG study, and portions of its Trend Information for the Richfield RMP: Livestock Industry Issues. The AOG study expressed concerns with the Draft RMP/EIS analyses of livestock grazing in the counties. Portions of the Trend Information for the Richfield RMP: Livestock Industry Issues expressed additional livestock issues such as a desire for flexible livestock grazing management provisions.

The AOG study was a critique of the original Draft EIS; the current, public Draft EIS has been modified considerably and has taken into account, directly or indirectly, many of the concerns expressed in the original AOG critique. The RMP provides a balanced approach and equal consideration was given to socioeconomics.

Based on CEQ Sec. 1502.2 BLM's policies and guidelines require BLM to analyze the impacts of significant differences from the current situation (i.e., the Alternative N: No Action). Given that the percent change in AUMs across alternatives is only 0.7 percent, there is no need to do the depth of livestock grazing analysis suggested by the livestock studies mentioned earlier.

Furthermore, the BLM objectively determined a reasonable range of alternatives that best addressed the issues, concerns, and alternatives identified by the public, including BLM management of livestock grazing. Alternative A would have an additional 1.079 AUMs and 36,950 acres available for livestock grazing. There would be no change in livestock grazing management from current management under any of the other alternatives. The Proposed RMP shows no significant difference from the current situation; therefore, there is no significant impact from BLM decisions reached in the plan.

Comment: Our main concern is that the OHV community, so vital to the economies of our small rural communities, seems to be under constant attack, and pressure to diminish their presence on our public lands is continually increasing. For example, under the preferred alternative, you close very large areas to open use which are currently heavily used and popular with the OHV Community, and you leave only 1% of the entire RFO area available to open OHV use. How does this compare to the total area made available for primitive and semi-primitive activities? Areas of public land where OHV use is allowed remain fully accessible by the hiking/biking enthusiasts, as well as other users. However, the ever-increasing "primitive or semi-primitive" areas are basically unavailable to OHV use. How does this compare to the total area made available for primitive and semi-primitive activities?

Response: BLM considered a range of alternatives to address OHV use. Under the Proposed RMP, the majority of routes currently in use would continue to be available for use, but not for cross-country travel.

Comment: We also note that the County has a travel map showing all our roads and trails, and the BLM's travel plan should be consistent with the County's information.

Response: As described in the Draft RMP/EIS, the BLM used a variety of methods to inventory existing routes/ways within the RFO for consideration in the planning process, including global positioning system data (when available), data provided by the counties, map and orthophoto data, and staff/cooperator knowledge. Based on this inventory, the BLM identified 4,380 miles of routes/ways (Map 3-10 of the Draft RMP/EIS) within the RFO. It should be noted that route designations are implementation decisions and that the resulting transportation network could change over time. Management direction for OHVs is provided in 43 CFR 8340, BLM Manual 8340, and the BLM National OHV Management Strategy. Nothing in this RMP extinguishes any valid ROW, or alters in any way the legal rights the State of Utah and Garfield, Piute, Sanpete, Sevier, and Wayne counties have to assert and protect RS 2477 rights, and to challenge in federal court or other appropriate venue any use restrictions imposed by the RMP that they believe are inconsistent with their rights.

Comment: *Wayne County is not comfortable with the BLM's RFD, or the manner in which the BLM determines the potential future economic viability of certain minerals. It does not match county planning or the County's assessment of potential value.*

Response: The RFD predicts a reasonable development scenario for oil and gas activity. The commenter does not substantiate deficiencies in the analysis or RFD. The mineral potential report addressed the likelihood of mineral development. Chapter 3 of the Draft RMP/EIS updated the mineral potential report. The commenter does not substantiate deficiencies in the analysis. The coal resource reports identified areas with mineable resources. The unsuitability criteria were applied to determine areas suitable for consideration of coal leasing. The commenter does not substantiate deficiencies in the analysis.

Comment: *Designation of any segment of the Fremont and Dirty Devil system as wild and scenic would unnecessarily restrict the ability of the water users to carry on the daily management of their water.*

Response: Barring congressional action, there is no effect on water rights or in-stream flows related to suitability findings made in a land use plan decision. Even if Congress were to designate rivers into the National Wild and Scenic Rivers System, any such designation would have no effect on existing water rights. Section 13(b) of the Wild and Scenic River Act states that jurisdiction over waters is determined by established principles of law. In Utah, the State has jurisdiction over water. Although the Wild and Scenic Rivers Act implies a Federal reserved water right for designated rivers, it does not require or specify any amount, and as noted above, confirms that Utah has jurisdiction over water rights. The BLM would be required to adjudicate the water right, in the same manner as any other entity, by application through State processes. Thus, for congressionally designated rivers, the BLM may assert a Federal reserved water right for appurtenant and unappropriated water with a priority date as of the date of designation (junior to all existing rights), but only in the minimum amount necessary to fulfill the primary purpose of the reservation.

Comment: *We are also concerned about the management before actual Congressional action creates formal wild and scenic designation.*

Response: Management protection afforded rivers is found in Section 5(d) of the Wild and Scenic River Act and depends on whether the identified river segment is found eligible or suitable. River segments found eligible are managed at the discretion of the administering agency to protect free-flow, outstandingly remarkable values, and tentative classification until a suitability determination is made; rivers found suitable are managed at the discretion of the administering agency for the same values and recommended classification pending congressional action or for the duration of the RMP but not as a designated WSR, which is specified by Congress. Management prescriptions under both suitability and eligibility phases are subject to valid existing rights.

Comment: *The one-quarter mile corridor set aside for wild and scenic would most certainly impact potential mineral development, especially the uranium resources along the Dirty Devil.*

Response: The Proposed RMP does not recommend the Dirty Devil as a suitable for inclusion in the wild and scenic river system. The lands within the Dirty Devil river corridor are for the most part within the Dirty Devil WSA and subject to the IMP restrictions which provide protection for the river's outstandingly remarkable values. Also, the lands within the Dirty Devil river corridor are for the most part within the Dirty Devil WSA and subject to the IMP restrictions until Congress makes a final determination on Wilderness designation. The one-quarter mile corridor outside of the WSA is essentially a near- vertical cliff with some bench lands, which have restricted access.

Comment: *We do not believe BLM has met the suitability standards based on the requirements of state law.*

Response: Federal law, with which the BLM must comply, takes precedence over others: Section 16(b) of the Wild and Scenic River Act defines a river as “a flowing body of water or estuary, or a section, portions, or tributary thereof, including rivers, streams, creeks, runs, rills, kills, and small lakes.” For purposes of evaluation, the volume of water flow need only be sufficient to sustain or complement the identified resource values; rivers with intermittent or non-perennial flows already exist within the national river system.

Comment: *The only conclusion is that the single justification for proposing new ACECs is to act as a fail-safe method to insure that some higher level of restrictive management occurs on these areas.*

Response: The Proposed RMP includes the designation of 2 ACECs, Old Woman Front and North Cainville Mesa, which do not overlap WSAs. The BLM has separate policies and guidelines, as well as criteria, for establishing ACECs and WSAs. These differing criteria make it possible that the same lands will qualify as both an ACEC and a WSA but for different reasons. The BLM is required to consider these different policies.

The values protected by WSA management prescriptions do not necessarily protect those values found relevant and important in ACEC evaluation, and vice versa. The relevant and important values of ACECs within or adjacent to WSAs were noted in the ACEC Evaluation (Appendix 1). The ACECs are evaluated and ranked based on the presence or absence of the stated relevant and important values. None of these values includes wilderness characteristics. Additionally, the management prescriptions for the ACECs is limited in scope to protect the relevant and important values, and the BLM maintains that the size of the ACEC areas is appropriate for protection of the relevant and important values identified.

Comment: *The DRMP/EIS would turn the Kimball decision on its head by purporting to create the new Alternative D management standard.*

Response: The BLM's authority for managing lands to protect or enhance wilderness characteristics is derived directly from FLPMA Section 202 (43 U.S.C. §1712).

This section of BLM's organic statute gives the Secretary of the Interior authority to manage public lands for multiple use and sustained yield. Nothing in this section constrains the Secretary's authority to manage lands as necessary to “achieve integrated consideration of physical, biological, economic, and other sciences.” (FLPMA, Section 202(c)(2) [43 U.S.C. §1712(c)(2)]) Further, FLPMA makes it clear that the term “multiple use” means that not every use is appropriate for every acre of public land, and that the Secretary can “make the most judicious use of the land for some or all of these resources or related services over areas large enough to provide sufficient latitude for periodic adjustments in use...” (FLPMA, Section 103(c) [43 U.S.C. §1702(c)]) The FLPMA intended for the Secretary of the Interior to use land use planning as a mechanism for allocating resource use, including wilderness character management, among the various resources in a way that provides uses for current and future generations.

The BLM has long acknowledged that FLPMA Section 603 (43 U.S.C. §1782) requiring a one-time wilderness review has expired. All current inventory of public lands is authorized by FLPMA Section 201 (43 U.S.C. §1711). In September 2006, the Utah District Court affirmed that the BLM retained authority to protect lands it determined to have wilderness characteristics in a manner substantially similar to the manner in which such lands are protected as WSAs.

The BLM is aware that there are specific state laws relevant to aspects of public land management that are discrete from, and independent of, federal law. However, BLM is bound by federal law. As a consequence, there may be inconsistencies that cannot be reconciled. The FLPMA requires that BLM's land use plans be consistent with state and local plans "to the extent practical" where state and local plans conflict with federal law, there will be an inconsistency that cannot be resolved. The BLM will identify these conflicts in the Proposed RMP/Final EIS so that the state and local governments have a complete understanding of the impacts of the Proposed RMP on state and local management options.

Finally, the Utah v. Norton Settlement Agreement does not affect BLM's authority to manage public lands. This agreement merely remedied confusion by distinguishing between WSAs established under FLPMA §603 and those lands required to be managed under §603's non-impairment standard, and other lands that fall within the discretionary FLMPA §202 land management process.

Comment: *Adopting Alternative D would violate the restrictions of BLM's own Instruction Memorandum No. 2003-275, which states "it is no longer BLM policy to continue to make formal determinations regarding wilderness character, designate new WSAs through the land use planning process, or manage any lands - [except Section 603 WSAs) in accordance with the non-impairment standard prescribed in the IMP [Interim Management Policy for WSAs]."* (Emphasis added.)

Response: The BLM's authority for managing lands to protect or enhance wilderness characteristics comes directly from FLPMA Section 202 (43 U.S.C. §1712). This section of BLM's organic statute gives the Secretary of the Interior authority to manage public lands for multiple use and sustained yield. Nothing in this section constrains the Secretary's authority to manage lands as necessary to "achieve integrated consideration of physical, biological, economic, and other sciences." (FLPMA, Section 202(c)(2) [43 U.S.C. §1712(c)(2)]) Further, FLPMA makes it clear that the term "multiple use" means that not every use is appropriate for every acre of public land and that the Secretary can "make the most judicious use of the land for some or all of these resources or related services over areas large enough to provide sufficient latitude for periodic adjustments in use..." (FLPMA, Section 103(c) [43 U.S.C. §1702(c)]) The FLPMA intended for the Secretary of the Interior to use land use planning as a mechanism for allocating resource use, including wilderness character management, among the various resources in a way that provides uses for current and future generations. In addition, the BLM's *Land Use Planning Handbook* (H-1601-1) directs BLM to "identify decisions to protect or preserve wilderness characteristics (naturalness, outstanding opportunities for solitude, and outstanding opportunities for primitive and unconfined recreation) including goals and objectives to protect the resource and management actions necessary to achieve these goals and objectives. For authorized activities, include conditions of use that would avoid or minimize impacts to wilderness characteristics."

Comment: *Managing the Subject Lands Under Alternative D Would Clash With State and Local Policies and Plans for Managing Those Lands, and Would Thus Violate the Consistency Requirement of FLPMA Section 202(c)(9).*

Response: BLM is aware that there are specific state laws relevant to aspects of public land management that are discrete from, and independent of, federal law. However, BLM is bound by federal law. As a consequence, there may be inconsistencies that cannot be reconciled. FLPMA requires that BLM's land use plans be consistent with state and local plans "to the extent practical" where state and local plans conflict with federal law, there will be an inconsistency that cannot be resolved. BLM will identify these

conflicts in the Proposed RMP/Final EIS so that the state and local governments have a complete understanding of the impacts of the Proposed RMP on state and local management options.

Comment: *Managing the subject lands under Alternative D would arbitrarily and capriciously ignore the documentation and information submitted by wayne county which show the subject lands lack true wilderness character.*

Response: The presence or absence of man-made intrusions does not mean that an area does not possess wilderness characteristics. It is the cumulative significance of these features that determines whether an area possesses wilderness characteristics. As part of its wilderness characteristics inventory maintenance, BLM used a combination of field checks, Interdisciplinary Team review of data such as range files, county and BLM GIS data, and review of high-resolution 2006 aerial photographs. Having reviewed the information submitted and determined that the information is not new and significant, the BLM stands by its determination.

Comment: *A proper baseline should be established.*

Response: The “Air Quality Impact Analysis” section of the Proposed RMP/Final EIS includes baseline emission calculations. BLM stands by the assumptions on page 4-7 of the Draft RMP/EIS: “The most conservative case assumptions for air quality were used for the qualitative analysis. When a range of activity factors was assumed, the upper limit of the range was used to complete calculations for future time frames.”

Comment: *It is important to the County, as stake holder, that we be involved in any air quality analysis that is done so that we can be assure that proper modeling and data techniques are used.*

Response: The “Air Quality Impact Analysis” section of the Proposed RMP/Final EIS includes baseline emission calculations. BLM stands by the assumptions on page 4-7 of the Draft RMP/EIS: “The most conservative case assumptions for air quality were used for the qualitative analysis. When a range of activity factors was assumed, the upper limit of the range was used to complete calculations for future time frames.”

Comment: *First and foremost, Wayne County believes that BLM's process by which it attempted to study Wild & Scenic River suitability is procedurally flawed by its failure to follow NEPA procedures and Wild and Scenic guidelines for determining suitability.*

Response: BLM, USFS, and NPS developed a statewide interagency agreement to ensure coordination and consistency for WSR planning efforts in the state. As a result, the three agencies jointly prepared and then released in January 1997, the document, *Wild and Scenic River Review in the State of Utah, Process and Criteria for Interagency Use*. This document provides evaluation criteria and procedures and emphasizes interagency cooperation as well as other agency and government coordination and public involvement. It supplements general national wild and scenic guidance for each of the three agencies. This guideline is consistent with the Wild and Scenic River Act and the BLM manual.

Comment: *BLM should conclude that no proposed segment in Wayne County is suitable for designation, for the additional reason that prohibitions on impoundment that accompany designation would violate the pre-existing rights of impoundment granted under the 1922 Colorado River Compact. Furthermore, it is obvious BLM failed to consider for NEPA purposes, the impact of a suitability designation on the pre-existing right of impoundment provided under the 1922 Colorado River Compact.*

Response: The Colorado River Compact granted the signatory states a general authority to impound water as necessary within their borders for the purpose of making beneficial use of waters allocated to each state under the compact. The compact did not establish specific rights to impound waters in specific locations within each state. The authority to create specific rights to build and operate storage facilities

was delegated to state governments that have the authority to allocate water within their boundaries. Absent a specific decree or state permit authorizing a storage structure, there is no specific right to store water at any location on the streams within the planning area. In addition, a legal prohibition on building storage structures does not occur as part of a BLM suitability determination on a stream reach. The legal prohibition occurs only when Congress acts to designate a specific stream reach as part of the national WSR system. When making WSR designations, Congress is obligated to consider the impact of that designation on Utah's rights under the Colorado River Compact, and to consider the impact on existing storage decrees and permits.

Comment: *BLM failed to consider for NEPA purposes, the impact of a suitability designation on the pre-existing right of impoundment provided under the 1922 Colorado River Compact.*

Response: The Colorado River Compact granted the signatory states a general authority to impound water as necessary within their borders for the purpose of making beneficial use of waters allocated to each state under the compact. The compact did not establish specific rights to impound waters in specific locations within each state. The authority to create specific rights to build and operate storage facilities was delegated to state governments that have the authority to allocate water within their boundaries. Absent a specific decree or state permit authorizing a storage structure, there is no specific right to store water at any location on the streams within the planning area. In addition, a legal prohibition on building storage structures does not occur as part of a BLM suitability determination on a stream reach. The legal prohibition occurs only when Congress acts to designate a specific stream reach as part of the national WSR system. When making WSR designations, Congress is obligated to consider the impact of that designation on Utah's rights under the Colorado River Compact, and to consider the impact on existing storage decrees and permits.

Comment: *To manage eligible and suitable segments as if they were already designated for inclusion by Congress also incorrectly implies that a federal reserved water right exists, thereby impacting the future management and utilization of valid existing water rights above.*

Response: Under WSR designation, the managing agency is obligated to honor valid, existing rights, including water rights. Within a designated segment, water users are entitled to implement reasonable, historic operation and maintenance practices. Water users are also allowed to change and upgrade their facilities to the extent that the change does not diminish the outstandingly remarkable values or free-flowing nature of the stream segment. The flow protection associated with a designated river is implemented in the form of a junior water right claimed by the managing agency. By law, junior water rights cannot take water from senior water rights. Even under designation, senior water rights holders would be able to divert their full water rights decrees.

Comment: *Wayne County also objects to the following language common to alternatives A–D on page 2-8: “Manage suitable river segments in a manner that would protect their outstandingly remarkable values, tentative classification, and free flowing nature.” That language should be substituted with the following language: “River corridors of suitable rivers will be managed according to other resource decisions with respect to that corridor, unless and until such time as Congress may designate such corridors for inclusion in the National Wild and Scenic River System.”*

Response: Management protection afforded rivers is found in Section 5(d) of the Wild and Scenic River Act and depends on whether the identified river segment is found eligible or suitable. River segments found eligible are managed at the discretion of the administering agency to protect free-flow, outstandingly remarkable values, and tentative classification until a suitability determination is made; rivers found suitable are managed at the discretion of the administering agency for the same values and recommended classification pending congressional action or for the duration of the RMP but not as a

designated WSR, which is specified by Congress. Management prescriptions under both suitability and eligibility phases are subject to valid existing rights.

Comment: page 2-8. “Manage suitable river segments in a manner that would protect their outstandingly remarkable values, tentative classification, and free flowing nature.” That language should be substituted with the following language: “River corridors of suitable rivers will be managed according to other resource decisions with respect to that corridor, unless and until such time as Congress may designate such corridors for inclusion in the National Wild and Scenic River System.”

Response: Management protection afforded rivers is found in Section 5(d) of the Wild and Scenic River Act and depends on whether the identified river segment is found eligible or suitable. River segments found eligible are managed at the discretion of the administering agency to protect free-flow, outstandingly remarkable values, and tentative classification until a suitability determination is made; rivers found suitable are managed at the discretion of the administering agency for the same values and recommended classification pending congressional action or for the duration of the RMP but not as a designated WSR, which is specified by Congress. Management prescriptions under both suitability and eligibility phases are subject to valid existing rights.

Comment: Utah Code Section 63-38d-401 essentially states that if rangeland conditions improve that suspended AUMS would be returned to livestock before additional AUMS would be provided for wildlife. We are concerned that this has not and is not being adhered to in the RMP.

Response: Per the 43 CFR 4100 regulation, suspended AUMs are restored to the operator to the amount of the suspension if conditions allow. Beyond this, AUMs are allocated to livestock or wildlife depending on the allotment objectives contained in the RMP and Rangeland Program Summary.

Comment: The DRMP/EIS grazing that would reduce grazing AUM levels is faulty because the DRMP/EIS fails to articulate a legal or factual basis to reduce domestic livestock.

Response: The Draft RMP/EIS does not include any alternatives that consider decreases in livestock grazing; therefore, this comment does not apply to this document.

Comment: Wayne County objects to the extent any grazing alternative in the DRMP/EIS attempts to authorize the retirement of grazing permits and their reallocation to wildlife. This violates the Taylor Grazing Act, 43 U.S.C. § 315, FLPMA, 43 U.S.C. § 1742, and the terms of the Executive Orders No. 6910, 54 J.D. 539 (1934), and No. 6964 (Feb. 5, 1935), which withdrew public lands as chiefly valuable for grazing.

Response: This Draft RMP/EIS does not authorize the retirement of grazing permits and their automatic reallocation to wildlife. If such an action were to be proposed in the future, a separate NEPA document would be prepared to analyze the impacts of an amendment to the land use plan. This process is described on page 2-40 of the Draft RMP/EIS.

Comment: Of particular concern is the purported transfer of livestock AUMs in the Henry Mountains area to bison. It has long been the County's position that transfers were and are illegal.

Response: This Draft RMP/EIS does not authorize the retirement of grazing permits and their automatic reallocation to bison or other wildlife. If such an action were to be proposed in the future, a separate NEPA document would be prepared to analyze the impacts of an amendment to the land use plan. This process is described on page 2-40 of the Draft RMP/EIS.

Garfield County

Comment: Section 1.5.1 should be updated to include existing state law and Garfield County's 2007 General Management Plan Amendment.

Response: The BLM RFO is aware that Garfield County updated its general management plan in 2007. The updated plan has been reviewed and considered.

Comment: 1. Failure to identify and/or depict known routes under Garfield County's jurisdiction. 2. Failure to identify routes asserted to be under BLM jurisdiction. 3. Failure to consider road repair, road rehabilitation, road construction, and maintenance standards appropriate to transportation facilities within the field office. 4. Intentionally omitting transportation facilities that may be in conflict in certain alternatives, while including them for closure in others.

Response: As described in the Draft RMP/EIS, the BLM used a variety of methods to inventory existing routes/ways within the RFO for consideration in the planning process, including global positioning system data (when available), data provided by the counties, map and orthophoto data, and staff/cooperator knowledge. Based on this inventory, the BLM identified 4,380 miles of routes/ways (Map 3-10 of the Draft RMP/EIS) within the RFO. It should be noted that route designations are implementation decisions and that the resulting transportation network could change over time. Management direction for OHVs is provided in 43 CFR 8340, BLM Manual 8340, and the BLM National OHV Management Strategy. Nothing in this RMP extinguishes any valid ROW, or alters in any way the legal rights the State of Utah and Garfield, Piute, Sanpete, Sevier and Wayne counties have to assert and protect RS 2477 rights, and to challenge in federal court or other appropriate venue any use restrictions imposed by the RMP that they believe are inconsistent with their rights.

Comment: 5. Failure to disclose lands being considered for wilderness management are classified as semi-primitive motorized or roaded natural.

Response: The optional BLM management tool Recreation Opportunity Spectrum (ROS) discloses land classifications. RFO has not yet developed an optional ROS classification. Therefore, the RMP defaults back to the best available data.

Comment: 6. Application of the restrictive VRM classes without analysis or consideration of less restrictive classes.

Response: BLM is required by FLPMA to manage for scenic resources. BLM meets this responsibility through the VRM program. VRM classes (BLM-H-8431) are based on the VRI (BLM-H-8410). The "Cumulative Impacts" Section 4.7.4.1.6 of the DRMP/DEIS analyzes the impacts to visual resources from past, present, and reasonably foreseeable future actions on non-federal lands. The Preferred Alternative in the Draft RMP/EIS and the Proposed RMP would only designate VRM Class III or IV in and immediately adjacent to the Covenant Field.

Comment: 7. Failure to comply with the memorandum of understanding regarding participation of cooperating agencies. 8. Failure to provide opportunities for cooperating agencies to review draft documents prior to releasing them to the public. Garfield County asserts that many of these practices lack objectivity, integrity, and constitute a violation of federal, state and local law.

Response: Cooperating agency status was extended to federal, state, and local agencies, including Garfield County. The BLM RFO held regular meetings with Garfield County during the development of the Draft RMP/EIS. While Garfield County asserts that the BLM lacks objectivity and integrity, BLM asserts that it has complied with the MOU and has met the intent of federal, state, and local law. BLM will continue to involve cooperating agencies during the planning process. BLM conducted a consistency review between Garfield County General Management Plan and the Draft RMP/EIS.

Comment: *The State of Utah will be providing summaries and copies of these studies as they are completed. Garfield County requests that the BLM considers this information as you prepare the Final RMP and Final EIS. The studies may include but not be limited to: The Utah Public Lands Study, The Utah Recreational Off-Highway Vehicle Use Study, Dependency on and Alternatives to Public Land Grazing by Operators in Utah, Review of the Socioeconomic Analysis in the Draft Environmental Impact Statement Prepared by the USDI-Bureau of Land Management Richfield Field Office, The Structure and Economic Impact of Utah's Oil and Gas Exploration and Production Industry: Phase I - the Uinta Basin, and Phase II Carbon and Emery Counties. The Utah Public Lands study is included as Exhibit 1.*

Response: On Jan 28, 2008, The BLM RFO received several studies (or portions of studies) from The State of Utah including:

- Utah State University, 2007, Utah Public Lands Study: Key Social Survey Findings for Garfield, Piute, Sanpete, Sevier, and Wayne Counties;
- University of Utah, 2007, The Structure and Economic Impact of Utah's Oil and Gas Exploration and Production Industry Phase I – The Uinta Basin;
- University of Utah, November 2007, The Structure and Economic Impact of Utah's Oil and Gas Exploration and Production Industry Phase II – Carbon and Emery Counties;
- Utah State University, October 2006, Review of the Socioeconomic Analysis in the Draft EIS prepared by the USDI – BLM RFO (sometimes referred to as the Six County Association of Governments (AOG) study); and
- (Portions of) Utah State University, publication date unknown, Trend Information for the Richfield RMP: Livestock Industry Issues.

The State of Utah also provided a copy of Wayne, Sevier, and Garfield Counties' proposal concerning OHV use in the Factory Butte area titled January 21, 2008 Draft of Counties' Comments Re Factory Butte Recreation Plan: Comments of Wayne, Sevier, and Garfield Counties Regarding Motorized Recreation Plan Around the Factory Butte Area in Wayne County. BLM has reviewed the studies that The State of Utah provided. The Utah Public Lands Study: Key Social Survey Findings for Garfield, Piute, Sanpete, Sevier, and Wayne Counties was considered for insights into local community social values. The BLM acknowledges the currency and relevance of several of the study's findings, and has incorporated them in appropriate sections of Chapters 3 and 4. However, as the study suggests, interpretations are best done for the State of Utah as whole rather than at the county level because of the small number of respondents in some counties such as Piute and Wayne Counties.

The University of Utah's The Structure and Economic Impact of Utah's Oil and Gas Exploration and Production Industry Phase I - The Uinta Basin and Phase II - Carbon and Emery Counties studies were found to have no information which would have altered the approach taken in the economic impact analyses of Chapter 4 in the DRMP/DEIS. The BLM acknowledges that there are important fiscal impacts from oil and gas activities, and these have been incorporated in the PRMP/FEIS.

The AOG study expressed concerns with the analyses of livestock grazing, oil and gas production, socioeconomic groups (or "neighborhoods"), and OHV use in the counties. The AOG study was a critique of the original DEIS; the current, public DEIS has been modified considerably, and has taken into account, directly or indirectly, many of the concerns expressed in the original AOG critique. Sec. 1502.2 Implementation of the CEQ regulations sets forth how the BLM is to prepare environmental impact statements following: "(a) Environmental impact statements shall be analytic rather than encyclopedic. (b) Impacts shall be discussed in proportion to their significance. There shall be only brief discussion of

other than significant issues. As in a finding of no significant impact, there should be only enough discussion to show why more study is not warranted. (c) Environmental impact statements shall be kept concise and shall be no longer than absolutely necessary to comply with NEPA and with these regulations. Length should vary first with potential environmental problems and then with project size. (d) Environmental impact statements shall state how alternatives considered in it and decisions based on it will or will not achieve the requirements of sections 101 and 102(1) of the Act and other environmental laws and policies. (e) The range of alternatives discussed in environmental impact statements shall encompass those to be considered by the ultimate agency decisionmaker. (f) Agencies shall not commit resources prejudicing selection of alternatives before making a final decision (Sec. 1506.1). (g) Environmental impact statements shall serve as the means of assessing the environmental impact of proposed agency actions, rather than justifying decisions already made.” Based on CEQ Sec. 1502.2 BLM’s policies and guidelines require BLM to analyze the impacts of significant differences from the current situation (i.e. Alternative N: No Action). With respect to the grazing analysis, given that the percent change in AUMs across alternatives is only 0.7 percent, there is no need to do the depth of livestock grazing analysis suggested by the AOG. Furthermore, the preferred alternative shows no significant difference from the current situation, and therefore there is no significant impact from BLM decisions reached in the plan. The BLM acknowledges the planning area contains distinct socioeconomic “neighborhoods” that likely have different ties to the BLM lands, and would likely experience differential impacts from BLM management changes. A land use plan is a landscape level plan addressing BLM actions on the entire planning area. This focus is not intended to deny that real differences exist among the various communities and groups within the planning area. The plan takes a broader view. The BLM is unaware of any data suggesting that a “neighborhood” level analysis would have affected the decisions reached in the plan. In developing land use plans, the BLM is mandated by FLPMA to observe the principles of multiple use and sustained yield. FLPMA defines multiple use as "the management of the public lands and their various resource values so that they are utilized in the combination that will best meet the present and future needs of the American people...the use of some land for less than all of the resources, a combination of balanced and diverse resource uses that takes into account the long term needs of future generations for renewable and nonrenewable resources....with consideration given to the relative values of the resources and not necessarily to the combination of uses that will give the greatest economic return or the greatest unit output".

The BLM used the scoping process to explore and objectively determine a reasonable range of alternatives that best addressed the issues, concerns, and alternatives identified by the public. As a result, five alternatives were identified (including the No Action Alternative) for further analysis. Each alternative considers various levels or degrees of resource use or resource protection to give the public the ability to fully compare the consequences of each management prescription or action. Alternative A favors mineral development over protection of resources. Alternative C of the Draft RMP/EIS favors the protection of resources over the extraction of mineral development. Alternative D is the same as Alternative C except it includes management of lands with wilderness characteristics to preserve those characteristics. Alternative B is designed to be a balance between mineral development and protection of resources. Table 2.1 in the Richfield DRMP/DEIS provides in comparative form the management actions associated with each alternative. Portions of the Trend Information for the Richfield RMP: Livestock Industry Issues expressed additional livestock issues such as a desire for flexible livestock grazing management provisions. The BLM objectively determined a reasonable range of alternatives that best addressed the issues, concerns, and alternatives identified by the public including BLM management of livestock grazing. Alternative A would have an additional 1.079 AUMs and 36,950 acres available for livestock grazing. There would be no change in livestock grazing management from current management under any of the other alternatives.

Comment: *The Final RMP should contain and rely on a more aggressive, robust monitoring program so resource managers and users can communicate, learn, assign responsibilities, and use adaptive management to meet land health objectives.*

Response: RFO would continue to comply with BLM policies, including Fundamentals of Standards for Rangeland Health for Grazing Administration, and Utah's Standards for Rangeland Health for Livestock Grazing. Rangeland health would be assessed according to the Standards for Rangeland Health, which would provide strategies to achieve standards and other desired resource conditions and management objectives (See Draft RMP/EIS p. 4–2).

Comment: *It should also be noted, Garfield County believes the BLM should only employ the term “critical habitat” when referring to the legal habitat designations for endangered and threatened species under the Endangered Species Act. The County also calls upon the BLM to use the “crucial habitat” designations mapped by the Division of Wildlife Resources solely as descriptive wildlife habitat characterizations and not as exclusion zones for other multiple uses. The County also questions the practice of altering these designations from alternative to alternative. Crucial habitat is defined based on DWR's wildlife inventories and may be refined or altered by the State as conditions require.*

Response: During the development of the Draft RMP/EIS, Division of Wildlife Resources (DWR) dropped using the term “critical” and formulated a new connotation for “crucial.” Also, the term “designated critical habitat” should only be used in reference to species listed as threatened or endangered under the Endangered Species Act. The Final RMP/EIS has been changed to correct the issues discussed above.

Comment: *Criteria used by the BLM are inconsistent with the Garfield County General Management Plan and with suggestions made by the County throughout the planning process.*

Response: The BLM is aware that there are specific county and state plan decisions relevant to aspects of public land management that are discrete from, and independent of, federal law. However, the BLM is bound by federal law. The FLPMA requires that the development of an RMP for public lands must be coordinated and consistent with county plans, to the maximum extent possible by law, and inconsistencies between federal and non-Federal Government plans be resolved to the extent practical (FLPMA, Title II Sec. 202 (c)(9)). As a consequence, where state and local plans conflict with federal law, there will be an inconsistency that cannot be resolved or reconciled.

Thus, while county and federal planning processes, under FLPMA, are required to be as integrated and consistent as practical, the federal agency planning process is not bound by or subject to county plans, planning processes, or planning stipulations. The BLM will identify these conflicts in the Proposed RMP/Final EIS, so that the state and local governments have a complete understanding of the impacts of the Proposed RMP on state and local management options. A consistency review of the Proposed RMP with the state and county master plans is included in Chapter 5.

Comment: *It is Garfield County's policy that the suitability determination phase is the proper time to begin analysis concerning any potential federal reserved water rights. At a minimum, Garfield County calls upon the BLM to catalog all valid, existing water rights which may be affected by any Wild and Scenic River eligibility or suitability designation, identify the maximum, minimum and anticipated impacts to said water rights and identify potential solutions to all potential water right conflicts.*

Response: The Wild and Scenic Rivers Act infers a federal reserved water right upon designation. However, it does not quantify the right other than to place limitations on it. The act states that it shall not be construed as a reservation for purposes other than those specified in the act, or in quantities greater than necessary to accomplish these purposes. The amount of the federal right will therefore depend on the river's flow, the values for which the river is being protected, and the unappropriated quantities in the

river. It would be adjudicated through the state and would be junior to any rights existing prior to the date of designation (see Draft RMP/EIS Appendix 3).

Comment: *Garfield County found the analyzed tributaries lacked outstandingly remarkable values, failed to meet eligibility and suitability criteria and were dry at the time of analysis. On the ground evidence indicated absence of water for a significant period. For these reasons, Garfield County opposes inclusion of the Dirty Devil River's tributaries in the Wild and Scenic Rivers System.*

Response: Federal law takes precedence over others: Section 16(b) of the Wild and Scenic River Act defines a river as “a flowing body of water or estuary, or a section, portions, or tributary thereof, including rivers, streams, creeks, runs, rills, kills, and small lakes.” For purposes of evaluation, the volume of water flow need only be sufficient to sustain or complement the identified resource values; rivers with intermittent or non-perennial flows already exist within the national river system.

Comment: *Non-WSA lands with wilderness characteristics should not be given the preferential treatment of having their own alternative. This gives such lands a greater weight/value than other values, uses and needs. Garfield County objects to BLM's stand-alone alternative for managing non-WSA lands with wilderness characteristics and asserts that such practice is a violation of BLM's policy, program and planning procedures. Even if BLM has such authority, it is disingenuous, arbitrary, and capricious to select one resource use for preferential treatment. In order to provide a full range of alternatives, the BLM must evaluate all other resource values, uses, and needs in a similar fashion.*

Response: The BLM’s authority for managing lands to protect or enhance wilderness characteristics comes directly from FLPMA Section 202 (43 U.S.C. §1712). This section of BLM’s organic statute gives the Secretary of the Interior authority to manage public lands for multiple use and sustained yield. Nothing in this section constrains the Secretary’s authority to manage lands as necessary to “achieve integrated consideration of physical, biological, economic, and other sciences.” (FLPMA, Section 202(c)(2) [43 U.S.C. §1712(c)(2)]) Further, FLPMA makes it clear that the term “multiple use” means that not every use is appropriate for every acre of public land and that the Secretary can “make the most judicious use of the land for some or all of these resources or related services over areas large enough to provide sufficient latitude for periodic adjustments in use...” (FLPMA, Section 103(c) [43 U.S.C. §1702(c)]) The FLPMA intended for the Secretary of the Interior to use land use planning as a mechanism for allocating resource use, including wilderness character management, among the various resources in a way that provides uses for current and future generations. In addition, the BLM’s *Land Use Planning Handbook* (H-1601-1) directs BLM to “identify decisions to protect or preserve wilderness characteristics (naturalness, outstanding opportunities for solitude, and outstanding opportunities for primitive and unconfined recreation), including goals and objectives to protect the resource and management actions necessary to achieve these goals and objectives. For authorized activities, include conditions of use that would avoid or minimize impacts to wilderness characteristics.” See IM 2003-275.

Comment: *Garfield County insists that the BLM perform a cumulative analysis across agency boundaries within the County, the Richfield Field Office, and region to analyze and compare outstanding opportunities for solitude and primitive recreation.*

Response: 40 CFR 1508.7 and 40 CFR 1508.8 require BLM to address cumulative impacts, but non-WSAs with wilderness characteristics are not compared one against each other, rather each against a scale.

Comment: *In addition to analysis required by the County's General Management Plan, Garfield County also calls upon BLM to provide a detailed explanation of the rationale and authority for management of lands solely because of wilderness characteristics, and why such management does not circumvent the provisions of the statutorily required wilderness review process. Further, the BLM must fully disclose the rationale and evidence which it believes supports a changed finding for those lands found not to have*

wilderness characteristics in the first survey in the late 1970s and early 1980s. Such rationale and evidence must contain a discussion of the detailed criteria used, nature and extent of the review, detailed field notes, and all other relevant evidence and legal reasoning. See 43 U.S.C. § 1701(1) and Utah Code § 63-38d-401(6)(b).

Response: See Utah v. Norton. Refer to IMs 2003-274 and 275 for guidance regarding interpretation of the Utah v. Norton wilderness lawsuit settlement. See the *Land Use Planning Handbook*, H-1601-1, Section II, “Land Use Plan Decision.” See Section 201 of FLPMA. All background information is available for review in the RFO. All rationale for the findings is included in the appendix of the handbook. BLM is in compliance with Utah v. Norton for reasons stated above. FLPMA specifically identifies “scenic values,” “outdoor recreation,” and other resource values as resources for inventory and management. See also 43 CFR 1711.

Comment: *In particular, BLM should not exercise its authority under section 202 of FLPMA in a manner that establishes, manages or otherwise treats public lands as wilderness unless those lands were congressionally designated as wilderness or were previously designated as wilderness study areas pursuant to section 603 of FLPMA.*

Response: BLM’s authority for managing lands to protect or enhance wilderness characteristics comes directly from FLPMA Section 202 (43 U.S.C. §1712). This section of BLM’s organic statute gives the Secretary of the Interior authority to manage public lands for multiple use and sustained yield. Nothing in this section constrains the Secretary’s authority to manage lands as necessary to “achieve integrated consideration of physical, biological, economic, and other sciences.” FLPMA, Section 202(c)(2) (43 U.S.C. §1712(c)(2)). Further, FLPMA makes it clear that the term “multiple use” means that not every use is appropriate for every acre of public land and that the Secretary can “make the most judicious use of the land for some or all of these resources or related services over areas large enough to provide sufficient latitude for periodic adjustments in use...” FLPMA, Section 103(c) (43 U.S.C. §1702(c)). FLPMA intended for the Secretary of the Interior to use land use planning as a mechanism for allocating resource use, including wilderness character management, among the various resources in a way that provides uses for current and future generations. BLM has long acknowledged that FLPMA Section 603 (43 U.S.C. §1782) requiring a one-time wilderness review has expired. All current inventory of public lands is authorized by FLPMA Section 201 (43 U.S.C. §1711). In September 2006, the Utah District Court affirmed that the BLM retained authority to protect lands it determined to have wilderness characteristics in a manner substantially similar to the manner in which such lands are protected when protected as WSAs.

Comment: *Section 3.3.12 on page 3-58 states “... units that are contiguous with federal lands with wilderness characteristics were evaluated for naturalness alone. Opportunities for solitude and primitive recreation were assumed to be present in association with the larger contiguous area.” In contrast the Utah BLM's Statewide Wilderness Final Environmental Impact Statement (a multiyear, detailed study) determined and documented that only 24% of the land in the Mt. Pennell WSA had outstanding opportunities for solitude and 24% had outstanding opportunities for primitive recreation. Fiddler Butte had values of 35% and 45% respectively. In spite of the BLM's own determinations, the Richfield RMP assumed wilderness characteristics were present when, in the case of Mt. Pennell, it was three times as likely that wilderness characteristics were absent.*

Response: The evaluations completed by the RFO document the quality of all wilderness characteristic values including naturalness and outstanding opportunities for solitude and primitive recreation. The text within Section 3.3.12 has been corrected.

Comment: *BLM's latest reinventory effort contradicts those findings based on assumption, proximity to WSAs, and speculative analysis.*

Response: As part of its wilderness characteristics inventory maintenance, BLM used a combination of field checks, Interdisciplinary Team review of data such as range files, county and BLM GIS data, and review of high-resolution aerial photographs. The BLM's findings are described in the 1999–2003 wilderness reinventory documentation as well as the wilderness characteristics review process (findings from this review are available on the RFO planning website, and in the administrative record). The BLM is satisfied that it has used a high-standard approach to public land inventory and it stands by its findings, particularly those findings that involve wilderness characteristics inventory maintenance.

***Comment:** Wilderness inventory unit number UT - 050 - 252, Clay Point is substantially identical to the Bullfrog Creek area characterized as containing 33,700 acres of wilderness characteristics. The Clay Point Unit Evaluation states the area obviously and clearly does not have potential for wilderness, based on the following rationale: This unit is heavily intruded by penetrating roads and roadways used in connection with grazing activities. Extensive stock watering reservoir development has also detracted from the naturalness of the unit. While some of the larger canyons may provide some opportunity for solitude or a primitive, unconfined type of recreation, these opportunities would be limited and somewhat less than "outstanding." A map accompanies the evaluation and depicts numerous roads and reservoirs within the unit boundary. BLM's current analysis is inconsistent with and contradicts the Wilderness Inventory Situation Evaluation completed in February of 1979.*

Response: The Clay Point area was evaluated in 1979 and 1996 to 1999 and was found not to possess wilderness characteristics. As part of BLM's wilderness characteristics inventory maintenance, BLM performed a combination of data and onsite reviews. This included specific field inspections, Interdisciplinary Team review of data such as range files, county and BLM GIS data, and high-resolution aerial photographs. The BLM's findings are described in the 1999–2003 wilderness reinventory documentation, as well as the 2007 wilderness characteristics review process (findings from this review are available on the RFO planning website, and in the administrative record). The BLM is satisfied that it has used a high-standard approach to public land inventory and it stands by its findings, particularly those findings that involved wilderness characteristics inventory maintenance.

***Comment:** Wilderness inventory unit number UT - 50 - 253, Long Canyon corresponds to the Long Canyon non-WSA lands with wilderness characteristics. Originally, the initial inventory identified that the area may contain wilderness characteristics. The lands were carried forward to the intense inventory phase of the analysis. During the intensive inventory phase of the analysis, it was determined that the Long Canyon area did not offer outstanding opportunities for solitude or primitive unconfined type of recreation. The final determination completed in November of 1980 stated, "The unit was not proposed as a WSA due to lack of outstanding opportunities. The area lacks topographic and vegetative screening and primitive recreation opportunities are limited. No information was provided to change this proposal. It is recommended that this unit be dropped from further study." Without any documentation or analysis, other than the assumptions that are described in the RMP, the area now suddenly contains wilderness characteristics.*

Response: The Long Canyon area was first inventoried in 1979 and reinventoried in 1996 and some of the area was found not to possess wilderness characteristics. The reinventory in 1996 to 1999 also found that some of the area has wilderness characteristics and BLM stands by this determination. Garfield County was a participant in the 1996 to 1999 reinventory effort. Documentation is found in the appendices and case files in the RFO.

***Comment:** BLM also failed to provide opportunities for Cooperating Agencies to be a full partner in alternative preparation, analysis, review of environmental analysis, and other aspects relating to Cooperating Agency status. One meeting was held where the BLM described what it was going to do. However, no effort was made to engage cooperators, consider their input, or to be consistent with the cooperators' policy, program or General Management Plans. Garfield County finds that such actions*

violate the MOU establishing Cooperating Agency status and constitute a failure to consider all reasonable alternatives. Garfield County calls upon the BLM to work with cooperators to resolve these issues and to use cooperators' information, proposals, an analysis to the maximum extent possible, consistent with its responsibilities as Lead Agency.

Response: Cooperating agency status was extended to federal, state, and local agencies, including Garfield County. The BLM provided opportunities for the cooperating agencies input. The BLM RFO held regular meetings with Garfield County during the development of the Draft RMP/EIS. the BLM asserts that it has complied with the MOU and has met the intent of federal, state, and local law. BLM will continue to involve cooperating agencies during the planning process. However, BLM makes the final land use planning decisions based on a balance of input from cooperating agencies, stakeholders, public comments, and the limitations imposed by federal law.

Comment: *In order to assist the BLM in their analysis, Garfield County is providing the following: Exhibit 2. Wilderness Table 3. A summary of BLM's findings as presented in the Statewide Wilderness Final EIS. Exhibit 3. A photocopy composite of the original inventory areas and lands designated by the Richfield field office as non-WSA lands with wilderness characteristics. Exhibit 4. Organic Act Directive number 78 - 61, change 2 Exhibit 5. Organic Act Directive number 78 - 61, change 3 Exhibit 7. Wilderness Inventory Situation Evaluation for Clay Point Exhibit 8. Wilderness Inventory Summary Sheet and accompanying data for Long Canyon.*

Response: The BLM is aware of the following items submitted by the commenter: Exhibit 2. Wilderness Table 3. A summary of BLM's findings as presented in the Statewide Wilderness Final EIS. Exhibit 3. A photocopy composite of the original inventory areas and lands designated by the RFO as non-WSA lands with wilderness characteristics. Exhibit 4. Organic Act Directive number 78 - 61, change 2 Exhibit 5. Organic Act Directive number 78 - 61, change 3 Exhibit 7. Wilderness Inventory Situation Evaluation for Clay Point Exhibit 8. Wilderness Inventory Summary Sheet and accompanying data for Long Canyon. These items were received late in the planning process and were considered by the BLM in preparing the Proposed RMP/Final EIS.

Comment: *It is in the best interests of the United States as well as the State of Utah that the Final RMP create a robust and effective program for land tenure adjustments.*

Response: BLM's mandate is to retain lands in federal management unless the lands meet the criteria specified in FLPMA Section 203 for sale and other disposal actions as provided for under other authorities (such as exchange, R&PP) as discussed under the "Lands and Realty Common to All Alternatives" section in Chapter 2, Table 2-18 of the Draft RMP/EIS.

Comment: *Garfield County finds the Draft RMP fails to address adequately these two major issues: The impact of BLM management decisions on state trust lands, and the need for a substantially more robust program for land tenure adjustments between the BLM and the State of Utah. BLM has an obligation to include in its planning an effective and timely means of addressing the impact of federal land actions on in-held school trust lands.*

Response: Regarding the first issue, an analysis of impacts on state trust lands was included under the socioeconomics section of the Draft RMP/EIS (Section 4.6.1). Regarding the second issue raised, during processing of any proposed land tenure adjustment, BLM is required through the planning process to notify and coordinate with adjacent landowners and other interested parties. BLM's mandate is to retain lands in federal management unless the lands meet the criteria specified in FLPMA Section 203 for sale and other disposal actions as provided for under other authorities (such as exchange, R&PP) as discussed under the "Lands and Realty Common to All Alternatives" section in Chapter 2, Table 2-18 of the Draft RMP/EIS.

Comment: *As part of the planning process, Garfield County submitted detailed maps depicting County rights that required access and insisted BLM accommodate the County's right by identifying reasonable routes to the specified sections. The RMP does not comply with Garfield County's request and has deleted the County's rights and adjoining access from RMP maps. A photocopy of the original submittal is included as Exhibit 9.*

Response: As described in the Draft RMP/EIS, the BLM used a variety of methods to inventory existing routes/ways within the RFO for consideration in the planning process, including Global Positioning System data (when available), data provided by the counties, map and orthophoto data, and staff/cooperator knowledge. Based on this inventory, the BLM identified 4,380 miles of routes/ways (Map 3-10 of the Draft RMP/EIS) within the RFO. It should be noted that route designations are implementation decisions and that the resulting transportation network could change over time. Management direction for OHVs is provided in 43 CFR 8340, BLM Manual 8340, and the BLM National OHV Management Strategy. Nothing in this RMP extinguishes any valid ROW, or alters in any way the legal rights the State of Utah and Garfield, Piute, Sanpete, Sevier and Wayne counties have to assert and protect RS 2477 rights, and to challenge in Federal court or other appropriate venue any use restrictions imposed by the RMP that they believe are inconsistent with their rights.

Comment: *It should also be noted that Garfield County has been informed by BLM officials that route designations depicted in alternative C and were derived solely from Southern Utah Wilderness Alliance submittals and did not consider coordination with cooperating agencies. It should also be noted that alternative D was developed entirely by the BLM without cooperating agency coordination. Both of these actions are a violation of the Memorandum of Understanding between Garfield County and the BLM defining their relationship and duties in the development of the Richfield RMP. The MOU states the BLM will include the Cooperating Agency as a full partner in alternative preparation, analysis, review of environmental analysis of the alternatives, and all other aspects relating to Cooperating Agency status for the RMP.*

Response: The counties participated in the creation of the draft alternatives. CEQ regulations (40 CFR 1502.1) require BLM to consider reasonable alternatives, which would avoid or minimize adverse impacts or enhance the quality of the human environment, based on the nature of the proposal and facts in the case (CEQ 40 Most Asked Questions 1b.). The counties interests were considered in the range of alternatives. While there are many possible management prescriptions or actions, the BLM used the scoping process to determine a reasonable range alternatives that best addressed the issues, concerns, and alternatives identified by the public.

An Interdisciplinary team of resource specialist, with on-the-ground knowledge of the planning area, analyzed the current management situation, desired conditions, the uses and activities to create a framework to resolve the issues raised through the development of the alternatives. A balanced approach consistent with FLPMA's principles of "multiple use" was a key component of the analysis.

The BLM RFO held regular meetings with Garfield County during the development of the Draft RMP/EIS. the BLM asserts that it has complied with the MOU and has met the intent of federal, state, and local law. BLM will continue to involve cooperating agencies during the planning process. However, BLM makes the final land use planning decisions based on a balance of input from cooperating agencies, stakeholders, public comments, and the limitations imposed by federal law.

Comment: *It should be noted that the vast majority of roads in Garfield County crossing BLM lands are under Garfield County jurisdiction. On July 2, 1993, in a response to Garfield County's FOIA request, the BLM identified approximately 20 roads as all of the routes in the Richfield Field Office that BLM claimed to be under federal jurisdiction. Notwithstanding Garfield County's objection that many of the 20 roads*

identified by the BLM cross private and state lands over which the County has a right of way and BLM does not, Garfield County questions the ability of the BLM to implement travel management actions.

Response: As specified in the Draft RMP/EIS, page 1-10, addressing RS 2477 assertions is beyond the scope of this planning effort. However, nothing extinguishes any ROW or alters in any way the legal rights the state and counties have to assert and protect RS 2477 rights.

Comment: *Impacting the highways without County approval is a violation of State law.*

Response: As specified in the Draft RMP/EIS, page 1-10, addressing RS 2477 assertions is beyond the scope of this planning effort. However, nothing extinguishes any ROW or alters in any way the legal rights the state and counties have to assert and protect RS 2477 rights.

Comment: *Unilateral action to restrict, close or impact County roads is a failure to be subject to valid existing rights, is a violation of collaborative rights doctrine and is not consistent to the maximum extent allowed by law with Garfield County's General Management Plan.*

Response: The document has been changed to remove the decision under VRM that identifies VRM Class IV setbacks for roads.

Comment: *BLM should evaluate habitats on a case-by-case basis to identify those that would be suitable for other management scenarios.*

Response: The BLM considered a wide range of alternatives including open area. For example, under Alternative N (No Action Alternative), 77 percent of the decision area is open to OHV use.

Comment: *Garfield County has identified and designated an OHV route system by ordinance. The BLM must be consistent to the maximum extent allowed by law with the local ordinance.*

Response: The BLM RFO is aware that the counties have updated their general management plans in 2007. The revised general management plan was provided to BLM late in the planning process and may need to be reviewed further in development of the Proposed RMP/Final EIS. The BLM is aware that there are specific county and state plan decisions relevant to aspects of public land management that are discrete from, and independent of, federal law. However, BLM is bound by federal law. The FLPMA requires that the development of an RMP for public lands must be coordinated and consistent with county plans, to the maximum extent possible by law, and inconsistencies between federal and non-Federal Government plans be resolved to the extent practical (FLPMA, Title II Sec. 202 (c)(9)). As a consequence, where state and local plans conflict with federal law, there will be an inconsistency that cannot be resolved or reconciled. Thus, while county and federal planning processes, under FLPMA, are required to be as integrated and consistent as practical, the federal agency planning process is not bound by or subject to county plans, planning processes, or planning stipulations. The BLM will identify these conflicts in the Proposed RMP/Final EIS, so that the state and local governments have a complete understanding of the impacts of the Proposed RMP on state and local management options. A consistency review of the Proposed RMP with the state and county master plans is included in Chapter 5.

Comment: *While we recognize the field office's efforts to date, the DEIS does not address consistency between neighboring jurisdictions' management objectives. We encourage the BLM to analyze the management objectives applicable to adjacent lands. We also encourage the BLM to disclose, as part of the Final EIS, specific areas of management conflict and steps the Richfield Field Office will take to resolve conflicting management objectives.*

Response: RFO has coordinated with the neighboring field offices on developing consistent management objectives. The BLM analyzed the management objectives applicable to adjacent lands and considered them in the development of the Proposed RMP.

Comment: *These RFDSs and alternatives constitute reasonably foreseeable actions and must be considered in cumulative impact analysis. They indicate how much development is anticipated to occur over the lifetime of the plans. Other federal agencies within the region may have ongoing plans or projections for management actions on their lands. Reasonably foreseeable future actions should be identified and considered as part of the analysis.*

Response: Section 4.7.3 of the Draft RMP/EIS includes a list of reasonably foreseeable future actions that were considered in the cumulative impact analysis. Projections, which have been developed for analytical purposes only, are based on current conditions and trends and represent a best professional estimate.

Comment: *To the extent that management actions are inconsistent with Garfield County's General Management Plan, Garfield County objects to the development of alternatives and analysis without County participation and finds it to be a violation of the Memorandum of Understanding associated with cooperating agency status, FLPMA and NEPA.*

Response: Cooperating agency status was extended to federal, state, and local agencies, including Garfield County. The BLM RFO held regular meetings with Garfield County during the development of the Draft RMP/EIS. BLM asserts that it has complied with the MOU and has met the intent of federal, state, and local law. BLM will continue to involve cooperating agencies during the planning process. However, BLM makes the final land use planning decisions based on a balance of input from cooperating agencies, stakeholders, public comments, and the limitations imposed by federal law.

The BLM RFO is aware that the counties have updated their general management plans in 2007. The revised general management plan was provided to BLM late in the planning process and may need to be reviewed further in development of the Proposed RMP/Final EIS. The BLM is aware that there are specific county and state plan decisions relevant to aspects of public land management that are discrete from, and independent of, federal law. However, the BLM is bound by federal law. The FLPMA requires that the development of an RMP for public lands must be coordinated and consistent with county plans, to the maximum extent possible by law, and inconsistencies between federal and non-Federal Government plans be resolved to the extent practical (FLPMA, Title II Sec. 202 (c)(9)). As a consequence, where state and local plans conflict with federal law there will be an inconsistency that cannot be resolved or reconciled. Thus, while county and federal planning processes, under FLPMA, are required to be as integrated and consistent as practical, the federal agency planning process is not bound by or subject to county plans, planning processes, or planning stipulations. The BLM will identify these conflicts in the Proposed RMP/Final EIS, so that the state and local governments have a complete understanding of the impacts of the Proposed RMP on state and local management options. A consistency review of the Proposed RMP with the state and county master plans is included in Chapter 5.

Comment: *BLM asserts it will honor all valid, existing rights. However, it appears that this statement may only apply to oil and gas, minerals, and grazing; no mention is made of water rights. Under Utah law, approved and perfected water rights are considered real property. BLM actions may affect the value of this real property. Because of this, the State Engineer recommends that the BLM consider the impact its actions may have on water rights in general and non-BLM water rights in particular.*

Response: BLM is obligated by law to honor valid, existing rights. Similarly, holders of valid, existing rights are obligated to honor federal laws regarding the use of federal lands for the exercise of those rights. BLM does not foresee frequent situations in which BLM's obligations under federal law would cause the agency to take actions that would prevent the holders from fully exercising their valid existing rights. BLM works diligently with the owners of valid, existing rights to prevent such situations from occurring. If the holder of a valid, existing right believes the BLM has taken an action that prevents the

exercise of that right, the proper venue for determining equitable compensation or mitigation is in a court of valid jurisdiction, not within the context of a land use plan.

Comment: *Failure to evaluate valid existing / RS 2477 rights and adopting planning scenarios that impact those rights is a failure to comply with the plans basic assumption that it is subject to valid and existing rights. Garfield County calls upon the BLM to work cooperatively with potential stakeholders prior to adopting any management action that impacts potential valid existing rights.*

Response: As specified in the Draft RMP/EIS, page 1-10, addressing RS 2477 assertions is beyond the scope of this planning effort. However, nothing extinguishes any ROW or alters in any way the legal rights the state and counties have to assert and protect RS 2477 rights.

Comment: *The RMP is replete with examples where the BLM failed to consider all reasonable alternatives and where the BLM failed to provide adequate rationale for exclusion of alternatives.*

Response: The CEQ regulations (40 CFR 1502.1) require BLM to consider reasonable alternatives, which would avoid or minimize adverse impacts or enhance the quality of the human environment, based on the nature of the proposal and facts in the case (CEQ 40 Most Asked Questions 1b.). While there are many possible management prescriptions or actions, the BLM used the scoping process to determine a reasonable range alternative that best addressed the issues, concerns, and alternatives identified by the public. In addition, alternatives were considered but eliminated from detailed analysis. These alternatives are discussed in Section 2.5 of this document.

Comment: *Example 1. VRM Alternative D evaluates a scenario where the vast majority of lands in Garfield County would be managed under the most restrictive VRM classification, Class 1. Adoption of this alternative would be a radical change and would create significant negative socioeconomic impacts to Garfield County. No alternative is considered where VRM restrictions are significantly reduced from the existing levels. In addition, the BLM has failed to consider VRM classifications identified in Garfield County's general management plan, which were developed considering ROS analysis, Garfield County's goals and objectives, and consistency across agency boundaries (elements omitted in the RMP process).*

Response: The range of alternatives includes the commenter's proposal.

Comment: *Alternative C&D consider closure of a portion of the South Hatch Canyon Road complex.*

Response: The South Hatch Canyon Road complex is open under the Proposed RMP and Draft Alternatives A and N. BLM has provided a reasonable range of alternatives. As required by NEPA, the Draft RMP/EIS analyzes the current management (Alternative N). Each alternative, except for Alternative N, represents an alternative means of satisfying the identified purpose and need, and of resolving issues. The range of alternatives began early in the RMP process, starting with the public scoping period (April 2004 through February 2005) and was further developed throughout the process in coordination with our cooperating agencies and during the public comment period.

Comment: *Example 3. During the initial wilderness inventory process for the Clay Point area, UT - 050 - 252 (now known as the Bullfrog Creek non-WSA lands with wilderness characteristics) numerous roads and roadways were identified. The presence of these roads and roadways constituted a significant intrusion on the land and served as the basis for disqualifying the area for additional wilderness study. These roads have been formally inventoried by the BLM and are depicted on original wilderness inventory maps, but they have been omitted from every alternative. Additionally, Garfield County has emphatically called upon the BLM to include all known and/or inventoried roads paths and ways on maps depicting the transportation system in the RMP. A detailed inventory of the existing routes provides the advantage of: 1) documenting baseline information from which future unauthorized routes can be evaluated, 2) limiting the network over which RS 2477 assertions / conflicts exist, 3) accurately*

identifying areas of potential resource damage, and 4) accurately depicting existing conditions. Omitting known and documented routes from the evaluation process is a failure to consider all reasonable alternatives.

Response: The BLM used a variety of data sources to provide the baseline for the route designation decisions. Disclosing new ways within WSAs is beyond the scope of this plan. The route inventory within WSAs is based on the initial wilderness inventory (1979–1990). In 1996–1999, this area was reinventoried and all existing information was reconsidered, including the routes in the Clay Point area. Substantial portions of the inventory area were found to lack wilderness characteristics because of the presence of these routes. These routes are included in the route inventory.

Comment: *If BLM excludes cooperating agencies from additional involvement in the RMP process, or if the BLM fails to consider and/or describe alternatives presented by cooperating agencies and depicted in local management plans, Garfield County considers it an intentional abrogation of federal responsibility to consider all reasonable alternatives.*

Response: The counties participated in the creation of the draft alternatives. CEQ regulations (40 CFR 1502.1) require BLM to consider reasonable alternatives, which would avoid or minimize adverse impacts or enhance the quality of the human environment, based on the nature of the proposal and facts in the case (CEQ 40 Most Asked Questions 1b.). The counties interests were considered in the range of alternatives. While there are many possible management prescriptions or actions, the BLM used the scoping process to determine a reasonable range alternatives that best addressed the issues, concerns, and alternatives identified by the public.

An Interdisciplinary team of resource specialist, with on-the-ground knowledge of the planning area, analyzed the current management situation, desired conditions, the uses and activities to create a framework to resolve the issues raised through the development of the alternatives. A balanced approach consistent with FLPMA’s principles of “multiple use” was a key component of the analysis.

Comment: *The County has concerns that the BLM's identification of VRM inventory classes has led to a self effectuating class protection scheme, rather than a source of information to be considered within the proposed resource use allocation schemes within each of the Draft's alternatives.*

Response: The VRI is based on criteria that provide for the objective evaluation of a landscape. The VRI is not the on-the-ground management tool. It is used to develop the VRM classes, with consideration from other resource activities.

Comment: *In short, there is a “win-win” solution which the Counties would ask the BLM to consider as it fine tunes and finalizes the Factory Butte Recreation plan portion of the Richfield DRMP/EIS. This “win-win” compromise plan is within the parameters of the range of alternatives which have been scoped and studied in the Richfield EIS process.*

Response: BLM has considered the proposals submitted by several commenters. The commenters' proposal is included within the range of alternatives considered within the Draft RMP/EIS. The Proposed RMP/Final EIS has been revised to address the proposal and the commenters' concerns. Several surveys and clearances will be required to identify the location of specific trails. The exact location of any trails will be clearly marked. The general location of trails, kiosks, fences, and other facilities is identified in the Proposed RMP/Final EIS. The location of these facilities will be specified in activity-level planning. The area will be strictly monitored to include compliance with the plan. Following BLM policy, the RFO will take a cooperative management approach to implement the plan.

Comment: *BLM's duty under Kimball was to analyze the effects of current alternatives on any alleged wilderness characteristics that may be found in the Subject Lands, not to create a non-impairment*

management standard as to those characteristics. The DRMP/EIS would turn the Kimball decision on its head by purporting to so manage the Subject Lands.

Response: BLM’s authority for managing lands to protect or enhance wilderness characteristics comes directly from FLPMA Section 202 (43 U.S.C. §1712). This section of BLM’s organic statute gives the Secretary of the Interior authority to manage public lands for multiple use and sustained yield. Nothing in this section constrains the Secretary’s authority to manage lands as necessary to “achieve integrated consideration of physical, biological, economic, and other sciences.” FLPMA, Section 202(c)(2) (43 U.S.C. §1712(c)(2)). Further, FLPMA makes it clear that the term “multiple use” means that not every use is appropriate for every acre of public land and that the Secretary can “make the most judicious use of the land for some or all of these resources or related services over areas large enough to provide sufficient latitude for periodic adjustments in use...” FLPMA, Section 103(c) (43 U.S.C. §1702(c)). FLPMA intended for the Secretary of the Interior to use land use planning as a mechanism for allocating resource use, including wilderness character management, among the various resources in a way that provides uses for current and future generations. BLM has long acknowledged that FLPMA Section 603 (43 U.S.C. §1782) requiring a one-time wilderness review has expired. All current inventory of public lands is authorized by FLPMA Section 201 (43 U.S.C. §1711). In September 2006, the Utah District Court affirmed that the BLM retained authority to protect lands it determined to have wilderness characteristics in a manner substantially similar to the manner in which such lands are protected when protected as WSAs. Finally, the Utah v. Norton Settlement Agreement does not affect BLM’s authority to manage public lands. This agreement merely remedied confusion by distinguishing between WSAs established under FLPMA § 603 and required to be managed under § 603’s non-impairment standard, and other lands that fall within the discretionary FLPMA § 202 land management process. See also IM 2003-275.

Comment: *Thus the proposal to so manage the Subject Lands squarely contradicts the BLM’s own IM 2003-275.*

Response: BLM’s authority for managing lands to protect or enhance wilderness characteristics comes directly from FLPMA Section 202 (43 U.S.C. §1712). This section of BLM’s organic statute gives the Secretary of the Interior authority to manage public lands for multiple use and sustained yield. Nothing in this section constrains the Secretary’s authority to manage lands as necessary to “achieve integrated consideration of physical, biological, economic, and other sciences.” FLPMA, Section 202(c)(2) (43 U.S.C. §1712(c)(2)). Further, FLPMA makes it clear that the term “multiple use” means that not every use is appropriate for every acre of public land and that the Secretary can “make the most judicious use of the land for some or all of these resources or related services over areas large enough to provide sufficient latitude for periodic adjustments in use...” FLPMA, Section 103(c) (43 U.S.C. §1702(c)). FLPMA intended for the Secretary of the Interior to use land use planning as a mechanism for allocating resource use, including wilderness character management, among the various resources in a way that provides uses for current and future generations. BLM has long acknowledged that FLPMA Section 603 (43 U.S.C. §1782) requiring a one-time wilderness review has expired. All current inventory of public lands is authorized by FLPMA Section 201 (43 U.S.C. §1711). In September 2006, the Utah District Court affirmed that the BLM retained authority to protect lands it determined to have wilderness characteristics in a manner substantially similar to the manner in which such lands are protected when protected as WSAs. Finally, the Utah v. Norton Settlement Agreement does not affect BLM’s authority to manage public lands. This agreement merely remedied confusion by distinguishing between WSAs established under FLPMA § 603 and required to be managed under § 603’s non-impairment standard, and other lands that fall within the discretionary FLPMA § 202 land management process. See also IM 2003-275.

Comment: *Managing the Subject Lands According to the Prescriptions Outlined in Alternative D Would Clash With State and Local Policies and Plans for Managing Those Lands, and Would Thus Violate the Consistency Requirement of FLPMA Section 202(c)(9).*

Response: Alternative D is within the range of alternatives considered in the Draft RMP/EIS as required by NEPA. Any of the alternatives would be implementable under federal law. FLPMA requires that the development of an RMP for public lands must be coordinated and consistent with county plans, to the maximum extent possible by law, and inconsistencies between federal and non-Federal Government plans be resolved to the extent practical (FLPMA, Title II Sec. 202 (c)(9)). As a consequence, where state and local plans conflict with federal law, there will be an inconsistency that cannot be resolved or reconciled.

Comment: Managing the subject lands according to the prescriptions outlined in Alternative D would arbitrarily and capriciously ignore the documentation and information submitted by Garfield County, which shows the subject lands lack true wilderness character.

Response: The BLM considered the County's inventory in developing the Proposed RMP, and based upon all available information BLM carried forward 78,600 acres (12 percent) of the 682,600 acres of non-WSA lands with wilderness characteristics identified in the Draft RMP Alternative D. The presence or absence of man-made intrusions does not mean that an area does not possess wilderness characteristics. It is the cumulative significance of these features that determines whether an area possesses wilderness characteristics. As part of its wilderness characteristics inventory maintenance, BLM used a combination of field checks, Interdisciplinary Team review of data such as range files, county and BLM GIS data, and review of high-resolution 2006 aerial photographs. Having reviewed the information submitted and determined that the information is not new and significant BLM stands by its determination.

Comment: A proper baseline should be established that is based on average case scenarios as opposed to worse case scenarios.

Response: The "Air Quality Impact Analysis" section of the Proposed RMP/Final EIS includes baseline emission calculations. BLM stands by the assumptions on page 4-7 of the Draft RMP/EIS: "The most conservative case assumptions for air quality were used for the qualitative analysis. When a range of activity factors was assumed, the upper limit of the range was used to complete calculations for future time frames."

Comment: Garfield County opposes any statement in the DRMP/EIS which purports to continue to manage eligible river segments, or presumptively suitable segments, as if those segments may some day be included in the National Wild and Scenic River system. Congress conferred no such interim management authority on the BLM.

Response: Management protection afforded rivers is found in Section 5(d) of the Wild and Scenic River Act and depends on whether the identified river segment is found eligible or suitable. River segments found eligible are managed at the discretion of the administering agency to protect free-flow, outstandingly remarkable values and tentative classification until a suitability determination is made; rivers found suitable are managed at the discretion of the administering agency for the same values and recommended classification pending congressional action or for the duration of the RMP, but not as a designated WSR, which is specified by Congress. Management prescriptions under both suitability and eligibility phases are subject to valid existing rights.

Comment: Particularly offensive and antithetical to Utah State water law and water rights is any statement in the DRMP/EIS which purports to prohibit impoundments, diversions, channelizations and rip-rapping on any river segment in Garfield County. Garfield County grieves this provision as a frontal assault on state-administered water rights duly adjudicated under Utah's water law system and constitutes.

Response: BLM is obligated by law to honor valid, existing rights. Similarly, holders of valid, existing rights are obligated to honor federal laws regarding the use of federal lands for the exercise of those

rights. These types of developments or improvements the commenter references are implementation-level actions that would be considered on a site-specific basis and assessed with site-specific NEPA analysis.

Comment: *Moreover, Garfield County believes that BLM's process by which it attempted to study Wild & Scenic River suitability is procedurally flawed by its failure to follow NEPA procedures and Wild and Scenic guidelines for determining suitability.*

Response: The Wild and Scenic Rivers Act of 1968 (16 U.S.C. 1271-1287) preserves “selected” rivers and their immediate environments that contain outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values “in their free-flowing condition” (16 U.S.C. 1271). The BLM evaluates identified river segments for their eligibility and suitability for designation under the Wild and Scenic Rivers Act through the RMP process; evaluations cannot be completed through the activity-level planning effort (BLM Manual 8351.06 (B)). The RFO followed the Wild and Scenic Rivers Act, the Inter-agency Agreement, the Inter-agency Wild and Scenic Rivers Coordinating Council Guidelines (Wild and Scenic Rivers Reference Guide), and IM -2004-196 in determined eligibility and suitability.

Comment: *Of particular concern is any language in the DRMP/EIS that would accept whatever wildlife herd number objective which UDWR may give to BLM, if accepting that herd number means BLM has to place more active use livestock AUMs in suspension.*

Response: There is no decision in the Draft RMP/EIS that specifically links forage allocation levels to Utah Department of Wildlife Resources (UDWR) herd objectives. However, the decision in Chapter 2 of the Draft RMP/EIS does recognize DWR’s responsibility to manage wildlife populations and directs future management to recognize and coordinate with UDWR on management plans.

Comment: *To the extent any alternative in the DRMP/EIS may propose to transfer those AUMs to wildlife or to watersheds, this would be counter to the aforementioned state statute, Garfield County's general plan, as well as BLM regulations that provide for non-use.*

Response: There is no decision in the Draft RMP/EIS that specifically links forage allocation levels to UDWR herd objectives.

Comment: *Any alternative in the DRMP/EIS that would purport to transfer grazing animal unit months (AUMs) to wildlife for supposed reasons of rangeland health is illogical and ignores BLM's direction for resolving such issues. There is already imputed, in each AUM, a reasonable amount of forage for the wildlife component.*

Response: There is no decision in the Draft RMP/EIS that specifically transfers AUMs to wildlife for reasons of rangeland health.

Comment: *Any grazing animal unit months that may have been reduced in the RFO planning area due to rangeland health concerns should be restored to livestock when rangeland conditions improve, not converted to wildlife use.*

Response: Per the 43 CFR 4100 regulation, suspended AUMs are restored to the operator to the amount of the suspension if conditions allow. Beyond this, AUMs are allocated to livestock or wildlife depending on the allotment objectives contained in the RMP and Rangeland Program Summary.

Comment: *Any transfer of AUMs to wildlife violates the Taylor Grazing Act, 43 U.S.C. § 315, FLPMA, 43 U.S.C. § 1742, and the terms of the Executive Orders No. 6910, 54 I.D. 539 (1934), and No. 6964 (Feb. 5, 1935), which withdrew public lands as chiefly valuable for grazing. Any such decision would also require amending the Presidential Executive Orders, which BLM cannot do, since authority to amend a withdrawal is limited to the Interior Secretary. The Tenth Circuit in Public Lands Council v.*

Babbitt, 167 F.3d 1287 (10th Cir. 1999), aff'd on other grounds, 529 U.S. 728 (2000), held that BLM could not offer permits not to have domestic livestock graze public lands, since grazing permits are limited to domestic livestock. By the same token, BLM cannot purport to authorize wildlife grazing by retiring grazing permits in order to allocate the forage for wildlife. This action would also constitute a change in grazing use without following the procedures set out in the BLM grazing rules. 43 C.F.R. §§ 4110.3, 4110.4. It is also inconsistent with the grazing rules which provide for BLM to offer a vacant permit to other qualified permittees. 43 C.F.R. §4130.1-2.

Response: This Draft RMP/EIS does not authorize the retirement of grazing permits and their automatic reallocation to wildlife. If such an action were to be proposed in the future, a separate NEPA document would be prepared to analyze the impacts of an amendment to the land use plan. This process is described on page 2-40 of the Draft RMP/EIS.

Comment: *Where BLM has failed to consider resources / resource use in Garfield County and outside Richfield Field Office boundaries, Garfield County calls upon the BLM to defer to the County's General Management Plan as more detailed and accurate.*

Response: The RFO has coordinated with the neighboring field offices on developing consistent management across field office boundaries. The BLM field office boundaries are set by the Utah State office in cooperation with the Washington office. Therefore setting the boundaries would be beyond the scope of this RMP.

Comment: *Inasmuch as Alternative A moves from a open OHV use system to a designated OHV use system the statement that this alternative is the least restrictive is incorrect.*

Response: The text was updated to show that Alternative N is the least restrictive alternative.

Comment: *Garfield County is in the process of finalizing its Paleontological resource protection ordinance. The ordinance is patterned after the counties cultural resource protection ordinance and calls upon the BLM to conduct detailed inventories identifying Paleontological resources. The County is unsure how Paleontological inventories in Class I and Class II areas relate to the County's policy, program and intended General Management Plan. Garfield County calls upon the BLM to protect Paleontological resources while at the same time expanding opportunities for public use, enjoyment and interpretation.*

Response: No paleontological inventories in class I and class II areas have been proposed or required in Chapter 2 of the Draft RMP/EIS. BLM paleontological resource management policy is to identify, evaluate, and, where appropriate, protect scientifically significant paleontological resources, ensuring that proposed land uses, initiated or authorized by BLM, do not inadvertently damage or destroy these resources (BLM Manual 8270, *Paleontological Resource Management*).

Comment: *Garfield County has developed a detailed visual resource management plan and calls upon the BLM to be consistent to the maximum extent allowed by law with the County's plan. It is recognized that officially designated WSAs may need to be protected with overly restrictive management classifications until Congress acts. Garfield County's plan anticipates release of such units during the life of the plan and calls upon the BLM to be consistent to the maximum extent allowed by law with Garfield County's visual resource management plan.*

Response: The BLM RFO is aware that the counties have updated their general management plans in 2007. The revised general management plan was provided to BLM late in the planning process and was considered in development of the Proposed RMP/Final EIS.

Comment: *None of the alternatives provide increased AUMs.*

Response: It is BLM policy to monitor existing livestock use levels, forage utilization, and the trend of resource condition and make necessary adjustments on an allotment or watershed basis. These actions are activity-based actions and are part of the implementation of an RMP to ensure that Standards for Rangeland Health are met, as well the other objectives of the RMP. Regulations in 43 CFR 4130.3 require that the terms and conditions under which livestock are authorized “ensure conformance with the provisions of subpart 4180,” the Standards for Rangeland Health and further 43 CFR 4130.3-1 requires that “livestock grazing use shall not exceed the livestock carrying capacity of the allotment.”

It would be inappropriate and unfeasible to estimate variable levels of livestock and wildlife use and determine what specific changes to livestock and wildlife numbers and management are appropriate at the RMP planning level. Such changes would not be supportable and need to be made by considering the monitoring data on a site-specific basis. The BLM policy directs that monitoring and inventory data be evaluated on a periodic basis and that change to livestock numbers and management be made through a proposed decision under 43 CFR 4160. These implementation level decisions will be in conformance with the Goals and Objectives of the applicable RMP and must protect and enhance the conditions and uses of BLM lands.

***Comment:** The County's policy, program and plan identified visitor goals and development associated with SRMA establishment. The County's plan also requires certain deliverables associated with development, infrastructure, financing, and visitation. None of the alternatives meet the County's criteria.*

Response: The Draft RMP/EIS Section 3.4.3.1, regarding RMAs, addresses the criteria that were used to identify the SRMAs. These criteria are based on BLM policies and regulations (43 CFR 8342.1). SRMAs were based on these criteria. Sahara Sands was analyzed for SRMA identification in Alternative A in conjunction with an open OHV area. The Sahara Sands area is not identified as an SRMA in the Proposed RMP.

***Comment:** However, Garfield County insists the BLM has failed to fulfill its responsibility to provide for all types of recreation. Garfield County's General Management Plan has found that 3% to 5% of the County needs to be set aside for open OHV use.*

Response: The BLM considered a wide range of alternatives including open area. For example, under Alternative N, 77 percent of the decision area is open to OHV use.

***Comment:** Consequently, the BLM should not identify routes for closure that are not under its jurisdiction. Furthermore, Garfield County asserts that the roads identified for closure are valid existing rights under local control. BLM's planning authority is subject to valid existing rights, and closures should not occur until final resolution of jurisdiction is complete.*

Response: As specified in the Draft RMP/EIS, page 1-10, addressing RS 2477 assertions is beyond the scope of this planning effort. However, nothing extinguishes any ROW or alters in any way the legal rights the state and counties have to assert and protect RS 2477 rights.

***Comment:** Garfield County also questions the descriptions in the alternative and indicating the VRM class for all WSAs is currently Class I. The Utah BLM Statewide Wilderness Final EIS identifies many of the lands as being a different VRM class. Unless the BLM has gone through a formal planning process re-designating the VRM class, existing VRM classes should be described as contained in the BLM's wilderness document.*

Response: IM-2000-96 states “it is the Bureau position... that all WSAs should be classified as Class I, and managed according to VRM Class I management objectives until such time as the Congress decides to designate the area as wilderness or release it for other uses.” The IM further explains “...the VRM management objectives are being used to support WSA management objectives. For WSAs, this is not

only about visual values as many WSAs do not necessarily contain exceptionally high scenic values. The primary objective of WSA management is to retain the WSA's natural character essentially unaltered by humans during the time it is being managed as a WSA." As the VRM I objective is to "preserve the existing character of the landscape" (BLM-H-8410), such a designation would complement WSA management as explained in the IMP.

***Comment:** Garfield County also finds the BLM has failed to inventory, identifying and disclosed routes that are known to exist within WSAs and that are asserted as valid and existing rights by Garfield County.*

Response: Management of routes/ways within WSAs is limited to those routes/ways that were identified in the original FLPMA 603 wilderness review. Route inventories beyond those routes/ways is outside the scope of this RMP effort. As specified in the Draft RMP/EIS, addressing RS 2477 assertions is beyond the scope of this planning effort. However, nothing extinguishes any ROWs or alters in any way the legal rights the state and counties have to assert and protect RS 2477 rights. Data errors were noted on the maps within the DRMP/DEIS. Those errors have been corrected to reflect only inventoried ways within the WSAs.

***Comment:** Garfield County submitted a detailed transportation plan identifying road repair, road rehabilitation, road construction, and maintenance standards appropriate to specific areas as identified in the BLM Land Use Planning Handbook. The draft RMP makes no reference to those proposals, and it appears that the BLM has failed to consider them.*

Response: Garfield County has been an active participant in developing the transportation plan and has provided information that was incorporated in the DRMP/EIS.

***Comment:** Certain land tenure adjustments and Recreation & Public Purpose projects may transfer jurisdiction of the of existing federal lands to state or local authority. Garfield County opposes retention of riparian areas in federal control, when transfer to another level of government would provide greater public benefit.*

Response: Current federal laws and regulations govern the management and protection of riparian areas. Issues concerning site-specific riparian areas are addressed on a case-by-case basis.

***Comment:** Garfield County has a detailed Protection of Cultural Resources Ordinance. Garfield County calls upon the BLM to be consistent to the maximum extent allowed by law with Garfield County's cultural resource ordinance.*

Response: BLM is aware that there are specific county and state plan decisions relevant to aspects of public land management that are discrete from, and independent of, federal law. However, BLM is bound by federal law. FLPMA requires that the development of resource management planning for public land must be coordinated with and consistent with county plans to the extent the Secretary finds practical by law, and resolve to the extent practicable, inconsistencies between federal and non-Federal Government plans (FLPMA, Title II Sec. 202 (c) (9)). As a consequence, where state and local plans conflict with federal law there will be an inconsistency that cannot be resolved or reconciled. Thus, while county and federal planning processes, under FLPMA, are required to be as integrated and consistent as practicable, the federal agency planning process is not bound by or subject to county plans, planning processes, or planning stipulations. BLM will identify these conflicts in the Proposed RMP/Final EIS so that the state and local governments have a complete understanding of the impacts of the Proposed RMP on state and local management options. A consistency review of the Proposed RMP with the state and county master plans has been included in Chapter 5.

***Comment:** Garfield County's General Management Plan calls upon the BLM and other federal agencies to assist Garfield County in developing a local academic curatorial research facility to protect cultural*

and Paleontological resources. Targeting Paleontological resources for excavation and curation by outside facilities is inconsistent with Garfield County's no net loss of Paleontological resources policy.

Response: BLM paleontological resource management policy is to identify, evaluate, and, where appropriate, protect scientifically significant paleontological resources, ensuring that proposed land uses, initiated or authorized by BLM, do not inadvertently damage or destroy these resources (BLM Manual 8270, *Paleontological Resource Management*). BLM policy also requires the facilitation of appropriate scientific, educational, and recreational uses of paleontological resources, such as research and interpretation.

Comment: See General Comments associated with visual resource management. In as much as visual resource management is largely a discretionary function, that designation of management classes and visual resource inventories are tempered with considerations for other land uses and that visual management classes may differ from inventory classes based on management priorities for land uses, Garfield County calls upon the BLM to strictly conform to Garfield County's visual resource management classes. Failure to conform to the County's VRM designation is inconsistent with the County plan to the maximum extent allowed by law.

Response: BLM is required by FLPMA to manage for scenic resources. BLM meets this responsibility through the VRM program. Guidance regarding the VRI is included in BLM Handbook H-8410 and VRM in BLM Handbook H-8431. The BLM is aware that there are specific county and state plan decisions relevant to aspects of public land management that are discrete from, and independent of, federal law. However, the BLM is bound by federal law. The FLPMA requires that the development of an RMP for public lands must be coordinated and consistent with county plans, to the maximum extent possible by law, and inconsistencies between federal and non-Federal Government plans be resolved to the extent practical (FLPMA, Title II Sec. 202 (c)(9)). As a consequence, where state and local plans conflict with federal law, there will be an inconsistency that cannot be resolved or reconciled. Thus, while county and federal planning processes, under FLPMA, are required to be as integrated and consistent as practical, the federal agency planning process is not bound by or subject to county plans, planning processes, or planning stipulations. The BLM will identify these conflicts in the Proposed RMP/Final EIS, so that the state and local governments have a complete understanding of the impacts of the Proposed RMP on state and local management options.

Comment: BLM has failed to analyze the cumulative effects of managing all WSAs as VRM Class I Alternatives considered in other RMPs being conducted throughout the state constitute a reasonably foreseeable action. Failure to consider the cumulative effects of all reasonably foreseeable actions violates NEPA.

Response: The Draft RMP/EIS addresses the cumulative effects of managing WSAs as VRM Class I within the RFO and adjacent public lands as described in Section 4.7.4.1.6 in this document. The cumulative effects boundary includes the RFO and adjacent public lands and not the entire state.

Comment: See Garfield County's General Comments associated with visual resource management. BLM failed to analyze a full range of alternatives considering visual resource management. The BLM failed to analyze a Class IV status for many non-WSA lands in Garfield County; the BLM failed to analyze the impacts of non-federal lands on VRM designations; and the BLM failed to include alternatives consistent with Garfield County's General Management Plan. The BLM also failed to analyze impacts associated with managing non-recommended WSA lands for Class I status.

Response: The Draft RMP/EIS included a reasonable range of alternatives that considered various VRM alternatives. Alternative A of the Draft RMP/EIS analyzed a VRM Class IV for much of the non-WSA lands in Garfield County. The "Cumulative Impacts" section, 4.7.4.1.6 in this document, analyzes the

impacts to visual resources from past, present, and reasonably foreseeable future actions on non-federal lands.

Comment: *Application of the wilderness standard for roads traversing non-WSA lands is inconsistent with Garfield County's General Management Plan and applies wilderness standards without proper authority.*

Response: The BLM RFO is aware that the counties have updated their general management plans in 2007. The revised general management plan was provided to BLM late in the planning process and may need to be reviewed further in development of the Proposed RMP/Final EIS. BLM is aware that there are specific county and state plan decisions relevant to aspects of public land management that are discrete from, and independent of, federal law. However, BLM is bound by federal law. The FLPMA requires that the development of an RMP for public lands must be coordinated and consistent with county plans, to the maximum extent possible by law, and inconsistencies between federal and non-Federal Government plans be resolved to the extent practical (FLPMA, Title II Sec. 202 (c)(9)). As a consequence, where state and local plans conflict with federal law there will be an inconsistency that cannot be resolved or reconciled. Thus, while county and federal planning processes, under FLPMA, are required to be as integrated and consistent as practical, the federal agency planning process is not bound by or subject to county plans, planning processes, or planning stipulations. BLM will identify these conflicts in the Proposed RMP/Final EIS, so that the state and local governments have a complete understanding of the impacts of the Proposed RMP on state and local management options. A consistency review of the Proposed RMP with the state and county master plans is included in Chapter 5.

BLM's authority for managing lands to protect or enhance wilderness characteristics comes directly from FLPMA Section 202 (43 U.S.C. §1712). This section of BLM's organic statute gives the Secretary of the Interior authority to manage public lands for multiple use and sustained yield. Nothing in this section constrains the Secretary's authority to manage lands as necessary to "achieve integrated consideration of physical, biological, economic, and other sciences." FLPMA, Section 202(c)(2) (43 U.S.C. §1712(c)(2)). Further, FLPMA makes it clear that the term "multiple use" means that not every use is appropriate for every acre of public land and that the Secretary can "make the most judicious use of the land for some or all of these resources or related services over areas large enough to provide sufficient latitude for periodic adjustments in use..." FLPMA, Section 103(c) (43 U.S.C. §1702(c)). FLPMA intended for the Secretary of the Interior to use land use planning as a mechanism for allocating resource use, including wilderness character management, among the various resources in a way that provides uses for current and future generations. BLM has long acknowledged that FLPMA Section 603 (43 U.S.C. §1782) requiring a one-time wilderness review has expired. All current inventory of public lands is authorized by FLPMA Section 201 (43 U.S.C. §1711). In September 2006, the Utah District Court affirmed that the BLM retained authority to protect lands it determined to have wilderness characteristics in a manner substantially similar to the manner in which such lands are protected when protected as WSAs. Finally, the Utah v. Norton Settlement Agreement does not affect BLM's authority to manage public lands. This agreement merely remedied confusion by distinguishing between WSAs established under FLPMA § 603 and required to be managed under § 603's non-impairment standard, and other lands that fall within the discretionary FLPMA § 202 land management process. See also IM 2003-275.

Comment: *The BLM has asserted a disputed jurisdictional claim over a very small number of roads in Garfield County, and the BLM has made no attempt to identify the roads to which this criteria applies. Failing to identify roads to which the criteria applies, prohibits the BLM from accurately analyzing impacts.*

Response: As specified in the Draft RMP/EIS, page 1-10, addressing RS 2477 assertions is beyond the scope of this planning effort. However, nothing extinguishes any ROW or alters in any way the legal rights the state and counties have to assert and protect RS 2477 rights.

Comment: *It should also be noted that the vast majority of roads managed, owned and/or maintained by Garfield County fall outside of the criteria. The roads are classified as High Standard Dirt roads, Low Standard Gravel roads and Low Standard Paved roads. If BLM intends to classify roads by maintenance level and surface types, it needs to allow highway management entities the opportunity to evaluate classification standards and applications.*

Response: The document has been changed to remove the decision under VRM that identifies VRM Class IV setbacks for roads.

Comment: *Garfield County does not believe the Sahara Sands area meets criteria established in Garfield County's General Management Plan associated with SRMA development.*

Response: The Draft RMP/EIS Section 3.4.3.1, regarding RMAs, addresses the criteria that were used to identify the SRMAs. These criteria are based on BLM policies and regulations (43 CFR 8342.1). SRMAs were based on these criteria. Sahara Sands was analyzed for SRMA identification in Alternative A in conjunction with an open OHV area. The Sahara Sands area is not identified as an SRMA in the Proposed RMP.

Comment: *Garfield County recognizes the need to control large groups and individuals. However, the limits placed in this alternative-are such that large families, use groups, classes, and Scout troops would be required to have special use permits. Garfield County is willing to consider such permits. However, at this point, the complexity of the permits and the difficulty in obtaining the permits has not been determined. Therefore, Garfield County opposes as alternative.*

Response: 43 CFR 2932 authorizes Special Recreation Permits (SRPs) for organized group activities and event. The RMP establishes thresholds by which organized groups would need to file an application to obtain an SRP for their proposed activities. The proposed activities would then be reviewed to determine if an SRP would be required or if the activities would constitute casual use. Resource impacts and conflicts have occurred from large groups such as those listed within the comment.

Comment: *A detailed inventory needs to be completed identifying all routes. Cooperative efforts need to be initiated to evaluate motorized use in WSAs on a case-by-case basis, all subject to valid existing rights.*

Response: Designation of WSAs and additions to current vehicle route inventories in WSAs is beyond the scope of this plan. Valid, existing rights are recognized in WSAs.

Comment: *BLM should also take note that more than 1,000 mining claims have been filed in Garfield County in recent weeks. The BLM must incorporate appropriate management actions in the RMP to address these mining claims.*

Response: The BLM does not have discretion as to entry and location of mining claims on open, unappropriated, public lands and does not have the discretion to determine mitigations for mining claims at the time of location. However, the BLM does have discretion to make public lands open to entry or to close lands (e.g., withdraw certain public lands from the operations of the mining laws). The BLM also has authority through FLPMA, the federal regulations in 43 CFR 3809, and other federal laws and regulations as applicable to regulate mining-related operations and the surface disturbances that would be incident to those operations. The BLM regulates mining-related operations on public lands to prevent unnecessary or undue degradation and to ensure the operation is reasonably incident to mining.

Comment: *In as much as Garfield County has developed a detailed transportation management plan, and the BLM has failed to perform similar planning functions during the RMP process, Garfield County calls upon the BLM to be consistent with Garfield County's Transportation Plan and OHV Ordinance.*

Response: The BLM RFO is aware that the counties have updated their general management plans in 2007. The revised general management plan was provided to BLM late in the planning process and may need to be reviewed further in development of the Proposed RMP/Final EIS. The BLM is aware that there are specific county and state plan decisions relevant to aspects of public land management that are discrete from, and independent of, federal law. However, the BLM is bound by federal law. The FLPMA requires that the development of an RMP for public lands must be coordinated and consistent with county plans, to the maximum extent possible by law, and inconsistencies between federal and non-Federal Government plans be resolved to the extent practical (FLPMA, Title II Sec. 202 (c)(9)). As a consequence, where state and local plans conflict with federal law, there will be an inconsistency that cannot be resolved or reconciled. Thus, while county and federal planning processes, under FLPMA, are required to be as integrated and consistent as practical, the federal agency planning process is not bound by or subject to county plans, planning processes, or planning stipulations. The BLM will identify these conflicts in the Proposed RMP/Final EIS, so that the state and local governments have a complete understanding of the impacts of the Proposed RMP on state and local management options. A consistency review of the Proposed RMP with the state and county master plans is included in Chapter 5.

Comment: If BLM does have a detailed analysis has misled cooperating agencies and the public by indicating and non-WSA lands with wilderness characteristics are described in Utah Wilderness Inventory, 1999. Garfield County calls upon the BLM to remove any analysis, which is not based on detailed inventories.

Response: As part of its wilderness characteristics inventory maintenance, BLM used a combination of field checks, Interdisciplinary Team review of data such as range files, county and BLM GIS data, and review of high-resolution aerial photographs. The BLM's findings are described in the 1999–2003 wilderness reinventory documentation as well as the wilderness characteristics review process (findings from this review are available on the RFO planning website, and in the administrative record). The BLM is satisfied that it has used a high-standard approach to public land inventory and it stands by its findings, particularly those findings involving wilderness characteristics inventory maintenance.

Comment: It should be noted that during the working phase of the RMP numerous routes for identified by BLM and cooperating agencies that have not been included on the route inventory. Some of these routes were missed in previous inventories, and some of the routes constitute a complicated transportation network could not be accurately mapped. Garfield County calls upon the BLM to continue working with cooperating agencies in completing the inventory process and documenting all existing roads, paths, ways and trails in the field office. Garfield County also calls upon the BLM to be consistent with Garfield County's OHV Ordinance.

Response: As described in the Draft RMP/EIS, the BLM used a variety of methods to inventory existing routes/ways within the RFO for consideration in the planning process, including Global Positioning System data (when available), data provided by the counties, map and orthophoto data, and staff/cooperator knowledge. Based on this inventory, the BLM identified 4,380 miles of routes/ways (Map 3-10 of the Draft RMP/EIS) within the RFO. It should be noted that route designations are implementation decisions and that the resulting transportation network could change over time. In the PROPOSED RMP/FINAL EIS, Appendix 9 has been included which addresses the process for future additions of designated routes to the transportation network. Management direction for OHVs is provided in 43 CFR 8340, BLM Manual 8340, and the BLM National OHV Management Strategy. Nothing in this RMP extinguishes any valid ROW, or alters in any way the legal rights the State of Utah and Garfield, Piute, Sanpete, Sevier, and Wayne counties have to assert and protect RS 2477 rights, and to challenge in federal court or other appropriate venue any use restrictions imposed by the RMP that they believe are inconsistent with their rights.

Emery County

Comment: *The practice of “cherry stemming” routes, roads and trails has always been a practice which stretches credibility, but the use of this vague and arbitrary tool has been taken to new heights in this WC inventory. Emery County doesn't recognize the validity of cherry-stemming features that are on the ground.*

Response: “Cherry stemming” is a land management technique that facilitates better land management by allowing ingress and egress without compromising a special designation. This technique was often applied to WSAs and carried subsequently into the 1996–99 wilderness inventory. However, the RFO Proposed RMP/Final EIS proposed alternative generally excluded the practice of cherry stemming in managing for non-WSA lands with wilderness characteristics.

Comment: *We suggest setting back the boundary of a proposed WC from these features to a reasonable distance of between one and one half mile.*

Response: Inventories conducted post-2004 applied current policy, which is based on IM 275-2003, Change 1. The suggestion of setting back the boundary of a proposed non-WSA with wilderness characteristics area does not follow this policy.

Comment: *Where the wilderness proponents “suggest” that there is a “reasonable probability” that an area “may have” wilderness character, our documentation simply shows evidence that people have been actively altering the land surface in a number of ways for over a century, and that the proper and reasonable decision will be to not manage most of these areas to preserve wilderness characteristics.*

Response: BLM followed the criteria outlined in the Wilderness Act and IM 2003-274 and IM 2003-275 to define whether an area has wilderness characteristics. On-the-ground inventories were conducted to verify these areas. BLM stands by its inventory.

Comment: *Flat Tops A well site and active mining claims in the southeastern portion of the area eliminate a large portion from legitimate wilderness characteristic management. The Flat Tops ACEC currently provides for special management of part of this area. Creating another layer of management is redundant since the ACEC prescriptions effectively manage for wilderness characteristics. Active gas and oil leases within this area indicate that PFO has made management decisions for this area, and they are not conducive to protection of wilderness characteristics. PFO has permitted Emery County a free use permit for clay on the northeastern boundary of this area.*

Response: The Flat Tops ACEC falls within the boundary of the Price Field Office and is outside the scope of the Richfield RMP.

Comment: *Labyrinth Canyon The extreme northern end of the proposed areas is bisected by a motorized route. More than half the route is a designated route in the 2003 travel plan. At the end of the route there is a prominent dugway as well as excavation sites (probably test holds for gravel). This site should be considered for future source of gravel. A cattle trail has been constructed down the face of the cliff, allowing access to the river. Some fencing has been placed around the top of the trail. Point #362. A designated route runs east-west from Road #1010 to near the mouth of Three Canyon. This route again bisects the area. An extension of the route continues north, but is not included in the 2003 plan. Two motorized routes run north-south on the east side of Three Canyon but were not designated in the 2003 plan. They converge and provide access to Junes Bottom, the location of an historic homestead/moonshine location. Stone dwellings and remnants of a steam powered tractor are still at the location. A dugway has been constructed down the Slickrock face near the location, at the terminus of the route, 372,373. Active gas and oil leases within this area indicate that PFO has made management decisions for this area, and they are not conducive to protection of wilderness characteristics. County*

Road #1026 bisects another segment of this proposed area. A complex of roads, including a BLM system road and an historic air strip slice up “The Spur” portion of this proposed area. The roads, especially the BLM road, are highly visible for miles. A high use road on the east side of the Green River is visible from much of eastern edge of “The Spur.” This road accesses the boat ramp at Mineral Bottom as well as an active airstrip in the vicinity.

Response: In the Proposed RMP/Final EIS, the BLM chose to manage 2,800 acres (within Wayne County) of the 12,300 acres identified in the Draft RMP/EIS for the Labyrinth Canyon area. As part of BLM’s wilderness characteristics inventory maintenance, BLM performed a combination of data and onsite reviews. This included specific field inspections, Interdisciplinary Team review of data such as range files, county and BLM GIS data, and high-resolution 2006 aerial photographs. The BLM’s findings are described in the 1999–2003 wilderness reinventory documentation, as well as the 2007 wilderness characteristics review process (findings from this review are available on the RFO planning website, and in the administrative record). The BLM is satisfied that it has used a high-standard approach to public land inventory and it stands by its findings, particularly those findings that involved wilderness characteristics inventory maintenance.

Comment: PFO should coordinate with the Richfield Field Office to develop consistent management. The Emery County/ Wayne County boundary should not be used for a management boundary.

Response: The RFO has coordinated with the neighboring field offices on developing consistent management across field office boundaries. The BLM field office boundaries are set by the Utah State office in cooperation with the Washington office. Therefore setting the boundaries would be beyond the scope of this RMP.

Comment: Section 11. Managing part or all of the Flat Tops Region for so-called wilderness characteristics would violate FLPMA, contradict the state’s public land policy and contradict the foregoing plans of Emery County for managing the Flat Tops Region.

Response: The BLM’s authority for managing lands to protect or enhance wilderness characteristics comes directly from FLPMA Section 202 (43 U.S.C. §1712). This section of BLM’s organic statute gives the Secretary of the Interior authority to manage public lands for multiple use and sustained yield. Nothing in this section constrains the Secretary’s authority to manage lands as necessary to “achieve integrated consideration of physical, biological, economic, and other sciences.” (FLPMA, Section 202(c)(2) [43 U.S.C. §1712(c)(2)]) Further, FLPMA makes it clear that the term “multiple use” means that not every use is appropriate for every acre of public land and that the Secretary can “make the most judicious use of the land for some or all of these resources or related services over areas large enough to provide sufficient latitude for periodic adjustments in use...” (FLPMA, Section 103(c) [43 U.S.C. §1702(c)]) The FLPMA intended for the Secretary of the Interior to use land use planning as a mechanism for allocating resource use, including wilderness character management, among the various resources in a way that provides uses for current and future generations.

In addition, the BLM’s *Land Use Planning Handbook* (H-1601-1) directs BLM to “identify decisions to protect or preserve wilderness characteristics (naturalness, outstanding opportunities for solitude, and outstanding opportunities for primitive and unconfined recreation) including goals and objectives to protect the resource and management actions necessary to achieve these goals and objectives. For authorized activities, include conditions of use that would avoid or minimize impacts to wilderness characteristics.”

Comment: Muddy Creek—Crack Canyon. This area is massive and appears to be a “fill-in-the-blank spaces with wilderness” exercise. There doesn’t appear to have been an effort to inventory resources within these areas at all, just an attempt to fill in the gaps between WSAs. T23, 24 S, R&E and vicinity: There is interest in the Gypsum resources in this area, hence the mining claims. A motorized route

between Kimball Draw and Hebe's Arch bisects the northern most segment of this area. Remnants of extensive mining activity is clustered at the Lucky Strike mine. BLM system roads, designated trails and other motorized routes significantly chop up the Baptiste Draw, Horse Valley, Bell Canyon area. The Behind-the-Reef OHV trail and Chute Canyon Road (County Road #1016) borders the southern part of this area. This route, along with the other designated routes attached to it accommodates major motorized recreation. BLM recently developed two camping areas near Temple Mountain specifically to accommodate this use. Active mining claims are present in the Hidden Splendor, Little Susan areas. Again, the historic remnants of mining activity is abundant and visible in these areas, as well as along the historic routes which uranium exploration created. Roads were also dozed into the Segar's Hole area for exploration purposes and remain visually noticeable. The vicinity of Oil Well Dome is pockmarked with gas wells and is a known reservoir for gas. Active gas and oil leases within this area indicate that PFO has made management decisions for this area which are not consistent with management for wilderness characteristics. A motorized route bisects the Wild Horse Mesa area. The Mesa east and west of County Road #1013 in Little Wild Horse Creek has been crisscrossed with many exploration routes. A BLM system road near the head of Chimney Canyon is routinely used to access a Bighorn Sheep trap staging area. Emery County has performed road maintenance there to accommodate the helicopter support crew for the trapping procedure. Finally, with respect to the Penitentiary Canyon vicinity of this WC area, bounded by County Road #1012, #1019 and the Muddy Creek WSA, Emery County believes it possesses characteristics of naturalness which may at times provide opportunities for solitude and/or a primitive type of recreation. However, Emery County insists that management prescriptions respect and uphold the other values and preferred management standards identified for this area in the above-referenced addendum to Emery County's general plan, including but not limited to the following: - PFO should complete a thorough inventory of the area to document and preserve relevant assets within the area such as fence lines, water resources, etc. - PFO should provide for reasonable access to SITLA properties, and reasonable ingress and egress for other holders of valid and existing rights. - PFO should develop management prescriptions which will not affect current users or alter current use. - PFO should guard against the elimination of diminishment of structures, routes and developments that are recognizable and manageable on the ground."

Response: The BLM chose not to manage the Muddy Creek—Crack Canyon area for wilderness characteristics in the Proposed RMP/Final EIS due to the reasons listed by the commentor and through internal BLM review. As part of BLM's wilderness characteristics inventory maintenance, BLM performed a combination of data and onsite reviews. This included specific field inspections, Interdisciplinary Team review of data such as range files, county and BLM GIS data, and high-resolution 2006 aerial photographs. The BLM's findings are described in the 1999–2003 wilderness reinventory documentation, as well as the 2007 wilderness characteristics review process (findings from this review are available on the RFO planning website, and in the administrative record). The BLM is satisfied that it has used a high-standard approach to public land inventory and it stands by its findings, particularly those findings that involved wilderness characteristics inventory maintenance.

Comment: *Mussentuchit Badland* This re-inventory area is not overwhelmed with routes or other evidence of human activity but there are certainly enough routes, ponds and other evidences to eliminate most of the area from management for wilderness characteristics. Two County Roads penetrate the interior of the area. Road #922 provides access to a clay mining operation. In fact a large part of the proposed area has active mine claims in place. There are several other routes which access ponds and grazing amenities such as fence lines and troughs. Emery County once held a free use permit at the intersection of County Road #925 and #920. This site is a rare source for sand and gravel materials in this area.

Response: The BLM chose not to manage the Mussentuchit Badland area for wilderness characteristics in the Proposed RMP/Final EIS. As part of BLM's wilderness characteristics inventory maintenance, BLM performed a combination of data and onsite reviews. This included specific field inspections,

Interdisciplinary Team review of data such as range files, county and BLM GIS data, and high-resolution 2006 aerial photographs. The BLM's findings are described in the 1999–2003 wilderness reinventory documentation, as well as the 2007 wilderness characteristics review process (findings from this review are available on the RFO planning website, and in the administrative record). The BLM is satisfied that it has used a high-standard approach to public land inventory and it stands by its findings, particularly those findings that involved wilderness characteristics inventory maintenance.

Comment: *SWEETWATER REEF. A large portion of this unit is designated “open“ by the 2003 Route Designation Plan. Although the “open“ designation allows for cross country travel, users have transitioned well to a “designated trail” mentality. Although there is some off-trail use, it seems to be manageable at this time. Closure of routes currently in use could well result in unmanageable non-compliance. Many of the motorized trails and roads within this area follow decades old seismic exploration lines. Although wilderness proponents will claim that these lines are being naturally reclaimed, and becoming substantially unnoticeable, we believe they are better described as faint, but definitely noticeable. Grazing is currently the dominant use of the area. The many range projects include fence lines, stock ponds and developed springs and well. The wells typically require motorized pumping systems, troughs and storage tanks. These wells are visually and audibly noticeable from a couple of miles away. The statement that PFO makes that these isolated developments do not affect naturalness is false. The supplemental values mentioned should not be included as criteria supporting management for wilderness characteristics, especially historic structures and early petroleum exploration which are evidence of activity diametrically opposed to wilderness characteristics. Active gas and oil leases within this area indicate that PFO has made management decisions for this area which are not consistent with management for wilderness characteristics. Free use permits issued by the PFO within or adjacent to this area includes Spire Point, Dugout Springs and Saucer Basin.*

Response: The BLM chose not to manage the Sweetwater Reef area for wilderness characteristics in the Proposed RMP/Final EIS due to the reasons listed by the commentor and through internal BLM review. As part of BLM's wilderness characteristics inventory maintenance, BLM performed a combination of data and onsite reviews. This included specific field inspections, Interdisciplinary Team review of data such as range files, county and BLM GIS data, and high-resolution 2006 aerial photographs. The BLM's findings are described in the 1999–2003 wilderness reinventory documentation, as well as the 2007 wilderness characteristics review process (findings from this review are available on the RFO planning website, and in the administrative record). The BLM is satisfied that it has used a high-standard approach to public lands inventory and it stands by its findings, particularly the findings that involved wilderness characteristics inventory maintenance.

Comment: *WILD HORSE MESA Wild Horse Mesa reinventory area is bisected by a road which follows Wild Horse Creek. The road begins at Emery County Road #1013 and terminated on East Wild Horse Mesa in Wayne County. SR-24 is the eastern boundary to this area. This is a two lane highway which serves as a major north-south route and a major access to Lake Powell. Emery County Road #1012 is a northeastern boundary which is currently being realigned, widened and paved. 1012 is the major access route to Goblin Valley State Park, Temple Mountain Area, Bell and Little Wild Horse Canyon Trails and other recreation areas on the San Rafael Swell. These areas adjoining the Wild Horse Mesa area have required several road upgrades to handle the increasing visitation. Emery County has a permitted free use permit in the Little Wild Horse Wash. This is a very important material source and will be needed for future road projects. A number of springs have been filed on with the state for water rights. Livestock grazing is a major resource of the area. Several fence lines are found within the bounds of this area. Finally, with respect to the interior portion of this area, Emery County believes it possesses characteristics of naturalness which may at times provide opportunities for solitude and/or a primitive type of recreation. However, Emery County insists that management prescriptions respect and uphold the other values and preferred management standards identified for this area in the above-referenced*

addendum to Emery County's general plan, including but not limited to the following: - PFO should complete a thorough inventory of the area to document and preserve relevant assets within the area such as fence lines, water resources, etc. - PFO should provide for reasonable access to SITLA properties, and reasonable ingress and egress for other holders of valid and existing rights. - PFO should develop management prescriptions which will not affect current users or alter current use. - PFO should guard against the elimination or diminishment of structures, routes and developments that are recognizable and manageable on the ground. -PFO should coordinate with the Richfield Field Office to develop consistent management. The Emery County/ Wayne County boundary should not be used for a management boundary.

Response: In the Proposed RMP/Final EIS, the BLM chose to manage 8,700 acres of the 49,700 acres identified in the Draft RMP/EIS for the Wild Horse Mesa area. As part of BLM's wilderness characteristics inventory maintenance, BLM performed a combination of data and onsite reviews. This included specific field inspections, Interdisciplinary Team review of data such as range files, county and BLM GIS data, and high-resolution 2006 aerial photographs. The BLM's findings are described in the 1999–2003 wilderness reinventory documentation, as well as the 2007 wilderness characteristics review process (findings from this review are available on the RFO planning website, and in the administrative record). The BLM is satisfied that it has used a high-standard approach to public land inventory and it stands by its findings, particularly the findings that involved wilderness characteristics inventory maintenance.

Comment: *Rock Canyon Several routes penetrate this area from the west, mostly for the purpose of accessing livestock associated features, including ponds and troughs. The area is immediately adjacent to the four lane interstate freeway on the north. The Mancos badlands near I-70 and County Road #912 are heavily used for motorized recreation. Active mining claims are present in the north, west and south portions of the area.*

Response: The BLM chose not to manage the Rock Canyon area for wilderness characteristics in the Proposed RMP/Final EIS due to the reasons listed by the commentor and through internal BLM review. As part of BLM's wilderness characteristics inventory maintenance, BLM performed a combination of data and onsite reviews. This included specific field inspections, Interdisciplinary Team review of data such as range files, county and BLM GIS data, and high-resolution 2006 aerial photographs. The BLM's findings are described in the 1999–2003 wilderness reinventory documentation, as well as the 2007 wilderness characteristics review process (findings from this review are available on the RFO planning website, and in the administrative record). The BLM is satisfied that it has used a high-standard approach to public land inventory and it stands by its findings, particularly the findings that involved wilderness characteristics inventory maintenance.

Sevier County

Comment: *We respectfully expect the BLM to “consider” Sevier County's Land Use Plan and ordinance, in implementing your “multiple use” mandate from congress on the majority of the land in the Richfield Field Office while managing resources and finally assure the “RMP is consistent with Sevier Counties Land Use Plan.*

Response: The BLM considered the county's land use plan and ordinance in the crafting of the Proposed RMP. The BLM RFO is aware that the counties have updated their general management plans in 2007. The revised general management plan was provided to BLM late in the planning process and was reviewed further in development of the Proposed RMP/Final EIS. The BLM is aware that there are specific county and state plan decisions relevant to aspects of public land management that are discrete from, and independent of, federal law. Chapter 5 of this document includes a consistency review with the Sevier County Plan.

Comment: *Because of the nature of this collaborative process, and its importance to the future of Sevier County, we ask the BLM to review the County General Plan as amended in this planning process before a final RMP is adopted.*

Response: The BLM RFO is aware that the counties have updated their general management plans in 2007. The revised general management plan was provided to BLM late in the planning process and may need to be reviewed further in development of the Proposed RMP/Final EIS. The BLM is aware that there are specific county and state plan decisions relevant to aspects of public land management that are discrete from, and independent of, federal law. However, the BLM is bound by federal law. The FLPMA requires that the development of an RMP for public lands must be coordinated and consistent with county plans, to the maximum extent possible by law, and inconsistencies between federal and non-Federal Government plans be resolved to the extent practical (FLPMA, Title II Sec. 202 (c)(9)). As a consequence, where state and local plans conflict with federal law, there will be an inconsistency that cannot be resolved or reconciled. Thus, while county and federal planning processes, under FLPMA, are required to be as integrated and consistent as practical, the federal agency planning process is not bound by or subject to county plans, planning processes, or planning stipulations. The BLM will identify these conflicts in the Proposed RMP/Final EIS, so that the state and local governments have a complete understanding of the impacts of the Proposed RMP on state and local management options. A consistency review of the Proposed RMP with the state and county master plans is included in Chapter 5.

Comment: *Sevier County has spent thousands of hours and tens of thousands of dollars compiling geographical data, including photographs and other evidence of proof which proves these areas do not meet wilderness characteristics. This document is entitled "Sevier County, Utah-Proposed Wilderness Characteristics Lands" and is attached. This data is Sevier County's position concerning Wilderness Inventoried Areas (WIA). See attachment A.*

Response: The BLM considered the county's inventory in developing the Proposed RMP, and based upon all available information BLM carried forward 78,600 acres (12 percent) of the 682,600 acres of non-WSA lands with wilderness characteristics identified in the Draft RMP Alternative D. The presence or absence of man-made intrusions does not mean that an area does not possess wilderness characteristics. It is the cumulative significance of these features that determines whether an area possesses wilderness characteristics. As part of its wilderness characteristics inventory maintenance, BLM used a combination of field checks, Interdisciplinary Team review of such data as range files, county and BLM GIS data, and review of high resolution 2006 aerial photographs. BLM stands by its determination. BLM has reviewed the information submitted and determined that the information is not new and significant.

Comment: *Sevier County has been very involved in the discussion about the Factory Butte area and we are submitting a document that proposes what we believe is a reasonable and workable solution for consideration for the final RMP. We have spent numerous hours on the ground with a large group of stake holders including representatives of U.S. Fish and Wildlife and believe that this compromise position is an excellent way to protect the resource and still allow meaningful access. This attachment is included as Attachment B.*

Response: BLM has considered the proposals submitted by several commenters. The commenters' proposal is included within the range of alternatives considered within the Draft RMP/EIS. The Proposed RMP/Final EIS has been revised to address the proposal and the commenters' concerns. Several surveys and clearances will be required to identify the location of specific trails. The exact location of any trails will be clearly marked. The general location of trails, kiosks, fences, and other facilities is identified in the Proposed RMP/Final EIS. The location of these facilities will be specified in activity-level planning. The area will be strictly monitored to include compliance with the plan. Following BLM policy, the RFO will take a cooperative management approach to implement the plan.

Comment: *The socioeconomic section of Chapter 4 was very incomplete with several concerns unaddressed. As a result, the Six County Association of Governments contracted with Utah State University (USU) to conduct a review of the Chapter 4 for the Six County area, which includes Sevier County.*

Response: BLM has reviewed the USU, October 2006, Review of the Socioeconomic Analysis in the Draft EIS prepared by the USDI—BLM RFO (also known as the AOG study). It expressed concerns with analyses of livestock grazing, oil and gas production, socioeconomic groups (or “neighborhoods”), and OHV use in the counties.

The AOG study was a critique of the original Draft EIS; the current, public Draft EIS has been modified considerably and has taken into account, directly or indirectly, many of the concerns expressed in the original AOG critique.

Based on CEQ Sec. 1502.2 BLM’s policies and guidelines require the BLM to analyze the impacts of significant differences from the current situation (i.e., the Alternative N: No Action). Given that the percent change in AUMs across alternatives is only 0.7 percent, there is no need to do the depth of livestock grazing analysis suggested by the AOG. Furthermore, the Proposed RMP shows no significant difference from the current situation, and therefore no impact from BLM decisions reached in the plan.

The BLM acknowledges the planning area contains distinct socioeconomic “neighborhoods” that likely have differential ties to the BLM lands, and would likely experience differential impacts from BLM management changes. A land use plan is a landscape-level plan addressing BLM actions on the entire planning area. This focus is not intended to deny that real differences exist among the various communities and groups within the planning area. The plan takes a broader view. The BLM is unaware of any data suggesting that a “neighborhood” level analysis would have affected the decisions reached in the plan.

In developing land use plans, the BLM is mandated by FLPMA to observe the principles of multiple use and sustained yield. FLPMA defines multiple use as “the management of the public lands and their various resource values so that they are utilized in the combination that will best meet the present and future needs of the American people...the use of some land for less than all of the resources, a combination of balanced and diverse resource uses that takes into account the long-term needs of future generations for renewable and nonrenewable resources...with consideration given to the relative values of the resources and not necessarily to the combination of uses that will give the greatest economic return or the greatest unit output.”

The BLM used the scoping process to explore and objectively determine a reasonable range of alternatives that best addressed the issues, concerns, and alternatives identified by the public. As a result, five alternatives were identified (including the No Action Alternative) for further analysis. Each alternative considers various levels or degree of resource use or resource protection to give the public the ability to fully compare the consequences of each management prescription or action.

Alternative A favors mineral development over protection of resources. Alternative C of the Draft RMP/EIS favors the protection of resources over the extraction of mineral development. Alternative D is the same as Alternative C except it includes management of lands with wilderness characteristics to preserve those characteristics. Alternative B is designed to be a balance between mineral development and protection of resources. Table 2.1 in the Richfield Draft RMP/EIS provides in comparative form the management actions associated with each alternative.

Comment: *The County does not believe BLM has the authority to create a special management criteria based solely on wilderness characteristics. We believe that the authority governing the inventory and*

management of lands with wilderness characteristics was passed to BLM through section 603 of the Federal Land Policy and Management Act, and that section 603 has now expired. And, while BLM may have authority to inventory their lands for various purposes, they still require Congressional authorization to manage for wilderness.

Response: BLM's authority for managing lands to protect or enhance wilderness characteristics comes directly from FLPMA Section 202 (43 U.S.C. §1712). This section of BLM's organic statute gives the Secretary of the Interior authority to manage public lands for multiple use and sustained yield. Nothing in this section constrains the Secretary's authority to manage lands as necessary to "achieve integrated consideration of physical, biological, economic, and other sciences." FLPMA, Section 202(c)(2) (43 U.S.C. §1712(c)(2)). Further, FLPMA makes it clear that the term "multiple use" means that not every use is appropriate for every acre of public land and that the Secretary can "make the most judicious use of the land for some or all of these resources or related services over areas large enough to provide sufficient latitude for periodic adjustments in use..." FLPMA, Section 103(c) (43 U.S.C. §1702(c)). FLPMA intended for the Secretary of the Interior to use land use planning as a mechanism for allocating resource use, including wilderness character management, among the various resources in a way that provides uses for current and future generations. BLM has long acknowledged that FLPMA Section 603 (43 U.S.C. §1782) requiring a one-time wilderness review has expired. All current inventory of public lands is authorized by FLPMA Section 201 (43 U.S.C. §1711). In September 2006, the Utah District Court affirmed that the BLM retained authority to protect lands it determined to have wilderness characteristics in a manner substantially similar to the manner in which such lands are protected when protected as WSAs. Finally, the Utah v. Norton Settlement Agreement does not affect BLM's authority to manage public lands. This agreement merely remedied confusion by distinguishing between WSAs established under FLPMA § 603 and required to be managed under § 603's non-impairment standard, and other lands that fall within the discretionary FLPMA § 202 land management process. See also IM 2003-275.

Comment: *The conclusion that we have made, based on this information, is that while there are some small areas that remain relatively undisturbed by man, the BLM has failed to demonstrate the necessary standard on size, naturalness, and outstanding nature. Further, in most areas, the BLM fails to demonstrate the necessary standard on isolation and opportunity for solitude.*

Response: The presence or absence of man-made intrusions does not mean that an area does not possess wilderness characteristics. It is the cumulative significance of these features that determines whether an area possesses wilderness characteristics. As part of its wilderness characteristics inventory maintenance, BLM used a combination of field checks, Interdisciplinary Team review of data such as range files, county and BLM GIS data, and review of high-resolution 2006 aerial photographs. BLM stands by its determination. BLM has reviewed the information submitted and determined that the information is not new and significant.

Comment: *The correct standard for rangeland health management is not whether BLM may permanently close an entire grazing allotment. The correct standard is whether BLM may diminish a single grazing AUM for any reason other than rangeland conditions. The "close an entire grazing allotment" standard misses the mark of House Bill 264 and local county plans by a serious margin.*

Response: The Draft RMP/EIS does not include any alternatives that consider decreases in livestock grazing; therefore, this comment does not apply to this document.

Comment: *However, BLM-imposed suspensions of use or other reductions in domestic livestock animal unit months should be temporary and scientifically based on rangeland conditions.*

Response: Per the 43 CFR 4100 regulations, suspended AUMs are restored to the operator to the amount of the suspension, if conditions allow. The regulations also address temporary increases or decreases to permitted use based on supporting monitoring, field observations, ecological site inventories, or other data

acceptable to the authorized officer (43 CFR 4110.3). Beyond this, AUMs are allocated to livestock or wildlife depending on the allotment objectives contained in the RMP and Rangeland Program Summary.

Comment: *Accordingly, animal unit months in the RFO planning area should not be relinquished or retired in favor of conservation, wildlife, or other uses.*

Response: Per IM-2006-098 (change 1), it is BLM policy to maintain livestock grazing on BLM lands in conformance with all governing laws and regulations. It would be inconsistent with these and other laws to eliminate livestock grazing on a field office basis. However, the land use planning process can close lands to grazing as provided for in the Taylor Grazing Act and FLPMA but only with a rational basis to resolve identified issues.

Comment: *The transfer of grazing animal unit months (AUMs) to wildlife for supposed reasons of rangeland health is illogical. There is already imputed in each AUM a reasonable amount of forage for wildlife component.*

Response: There is no decision in the Draft RMP/EIS that specifically transfers AUMs to wildlife for reasons of rangeland health.

Comment: *Any grazing animal unit months that may have been reduced in the RFO planning area due to rangeland health concerns should be restored to livestock when rangeland conditions improve not converted to wildlife use.*

Response: Per the 43 CFR 4100 regulation, suspended AUMs are restored to the operator to the amount of the suspension, if conditions allow. Beyond this, AUMs are allocated to livestock or wildlife depending on the allotment objectives contained in the RMP and Rangeland Program Summary.

Comment: *The RMP may not unilaterally amend a grazing permit without monitoring data or other information. 43 C.F.R. §4130.2-1 (changes in grazing use). Dictating changes in the seasons of use from the RMP also violates the requirement that BLM coordinate, consult and cooperate with individual permittees before amending an allotment management plan. 43 U.S.C. §1752(d); 43 C.F.R. §4110.3-2.*

Response: The Draft RMP/EIS does not change any seasons of use. It does present criteria by which changes to seasons of use would be considered. Changes in seasons of use are implementation actions. It is mandatory that the BLM involve the permittee in any changes that are made to the season of use. These changes are made only after proper NEPA documentation has been completed. The intent of the change and NEPA documentation is also listed on the BLM's NEPA Electronic Bulletin Board, which the public has access to.

Comment: *First, the maps provided at open houses and in the DRMP are not accurate or detailed enough to adequately evaluate the boundaries of remaining OHV open areas or to closely examine road closures.*

Response: BLM has provided detailed maps within the document. Maps of finer detail can be accessed at the RFO reading room. Maps were created to differentiate the designation of the route, not the route classification.

Comment: *We also note that the County has a travel map showing all our roads and trails, and the BLM's travel plan should be consistent with the County's information.*

Response: As described in the Draft RMP/EIS, the BLM used a variety of methods to inventory existing routes/ways within the RFO for consideration in the planning process, including Global Positioning System data (when available), data provided by the counties, map and orthophoto data, and staff/cooperator knowledge. Based on this inventory, the BLM identified 4,380 miles of routes/ways

(Map 3-10 of the Draft RMP/EIS) within the RFO. It should be noted that route designations are implementation decisions and that the resulting transportation network could change over time. Management direction for OHV is provided in 43 CFR 8340, BLM Manual 8340, and the BLM National OHV Management Strategy.

***Comment:** Sevier County is not comfortable with the BLM's RFD, or the manner in which the BLM determines the potential future economic viability of certain minerals. It does not match county planning or the County's assessment of potential value.*

Response: The RFD predicts a reasonable development scenario for oil and gas activity. The commenter does not substantiate deficiencies in the analysis or RFD. The mineral potential report addressed the likelihood of mineral development. Chapter 3 of the Draft RMP/EIS updated the mineral potential report. The commenter does not substantiate deficiencies in the analysis. The coal resource reports identified areas with mineable resources. The unsuitability criteria were applied to determine areas suitable for consideration of coal leasing. The commenter does not substantiate deficiencies in the analysis.

***Comment:** Valid and existing rights must be recognized for the continued economic viability of our County. We expect that any alternative should recognize these rights.*

Response: As required by regulations and policies, valid existing rights would be recognized by BLM.

***Comment:** Valid and existing rights must be recognized and protected, water for culinary use, irrigation, recreation, and all other uses must be protected.*

Response: The Federal Government has delegated the authority to allocate water within state boundaries to state governments. This means that even though BLM is a federal agency, it must seek water rights from state governments to obtain and provide water for BLM uses. These uses include, but are not limited to, irrigation, wildlife water and habitat, livestock watering, recreation, fisheries, and riparian/wetlands.

***Comment:** The County is concerned about the BLM's suitability findings given the level to which this water is appropriated, and given its historic and current use. Designation of any segments as wild and scenic would unnecessarily restrict the ability of the water users to carry on the daily management of their water. Wild and scenic designation almost always carries with it some form of water flow requirements, and any such influence on the use and management of the current water resource could be ruinous to the water users.*

Response: Barring congressional action, there is no effect on water rights or in-stream flows related to suitability findings made in a land use plan decision. Even if Congress were to designate rivers into the National Wild and Scenic Rivers System, any such designation would have no effect on existing water rights. Section 13(b) of the Wild and Scenic River Act states that jurisdiction over waters is determined by established principles of law. In Utah, the State has jurisdiction over water. Although the Wild and Scenic Rivers Act implies a Federal reserved water right for designated rivers, it does not require or specify any amount, and as noted above, confirms that Utah has jurisdiction over water rights. The BLM would be required to adjudicate the water right, in the same manner as any other entity, by application through State processes. Thus, for congressionally designated rivers, the BLM may assert a Federal reserved water right for appurtenant and unappropriated water with a priority date as of the date of designation (junior to all existing rights), but only in the minimum amount necessary to fulfill the primary purpose of the reservation.

***Comment:** The county believes that the creation of any new ACECs should follow very specific standards as defined in federal law and should not be used as an alternative to, or interim management leading to, wilderness designation or managing for wilderness characteristics.*

Response: The BLM has separate policies and guidelines as well as criteria for establishing ACECs and WSAs. The differing criteria make it possible that the same acreages will qualify as both an ACEC and a WSA but for different reasons. The BLM is required to consider these different policies. The values protected by the WSA do not necessarily protect those values found relevant and important for the ACEC process and vice versa.

Comment: We believe that all alternatives considered should comply with all federal law, BLM policy, the State of Utah Law, and the interior settlement of 2003.

Response: The BLM considered federal law, BLM policy, State of Utah law, and the interior settlement of 2003 in developing the alternatives. The BLM's authority for managing lands to protect or enhance wilderness characteristics comes directly from FLPMA Section 202 (43 U.S.C. §1712). This section of BLM's organic statute gives the Secretary of the Interior authority to manage public lands for multiple use and sustained yield. Nothing in this section constrains the Secretary's authority to manage lands as necessary to "achieve integrated consideration of physical, biological, economic, and other sciences." (FLPMA, Section 202(c)(2) [43 U.S.C. §1712(c)(2)]) Further, FLPMA makes it clear that the term "multiple use" means that not every use is appropriate for every acre of public land and that the Secretary can "make the most judicious use of the land for some or all of these resources or related services over areas large enough to provide sufficient latitude for periodic adjustments in use..." (FLPMA, Section 103(c) [43 U.S.C. §1702(c)]) The FLPMA intended for the Secretary of the Interior to use land use planning as a mechanism for allocating resource use, including wilderness character management, among the various resources in a way that provides uses for current and future generations.

In addition, the BLM's *Land Use Planning Handbook* (H-1601-1) directs BLM to "identify decisions to protect or preserve wilderness characteristics (naturalness, outstanding opportunities for solitude, and outstanding opportunities for primitive and unconfined recreation, including goals and objectives to protect the resource and management actions necessary to achieve these goals and objectives. For authorized activities, include conditions of use that would avoid or minimize impacts to wilderness characteristics."

State of Utah

Comment: The BLM is obligated to examine the state and local plans and policies concept by concept, criteria by criteria, and line by line, if necessary, to determine the extent to which the plans and policies of state and local governments represent a consistent statement of the shared stewardship of the land.

Response: A consistency review of the Proposed RMP with the state and county master plans is included in Chapter 5.

Comment: Because of the value of grazing, state policy discourages permanent closure of grazing allotments and encourages the reinstatement of suspended AUMs when range conditions permit somewhere within the Richfield FO.

Response: Per the 43 CFR 4100 regulation, suspended AUMs are restored to the operator to the amount of the suspension if conditions allow. Beyond this, AUMs are allocated to livestock or wildlife depending on the allotment objectives contained in the RMP and Rangeland Program Summary.

Comment: The state strongly suggests that BLM support flexibility within the management provisions for livestock grazing time (duration) and timing (season of use) in the Final Plan.

Response: The BLM's grazing regulations (43 CFR 4100) require each grazing permit to have mandatory terms and conditions, including a specified season of use, kind of livestock, and other terms and

conditions as necessary. The Draft RMP/EIS has been modified to include an alternative that provides for using livestock grazing for site-specific fuels management outside the season of use.

Comment: *In addition, the state encourages the BLM to cooperate with the state grazing permittees and conservation organizations to actively monitor and record grazing use data, wildlife populations and range conditions. The Final RMP should contain and rely on a robust monitoring program so that resource managers and users can communicate, learn, assign responsibilities, and use adaptive management to meet land health objectives.*

Response: Monitoring is an ongoing effort in the grazing program. Monitoring is done on an allotment-specific basis, based on set monitoring procedures established for Bureau-wide consistency. There is already a program to invite permittees and other interested public to assist in monitoring and allotment management (43 CFR 4100). Requests from permit holders to cooperate with monitoring allotments with more issues “I Category Allotments” receive more monitoring than Custodial allotments. Monitoring is required prior to making any allotment changes. Current BLM policy and regulation support the continuation of the existing monitoring program.

Comment: *On a related note, the state believes the BLM should only employ the term “critical habitat” when referring to the legal habitat designations for endangered and threatened species under the Endangered Species Act. The state requests that the BLM use the “crucial habitat” designations mapped by the Division of Wildlife Resources solely as descriptive wildlife habitat designations, not as automatic exclusion zones for other multiple uses.*

Response: As noted in the comment, the term “designated critical habitat” should be used only in reference to species listed as threatened or endangered under the Endangered Species Act. Designated crucial habitat is a DWR designation and should be consistent for all alternatives because BLM does not have authority to change them. The Final RMP/EIS has been changed to correct the issues discussed above.

Comment: *As an interim measure, the state encourages the Richfield FO to request that oil and gas operators apply best available control technology. We also encourage the Richfield FO to adopt emission standards for compressor engines consistent with the Four Corners Air Quality Task Force Report of Mitigation Options, DRAFT: Version 7, June 22, 2007 (Task Force Report).*

Response: The air quality management actions in the Proposed RMP/Final EIS have been revised to include the following: “The BLM will work cooperatively to encourage industry to adopt measures to reduce potential emissions. Examples of these types of measures can be found in the Four Corners Air Quality Task Force Report of Mitigation Measures, such as a requirement of a 2g/bhp-hr limit on engines less than 300HP and 1g/bhp-hr limit on engines larger than 300HP.”

Comment: *Pending completion of comprehensive air quality analyses and region-wide air quality modeling, we encourage the BLM to work with stakeholders to research additional interim measures, such as those presented by the Four Corners Air Quality Task Force, to determine which emission mitigation strategies should be required as future lease and application for permit to drill (APD) conditions.*

Response: The air quality management actions in the Proposed RMP/Final EIS have been revised to include the following: “The BLM will work cooperatively to encourage industry to adopt measures to reduce potential emissions. Examples of these types of measures can be found in the Four Corners Air Quality Task Force Report of Mitigation Measures, such as a requirement of a 2g/bhp-hr limit on engines less than 300HP and 1g/bhp-hr limit on engines larger than 300HP.”

Comment: *The law indicates, among other things, that river segments proposed for inclusion in the NWSRS should contain water at all times and possess an outstandingly remarkable value which is significant within a physiographic regional context, and that studies of the effects of designation on uses within the river corridor, as well as upstream and downstream from the corridor, are analyzed and disclosed.*

Response: Federal law takes precedence over others: Section 16(b) of the Wild and Scenic River Act defines a river as “a flowing body of water or estuary, or a section, portions, or tributary thereof, including rivers, streams, creeks, runs, rills, kills, and small lakes.” For purposes of evaluation, the volume of water flow need only be sufficient to sustain or complement the identified resource values. Rivers with intermittent or non-perennial flows already exist within the national river system.

Comment: *The state is also concerned about suitability findings for those streams where there are significant water diversions upstream of the subject reach, most of which are for irrigation. This is particularly true for the Dirty Devil River and the Fremont Gorge.*

Response: Federal law takes precedence over others: Section 16(b) of the Wild and Scenic River Act defines a river as “a flowing body of water or estuary, or a section, portions, or tributary thereof, including rivers, streams, creeks, runs, rills, kills, and small lakes.” For purposes of evaluation, the volume of water flow need only be sufficient to sustain or complement the identified resource values. Rivers with intermittent or non-perennial flows already exist within the national river system.

Comment: *As a minimum, the State Engineer requests the BLM to catalog all valid, existing water rights that may be affected by designation as part of the Final EIS.*

Response: A catalog of all valid existing water rights along the Fremont River include, but are not limited to, Monte Elliot, Torrey Canal, Mills Ditch, Garkane Power Ditch, Capitol Reef National Park, Forest Sims, Caineville Canal, Hanksville Canal per the Bates decree and subsequent filings for high water. However, there are no water rights or in-stream flows related to suitability findings made in a land use plan decision, barring congressional action. Even if Congress were to designate rivers into the National WSR System, any such designation would have no effect on existing valid water rights. Section 13 (b) of the Wild and Scenic River Act states that jurisdiction over waters is determined by established principles of law. In Utah, the state has jurisdiction over water. Although the Wild and Scenic River Act implies a federal reserved water right for designated rivers, it does not require or specify any amount, and instead establishes that only the minimum amount for purposes of the act can be acquired. Because the State of Utah has jurisdiction over water, BLM would be required to adjudicate the right as would any other entity, by application through state processes. Thus, for congressionally designated rivers, BLM may assert a federal reserved water right to appurtenant and unappropriated water with a priority date as of the date of designation (junior to all existing rights), but only in the minimum amount necessary to fulfill the primary purpose of the reservation. In practice, however, federal reserved water rights have not always been claimed if alternative means of ensuring sufficient flows are adequate to sustain the outstandingly remarkable values. The RFO Proposed RMP would designate only 5 miles of Fremont River, known as the Fremont Gorge (located between Torrey and Capitol Reef National Park) as suitable for inclusion in the WSR System.

Comment: *The state finds the discussion regarding potential recommendations for additions to the NWSRS in the Draft RMP and EIS does not fully satisfy the requirements of federal or state law, or BLM policy and direction. The state believes it is imperative that the BLM properly disclose the reasons and rationale for determinations of suitability for proposed additions to the NWSRS, and to fully meet the requirements of state and federal law in doing so.*

Response: The rationale for suitability for determinations are contained in the Draft RMP/EIS Appendix 3 and comply with applicable Federal laws.

***Comment:** The State of Utah has reviewed BLM's inventory of and proposed management for lands identified as possessing wilderness characteristics. The state does not believe that BLM has authority to create a category of management based solely on the characteristics of wilderness.*

Response: BLM's authority for managing lands to protect or enhance wilderness characteristics comes directly from FLPMA Section 202 (43 U.S.C. §1712). This section of BLM's organic statute gives the Secretary of the Interior authority to manage public lands for multiple use and sustained yield. Nothing in this section constrains the Secretary's authority to manage lands as necessary to "achieve integrated consideration of physical, biological, economic, and other sciences." FLPMA, Section 202(c)(2) (43 U.S.C. §1712(c)(2)). Further, FLPMA makes it clear that the term "multiple use" means that not every use is appropriate for every acre of public land and that the Secretary can "make the most judicious use of the land for some or all of these resources or related services over areas large enough to provide sufficient latitude for periodic adjustments in use..." FLPMA, Section 103(c) (43 U.S.C. §1702(c)). FLPMA intended for the Secretary of the Interior to use land use planning as a mechanism for allocating resource use, including wilderness character management, amongst the various resources in a way that provides uses for current and future generations. BLM has long acknowledged that FLPMA Section 603 (43 U.S.C. §1782) requiring a one-time wilderness review has expired. All current inventory of public lands is authorized by FLPMA Section 201 (43 U.S.C. §1711). In September 2006, the Utah District Court affirmed that the BLM retained authority to protect lands it determined to have wilderness characteristics in a manner substantially similar to the manner in which such lands are protected when protected as WSAs. Finally, the Utah v. Norton Settlement Agreement does not affect BLM's authority to manage public lands. This Agreement merely remedied confusion by distinguishing between wilderness study areas established under FLPMA § 603 and required to be managed under § 603's non-impairment standard, and other lands that fall within the discretionary FLMPA § 202 land management process. See also IM 2003-275.

***Comment:** Thus, the state asks BLM to provide a detailed explanation of the rationale and authority for managing lands solely because of wilderness characteristics.*

Response: BLM's authority for managing lands to protect or enhance wilderness characteristics comes directly from FLPMA Section 202 (43 U.S.C. §1712). This section of BLM's organic statute gives the Secretary of the Interior authority to manage public lands for multiple use and sustained yield. Nothing in this section constrains the Secretary's authority to manage lands as necessary to "achieve integrated consideration of physical, biological, economic, and other sciences." FLPMA, Section 202(c)(2) (43 U.S.C. §1712(c)(2)). Further, FLPMA makes it clear that the term "multiple use" means that not every use is appropriate for every acre of public land and that the Secretary can "make the most judicious use of the land for some or all of these resources or related services over areas large enough to provide sufficient latitude for periodic adjustments in use..." FLPMA, Section 103(c) (43 U.S.C. §1702(c)). FLPMA intended for the Secretary of the Interior to use land use planning as a mechanism for allocating resource use, including wilderness character management, among the various resources in a way that provides uses for current and future generations. BLM has long acknowledged that FLPMA Section 603 (43 U.S.C. §1782) requiring a one-time wilderness review has expired. All current inventory of public lands is authorized by FLPMA Section 201 (43 U.S.C. §1711). In September 2006, the Utah District Court affirmed that the BLM retained authority to protect lands it determined to have wilderness characteristics in a manner substantially similar to the manner in which such lands are protected when protected as WSAs. Finally, the Utah v. Norton Settlement Agreement does not affect BLM's authority to manage public lands. This agreement merely remedied confusion by distinguishing between WSAs established under FLPMA § 603 and required to be managed under § 603's non-impairment standard, and other lands that fall within the discretionary FLMPA § 202 land management process. See also IM 2003-275.

***Comment:** In addition to these cautions, the state requests that, in weighing management options for the Final RMP, BLM carefully consider recommendations submitted by local government and not manage*

lands to protect wilderness character where such management would, in the opinion of local governments, be contrary to the interests of local residents.

Response: BLM is aware that there are specific state laws relevant to aspects of public land management that are discrete from, and independent of, federal law. However, BLM is bound by federal law. As a consequence, there may be inconsistencies that cannot be reconciled. FLPMA requires that BLM's land use plans be consistent with state and local plans "to the extent practical" where state and local plans conflict with federal law, there will be an inconsistency that cannot be resolved. BLM will identify these conflicts in the Proposed RMP/Final EIS so that the state and local governments have a complete understanding of the impacts of the Proposed RMP on state and local management options.

Comment: *BLM's decisions on how to manage its lands directly affect Utah's ability to manage state trust lands to provide revenue for public schools and other beneficiary institutions.*

Response: The BLM acknowledges that the closure of adjoining public lands to oil and gas leasing may have a potentially negative impact on SITLA's mineral revenue. In Alternatives C and D, the closure of the 379,100 acres managed as WSA or wilderness area is nondiscretionary and beyond the scope of this plan.

In Alternatives N, A, B, and C, there are no SITLA lands affected by discretionary closure. Chapter 4 of the Proposed RMP/Final EIS has been revised to reflect the impacts of Alternative D on SITLA inholdings for the discretionary closures of 244,058 acres of public land. It should be noted that under any alternative, the proposed ACECs are not managed as closed to mineral leasing. Areas with wilderness characteristics are recommended as closed under Alternative D.

Comment: *The state believes the Draft RMP fails to address adequately these two major issues: The impact of BLM management decisions on state trust lands, and the need for a substantially more robust program for land tenure adjustments between the BLM and the State of Utah.*

Response: Regarding the first issue, an analysis of impacts on state trust lands was included under the socioeconomics section of the DRMP/DEIS (Section 4.6.1). Regarding the second issue raised, during processing of any proposed land tenure adjustment, BLM is required through the planning process to notify and coordinate with adjacent landowners and other interested parties. BLM's mandate is to retain lands in federal management unless the lands meet the criteria specified in FLPMA Section 203 for sale and other disposal actions as provided for under other authorities (such as exchange, R&PP) as discussed under "Lands and Realty Common to All Alternatives" section in Chapter 2, Table 2-18 of the Draft RMP/EIS.

Comment: *The RMP should specifically state that: (1) continued motorized administrative access on non-designated routes providing access to trust lands will be permitted to SITLA, its permittees, grantees and successors, notwithstanding any closure to the general public, to the extent such motorized access is currently available; (2) SITLA, its permittees and grantees may undertake reasonable maintenance activities to preserve and improve existing access across BLM lands, after consultation and appropriate environmental review by BLM and consultation with local governments as necessary; and (3) existing routes that are the sole access to state trust lands will not be closed and/or reclaimed without full BLM consultation with and approval by SITLA and the State.*

Response: The travel plan provides restrictions to the public for recreational purposes but does not restrict uses permitted or authorized by the BLM. State inholdings may or may not currently have access, depending on whether existing vehicle routes lead to them. Under different alternative scenarios, existing routes may be proposed for closure. BLM policy, as required by the Cotter decision (State of Utah v Andrus, 10/1/79), is that "the state must be allowed access to the state school trust lands so that those lands can be developed in a manner that will provide funds for the common school..." This decision

confined the issue of access to situations directly involving economic revenues generated for the school trust.

Comment: *We encourage the Richfield Field Office to continue meeting with Park Service, Forest Service, local government, and tribal government partners and to use these meetings as an opportunity to harmonize management across jurisdictional lines.*

Response: The RFO has coordinated in developing the Draft RMP/EIS with other federal agencies, local government, and tribal partners. The field office will continue to coordinate and develop these relationships with our partners through the Proposed RMP/Final EIS.

Comment: *The scope of activities anticipated under the Reasonably Foreseeable Development scenario (RFD) for fluid minerals needs clarification. The RFD does not clearly state whether its projections are limited to exploration, or include possible subsequent development based on likely economically recoverable discoveries.*

Response: The projection included in the RFD is not limited to exploration. The RFD also considers the production of oil and gas in the Sevier Frontal Play.

Comment: *Under Utah law, approved and perfected water rights are real property. BLM actions may affect the value of this real property. Because of this, the State Engineer recommends that the BLM consider the impact its actions may have on water rights in general and non-BLM water rights in particular.*

Response: BLM is obligated by law to honor valid, existing rights. Similarly, holders of valid, existing rights are obligated to honor federal laws regarding the use of federal lands for the exercise of those rights. BLM does not foresee frequent situations in which BLM's obligations under federal law would cause the agency to take actions that would prevent the holders from fully exercising their valid existing rights. BLM works diligently with the owners of valid, existing rights to prevent such situations from occurring. If the holder of a valid, existing right believes the BLM has taken an action that prevents the exercise of that right, the proper venue for determining equitable compensation or mitigation is in a court of valid jurisdiction, not within the context of a land use plan.

Comment: *Given the oil and gas leasing efforts by the BLM and others in the Richfield FO, and the recent discoveries of oil and gas in Sevier County, the state requests that the BLM consider and adopt a reasonable program for seismic and other exploratory work in the Richfield FO, but especially in Sanpete, Wayne, and Piute Counties.*

Response: The Draft RMP/EIS allows for seismic and other exploratory activities.

Comment: *According to Table 4-10, the Preferred Alternative would include significantly more miles of designated routes within non-WSA lands with wilderness characteristics than any other alternative. This is unusual given that two other alternatives propose significantly more miles of designated routes. See RMP/DEIS at Table 2-1. Please confirm and clarify that the disclosures contained in Table 4-10 are accurate.*

Response: A range of alternatives was considered in the Draft RMP/EIS to manage areas with wilderness characteristics. This range of alternatives is consistent with FLPMA. Table 4-10 is correct with respect to OHV management.

Comment: *In the 2007 review form for "A total of 76 individual site-specific comments were addressed" (76 comments), BLM references a number of SUWA comments that are identified by letter. These comments are not provided or explained. Please include or discuss SUWA's comments and BLM's response.*

Response: The review form was completed in 2004. The comments identified by letter correspond to areas evaluated for wilderness characteristics. The results are available in the RFO.

Comment: *The 2007 review forms do not include maps, greatly complicating any attempt to determine locations of the proposed areas. The Richfield Field Office is the only field office reviewed to date that has not provided maps. The absence of maps could be especially problematic if BLM concluded that some but not all of an area possesses wilderness character. Please make maps of these areas available.*

Response: The original review forms are signed. The review forms and maps are available for review in the RFO.

Comment: *The 2007 review forms posted on the Richfield Office's web page are not signed. Please confirm whether the Field Manager has made a final decision with respect to these forms and the evaluation they contain.*

Response: The original review forms are signed. The review forms and maps are available for review in the RFO.

Comment: *Several of the determinations conclude that parcels were previously determined to possess wilderness characteristics. It is counterintuitive that petitioners would renominate an area already determined to possess wilderness characteristics. Please clarify whether the boundary of the renominated areas are identical the boundaries of the previously analyzed areas. If so, please explain the basis for the renomination and reevaluation.*

Response: Some of the areas renominated had different boundaries than when originally inventoried in 1979. The areas were first found to not possess wilderness characteristics because of impacts. The boundaries of the renominated areas excluded impacts identified in the 1979 inventory and were thus found to possess wilderness characteristics.

Comment: *The 2007 review form indicates "BLM has not done a wilderness inventory of this area previously" and the list of reference material does not indicate that BLM conducted a site visit or reviewed aerial photographs of the area. However, determination appears based in part on "documentation from prior BLM resource inventories, aerial photographs, field observations, maps, etc." Please clarify whether BLM visited the area as part of the most recent review and what other information it considered.*

Response: As referenced in the Phonolite Hill review form, BLM conducted a field observation visit.

Comment: *Kingston Ridge. The 2007 review form mentions the "casual use" of mining claims. Please explain what this means.*

Response: Mining claims are present in the Kingston Ridge area but are not developed.

Comment: *Flat Tops. The 2007 review form states: "Based on the information SUWA provides, the BLM concludes there is a reasonable probability the Flat Tops proposed wilderness unit 'may have' wilderness character." A reasonable probability determination of wilderness character is an insufficient basis from which to impose management stipulations.*

Response: BLM stands by its determination. The BLM chose not to manage the Flat Tops area for wilderness characteristics in the Proposed RMP/Final EIS.

Comment: *76 comments / Fremont Gorge: BLM concluded that the lands identified in SUWA's "comment I" are "likely to have wilderness characteristics." The state objects to any planning decision that include*

measures to protect wilderness character without first definitively determining that the area in question does in fact possess wilderness character.

Response: BLM stands by its determination. The BLM chose not to manage the Fremont Gorge area for wilderness characteristics in the Proposed RMP/Final EIS.

Comment: 76 comments / Limestone Cliffs: BLM concluded that the lands “may to have wilderness characteristics.” BLM also notes that the areas “have opportunities for both solitude and primitive recreation.” The state objects to any planning decision that includes measures to protect wilderness character without first definitively determining that the area in question does in fact possess wilderness character. Likewise, the state objects to identification of wilderness characteristics without establishing the requisite “outstanding opportunities for solitude or a primitive and unconfined type of recreation.”

Response: BLM stands by its determination. The BLM chose not to manage the Limestone Cliffs area for wilderness characteristics in the Proposed RMP/Final EIS.

Comment: 76 comments / Mount Pennell and 76 comments / Ragged Mountain: BLM concluded that the lands covered by SUWA Comment A are “likely to have wilderness characteristics.” Utah objects to any planning decision that includes measures to protect wilderness character without first definitively determining that the area in question does in fact possess wilderness character.

Response: BLM stands by its determination.

Comment: Labyrinth Canyon Extensions: The 2007 review form states both that the area was previously found “not to possess wilderness characteristics and dropped from further study,” and that the “parcel has been already found to possess wilderness characteristics.” Please reconcile these apparently contradictory statements.

Response: Labyrinth Canyon was originally inventoried in 1979. A portion of this area was established as the North Horseshoe Canyon WSA, South Horseshoe Canyon WSA, and Labyrinth Canyon WSA. A portion of the area that was dropped from further study in 1990 was reinventoried in 1996 to 1999 and the remainder of the area was evaluated as the Labyrinth Canyon Extension.

Comment: Phonolite Hill: BLM recognizes a “difference of opinion between BLM and SUWA regarding the significance of the intrusions and how they affect the appearance of naturalness.” While BLM concurs that a “significant portion of the area is likely to have the appearance of naturalness,” it does not otherwise attempt to resolve the difference. Please clarify whether the determination that the area has wilderness characteristics applies to the entire area or not. Please also clarify what steps BLM undertook to conclude that the areas “likely” to possess naturalness are in fact natural in appearance. Please explain how BLM proceeded to conclude that the area possesses wilderness character despite concluding, “primitive recreation potential exists at some level, not just at an outstanding level.” We understand a wilderness characteristics determination to require outstanding opportunities for a primitive and unconfined type of recreation.

Response: The determination applies to the entire Phonolite Hill area. The BLM used the Interdisciplinary Review Team to determine wilderness characteristics. As part of its wilderness characteristics inventory maintenance, BLM used a combination of field checks, Interdisciplinary Team review of data such as range files, county and BLM GIS data, and review of high-resolution 2006 aerial photographs. BLM evaluates an area for all of the wilderness characteristics including naturalness and outstanding primitive recreation opportunities and solitude. All of the wilderness values do not have to be present.

Comment: Pole Canyon: The 2007 review form indicates, “the area(s) in question (or a significant portion of) is likely to have wilderness characteristics.” However, the explanation appears to conclude

otherwise. Please clarify BLM's conclusion and the standard applied to determine existence of wilderness characteristics. The 2007 review form also notes that this area is 4,700 acres in size and concludes that adjacency to an inventoried RARE II area is sufficient to satisfy the minimum size requirement. The 2007 review form for the Wildcat Mesa Extension appears to apply a different standard, noting that BLM considers only adjacent lands "administratively endorsed for wilderness management." Please clarify whether adjacent National Forest System lands are administratively endorsed for wilderness management. If not, please explain the apparent difference in standards.

Response: BLM stands by its determination. It does not conclude that adjacent to the U.S. Forest Service area is a factor (see Section 2(c) of the Wilderness Act for size consideration.) In some cases, some adjacent U.S. Forest Service lands are recommended for wilderness endorsement.

Comment: *Rock Canyon & Sweetwater Reef* The 2007 review form indicates, "there is a reasonable probability that the area(s) in question (or a significant portion of) is likely to have wilderness characteristics." The form also notes that BLM believes that further consideration of the wilderness character of these areas is warranted. Please explain the conclusion that this area does possess wilderness character in light of the apparently incomplete information.

Response: BLM stands by its determination. The BLM chose not to manage the Rock Canyon and Sweetwater Reef areas for wilderness characteristics in the Proposed RMP/Final EIS.

Comment: *Rocky Ford:* The 2007 review form discusses SUWA's proposal but does not meaningfully discuss BLM's review of the proposal. The list of referenced material does not include aerial photos and the text does not mention site visits. Please clarify the steps taken by BLM to determine the existence of wilderness character in this area.

Response: BLM stands by its determination. The BLM chose not to manage the Rocky Ford area for wilderness characteristics in the Proposed RMP/Final EIS.

Comment: *Wild Horse Mesa:* The 2007 review form indicates, "there is a reasonable probability that the area(s) in question (or a significant portion of) is likely to have wilderness characteristics." Please clarify the process for determining what portions of the proposed area actually have wilderness character.

Response: BLM stands by its determination. In Proposed RMP/Final EIS, the BLM chose to manage 8,700 acres of the 49,700 acres identified in the DRMP/DEIS for the Wild Horse Mesa area. As part of BLM's wilderness characteristics inventory maintenance, BLM performed a combination of data and on-site reviews. This included specific field inspections, Interdisciplinary team review of data such as range files, County and BLM GIS data, and high-resolution 2006 aerial photographs. The BLM's findings are described in the 1999-2003 wilderness reinventory documentation, as well as the 2007 wilderness characteristics review process (findings from this review are available on the Richfield Field Office planning website, and in the Administrative Record). The BLM is confident of high-standard approach used to inventory the public lands and stands by its findings, particularly the findings, which involved wilderness characteristics inventory maintenance.

Comment: *Wildcat Mesa Extension:* The 2007 review form does not include the acreage for the subunits considered, precluding verification that the proposed units satisfy the 5,000-acre size requirement. Please provide this information. BLM discusses mineral claims and oil and gas leases. Please clarify the extent to which the Richfield Field Office considered the existence of undeveloped valid and existing rights with respect to wilderness characteristics. Units Band C are described as possessing opportunities for solitude as well as opportunities for primitive and unconfined recreation. Please clarify whether these opportunities rise to the requisite "outstanding" level. It appears that a previously approved ore road

will bisect Unit C. It also appears that the BLM is deferring its determination of wilderness character to the RMP EIS. This would result in a management decision absent the prerequisite inventory.

Response: BLM stands by its determination.

Comment: Consistent with this recognition, we encourage the BLM to revise management around natural springs and riparian areas to allow disturbance or occupancy within a buffer only when: (1) no practicable alternative is available AND all long-term impacts will be fully mitigated, or (2) the activity will benefit and enhance the spring/riparian area.

Response: Managing the springs and riparian areas as described by the commenter would be contrary to the Utah Riparian Policy (IM-UT-2005-091). The buffer zones are not the only protection available for riparian zones. Mitigations for each riparian area would be developed on a case-by-case basis to best meet the conditions at the point of impact to implement the policies and procedures of the riparian program and other resources and land uses.

Comment: The state objects if the Draft RMP does not make information supporting the VRM inventory class determinations proposed by the BLM available for review. The state also objects if the rationale for each VRM management class is not presented, or if the impact on resource uses is not fully disclosed in the analysis of impacts. The state has concerns that the BLM's identification of VRM inventory classes has led to a self-effectuating class protection scheme, rather than a source of information considered within the proposed resource use allocation schemes within each of the Draft's alternatives.

Response: The VRI is based on criteria that provide for the objective evaluation of a landscape. The VRI is not the on-the-ground management tool. It is used to develop the VRM classes, with consideration from other resource activities.

Comment: With this in mind, it appears the disclosure of VRM classification under the No Action Alternative is misleading. The No Action alternative reflects no change in current management direction. See *Forty Most Asked Questions on CEQ NEPA Regulations*, 46 Fed. Reg. 18026, 18027 (Mar. 23, 1981). As BLM notes on pages 3-28 and 4-96, current management direction is to manage WSAs as VRM Class I. BLM should revise the EIS to reflect current management direction. As written, the RMP/DEIS under-represents current Visual Quality Objective (VQO) Class I management by 446,900 acres.

Response: VRM is a land use planning decision. While IM-2000-096 directed the BLM to manage WSAs as VRM Class I, this change had to be made in an RMP, with appropriate NEPA documentation.

Comment: Table 2-5, comparing vegetation related management decisions across alternatives, states that under alternatives C or D, BLM would not act to control insect pests. We understand that these two alternatives emphasize conservation values over commodity production. However, as forests throughout the west suffer from bark beetle and other insect pests, a decision to turn a blind eye to potential insect threats appears misplaced.

Response: The Draft RMP/EIS considered a range of alternatives to control insect pests. Chapter 4 describes the impacts from this range of alternatives.

Comment: Alternatives C and D anticipate treating 26,000 acres annually while alternatives A and B anticipate treating 73,600 acres annually. See RMP/DEIS at 2-5. Please clarify whether the acreage disclosed on page 2-5 is limited to mechanical treatments, and if not, the estimated percent of treatments that will be mechanical in nature.

Response: Alternatives A and B would allow for a full range of vegetation treatment types, including prescribed fire and wildland fire use, mechanical, biological, manual, and chemical. The type of treatment

will be determined based on site-specific conditions and analysis. Alternatives C and D would use natural process and prescribed fire.

Comment: *Table 2-12a proposes to treat a significant amount of Ponderosa Pine forest - up to 171,140 acres under alternatives A and B. Please clarify what treatments BLM would utilize for Ponderosa Pine, and the need for this level of treatment.*

Response: The treatment acres proposal does not include a one-time treatment of all the acres of ponderosa forest type (43,000). Because of a frequent fire return interval, some areas could be treated several times, such as underburning to reduce understory. The treatment type would be determined on a case-by-case basis to best meet the conditions of the stand at the time of treatment. These acres were developed to allow for treatments that more closely mimic the historic fire return intervals.

Comment: *Page 4-458 provides a per-acre cost estimate for mechanical vegetative treatment. Please provide a per-acre cost estimate for wildland fire suppression.*

Response: The Proposed RMP/Final EIS has been revised to include a per-acre cost estimate of fire suppression in Chapter 4.

Comment: *Alternative B contains some issues needing clarification. The "Adaptive Management" section (2.4) states: "Land use plan level decisions are not subject to Adaptive Management." In general, this is accurate; however, the proposition may establish limits that could be important to timely management decisions. Please consider alternative language.*

Response: The Adaptive Management language on page 2-9 of the Draft RMP/EIS has been revised to read: "Land use plan-level decisions would not be immediately adaptable. These include the goals and objectives, allowable uses, management actions, and special designations."

Comment: *In section 2.6.1.9., BLM provides a description of using grazing to improve wildlife habitat.*

Response: The commenter's recommendation can be implemented by adjusting the terms and conditions associated with a livestock grazing permit. Making these decisions on a permit-by-permit basis ensures flexibility in management and that prescriptions are targeted to meet the conditions of a given site, rather than at a landscape level in the RMP.

Comment: *Section 2-10 specifically deals with the management of the Henry Mountain Bison and Mule Deer. Alternative B states, "[d]evelop a habitat management plan (HMP) for bison, mule deer and other big game species within the Henry Mountain area in consultation with UDWR." It is the state's expectation that the Utah Department of Agriculture and Food's Grazing Improvement Program (UDAF/UGIP) and the Public Lands Policy Coordination Office will also be involved as a cooperating agency in this planning.*

Response: The BLM is required to work closely with the State of Utah and its various departments. The identification of cooperating agencies for future NEPA projects is outside the scope of the NEPA document.

Comment: *In section 2-12, "Hazardous Fuels Reduction," grazing should be specifically listed as a tool to accomplish this goal.*

Response: The Draft RMP/EIS has been modified to include an alternative that provides for using livestock grazing for site-specific fuels management outside the season of use.

Comment: *The RMP/DEIS discloses total AUMs within the field office, but not the number of AUMs associated with each allotment. As written, it is not clear whether alternatives B, C, and D would hold*

permitted use constant for each allotment, or whether reallocation of AUMs between allotments would occur without changing the overall number of AUMs.

Response: The Draft RMP/EIS includes allocations by allotment in Appendix 7.

Comment: *Chapter three of the RMP/DEIS, p. 3-65, indicates that an interdisciplinary team made up of BLM employees conducts watershed assessments and that these watershed assessments determine whether the Standards for Rangeland Health are being met. Please clarify how many watersheds were assessed and their condition with respect to the four identified standards.*

Response: Approximately 50 percent of the allotments have had a final determination made. The remaining 50 percent is being assessed. Of the 50 percent with a final determination, 100 percent are at properly functioning condition, 50 percent have met upland, 50 percent have met riparian, 50 percent have met species maintenance, and 50 percent have met water quality.

Comment: *We feel that the effects analysis for cultural resources within the DEIS could be significantly enhanced and strengthened by additional analysis techniques. Areas to be examined could include: Bull Creek Archaeological District, Horseshoe Canyon South WSA, the Trough Hollow area, the Dirty Devil River area, the Fremont Gorge/Cockscomb area, the Horseshoe Canyon area, the Quitcupah archaeological district area, the No Man's Canyon area, the Robbers' Roost Canyon area, the Fish Creek area, the Maidenwater Creek area, Poison Springs Canyon, and other areas specified as potential National Register nomination areas. In addition, the state recommends the BLM check to ensure that other potential areas of high cultural resource densities or values are identified and examined prior to ground-disturbing activities.*

Response: As noted in 40 CFR 1503.3, a cooperating agency's comments on an EIS are required to include a level of specificity. Specifically, "when a commenting agency criticizes a lead agency's predictive methodology, the commenting agency should describe the alternative methodology which it prefers and why." In addition to the general cultural impacts, the Draft RMP/EIS includes additional analysis of each of the areas noted by the commenter in the ACEC section, all of which included cultural resources as a relevance and importance (R&I) value. Given the general nature of RMP-level decisions, further site-specific analysis on specific areas/cultural sites is best addressed at the implementation level. In addition, on page 2-17 the Draft RMP/EIS specifically requires that cultural resource inventories be completed "prior to allowing permitted surface disturbing activities..." These inventories would be required throughout the RFO, not just in "areas of high cultural resource densities or values" as recommended by the commenter.

Comment: *We have concerns about the designation of cultural resource site use allocations in the proposed alternatives. Although we recognize that such designations are required of the BLM, our concern is with stipulating a particular designation for an entire class of sites (e.g., assigning all "Temporary Camps" to "public use" or "scientific use") without consideration of the nature of each individual site. Such designation fails to consider the individual characteristics of sites within each class, and it is very easy to visualize situations where one or more of the stipulated designations would be either inappropriate for a given site or potentially harmful. Furthermore, under the preferred alternative, the vast majority of sites are allocated to scientific use, with little opportunity to designate sites appropriately for public use. This appears to cut the public out of the enjoyment and use of archaeological and cultural sites in the Richfield FO area. No other BLM office has attempted such a designation. Instead, most have simply stipulated general goals for percentages of sites assigned to each category. We recommend that the Richfield FO adopt the allocation technique (assigning percentages) used by other BLM offices. Additionally, Table 2.6a identifies various resource site use allocations that would apply to different site types. This table does not provide any explanation of the terms used or what would be allowed under*

“public use,” “scientific,” “discharged,” or any other allocation. Please explain what these allocations provide and how they would be implemented.

Response: Scientific use does not eliminate opportunities for public use of a cultural site. In addition, the Draft RMP/EIS Chapter 2 (page 2-18) includes language that provides for adjustments in specific sites or site types as conditions change. Such changes could include making individual sites available for public use, after appropriate scientific studies have been completed. As for the explanation of the terms used and allowable uses under each, the Draft RMP/EIS includes a reference to the BLM Manual 8110 (*Identifying and Evaluating Cultural Resources*), which is readily available to the public and describes the information requested by the commenter.

Comment: *We note that the area around the Bull Creek Archaeological District is shown as open to fluid minerals leasing under all or nearly all of the alternatives. However, in the cultural resources section this area is listed as closed to surface disturbance for all alternatives. Leasing carries the strong implication that the BLM will allow some development (i.e., surface disturbance) of the lease, even if only a single well, in a leased area. Thus, allowing leasing in the Bull Creek Archaeological District appears to create inconsistency between the alternatives. We recommend that the final plan resolve this discrepancy.*

Response: The Draft RMP/EIS was revised to eliminate the inconsistencies with the Bull Creek Archaeological District and minerals leasing.

Comment: *The impacts analysis for leasing Minerals and Energy in the cultural resource section of Chapter 4 discusses potential impacts only from seismic operations. We recommend that the discussion be made parallel to all the other BLM RMPs and discuss the other potential impacts from leasing, such as drilling or well development.*

Response: The Draft RMP/EIS impact analysis was revised to clarify the impacts from oil and gas leasing to cultural resources.

Comment: *Under the section for Recreation Decisions, Table 2-16, page 2-63, the DEIS addresses issues with “Criteria for Vending.” We were unable to find a definition of vending and would like to know what constitutes vending with respect to this plan. Vendors and concessionaires are important to the success of State Parks. We do not understand why the BLM in alternatives B, C, and D wishes to restrict vending. For instance, Alternatives C and D disallow vending at organized events, does this mean an event could not sell a T-Shirt memorializing it? Please clarify. The state recommends the BLM define vending and remove the proposed restrictions, but keep the proposed action statement of authorizing vending on a case-by-case basis.*

Response: Criteria for vending is found in 43 CFR 2930 and BLM Handbook 2930-1. These sources also define what vending entails. The BLM is considering a range of alternatives to address vending in response to issues raised through scoping. The presence of unregulated vending may be inappropriate in some locations.

Comment: *3. North Hatch Canyon The Big Ridge Area: (Township 31 South, Range 15 East, Sections 14 & 23). The road across Big Ridge is currently open to OHVs, but only via roads through the Glen Canyon Recreation Area, which is closed to non-street legal vehicles. The existing route from North Hatch Canyon through Sections 14 and 21 should be left open to provide OHV access to the 19.1 miles of open routes on Big Ridge. While heavy maintenance will be needed before this route can be used, we think it may be worth it.*

Response: This route is physically closed due to a rock fall. There are also safety concerns with the steep slope and condition of the route up to the rock fall. The route has been identified as an open designated route. However, maintenance and/or reconstruction would be required to physically reopen this route.

More specific details of the maintenance project would need to be developed and analyzed in a site specific NEPA analysis following completion of the RMP.

Comment: 4. *Poison Spring Canyon/Burt Mesa Area: (Township 31 South, Range 14 East, Sections 18 & 19). The route overlooking the Dirty Devil River should remain open for OHV use to the point where it becomes impassable, approximately 1.2 miles north from the point where it is closed in Alternative B. This section of the road provides outstanding viewing of the Dirty Devil River and adjacent canyons.*

Response: Several routes were analyzed in this area and designated for consistency with other resource decisions of the RMP. Routes were identified using a variety of data sources and route length determined based on that data. This route has been reassessed by BLM staff specialists. Further ground-truthing would be required to extend the route beyond what has been indicated on the route data. This would need to be completed along with site-specific NEPA analysis following completion of the RMP.

Comment: 5. *Goat Water Point Area: (Townships 30 & 31 South, Ranges 12 & 13 East). A short access route between existing routes on Goat Water Point and the east/west route north of the point is needed to complete a large OHV loop on the north end of the Henry Mountains. The attached map (Attachment H) shows routes that should be considered for this connection.*

Response: This proposed route was not analyzed. Although existing routes have been identified north and south of the private property, new construction would be required to connect these routes, avoiding the private property and a reservoir development. Since new construction is needed, site-specific NEPA analysis would need to be completed.

Comment: *On page 1-6, BLM states that the RMP will apply only to public lands and, where appropriate, split-estate lands where the subsurface mineral estate is managed by the BLM. BLM should re-consider whether it can impose its standards on split estate lands where it does not own the surface. This action diminishes the rights of the surface owner, whether fee or trust lands, to exploit its lands in the manner it sees fit. So long as the operator of an oil and gas well has obtained a satisfactory surface use agreement that can be included in its Application for Permit to Drill to the BLM, BLM should not unilaterally limit mineral development.*

Response: As stated in Table 2-19 of the Draft RMP/EIS: BLM would lease split-estate lands according to BLM RMP stipulations for adjacent or nearby public lands or plans of other surface management agencies as consistent with Federal laws, 43 CFR 3101, and the surface owner's rights.

Comment: *Page 1-13 contains a discussion of the BLM's direction under EPCA. Paragraph 3 states that the BLM will "weigh the relative resource values, consistent with FLPMA." None of the alternatives adequately analyze the loss of revenue from formally or effectively eliminating mineral development in many of the lands subject to Special Designations and restrictive viewsheds. There are references to number of wells to be allowed under the alternatives, but no indication what that means in terms of lost revenue to the United States, the State of Utah, local governments, and Utah's school trust, and the effect of that revenue loss under EPCA.*

Response: Section 4.4.6.1.1.1 of the Draft RMP/EIS includes an Energy Policy and Conservation Act (EPCA) evaluation by alternative. The dollar value ranges are too broad to determine any cost losses from EPCA quantitatively. The Reasonably Foreseeable Development (RFD), Appendix 12, foresees a certain level of oil and gas development in the study area as a whole. Constraints in the various alternatives could impact exactly where development occurs. However, nearly 80 percent of the oil and gas wells projected in the RMP are located along the west side of the planning area where public lands are either open to leasing under standard terms or open to leasing with controlled surface use or timing stipulations, as stated in the RMP Chapter 4 section "Alternative N Leasable Minerals—Oil and Gas." Thus, restrictions to oil and gas development on BLM-managed lands would likely have minimal revenue impacts to the

United States, the State of Utah, local governments, and Utah's school trust. Revenue impacts under EPCA would likely be minimal, too.

The BLM acknowledges that the closure of adjoining public lands to oil and gas leasing may have a potentially negative impact on SITLA's mineral revenue. In alternatives C and D, the closure of the 379,100 acres managed as WSA or Wilderness Areas is nondiscretionary and beyond the scope of this plan.

In alternatives N, A, B, and C, there are no SITLA lands affected by discretionary closure. Chapter 4 of the Proposed RMP/Final EIS has been revised to reflect the impacts of Alternative D on SITLA inholdings for the discretionary closures of 244,058 acres of public land. It should be noted that under any alternative, the proposed ACECs are not managed as closed to mineral leasing. Areas with wilderness characteristics are recommended as closed under Alternative D.

Comment: *Page 2-139 should specifically reference the need for federal acquisition of state school trust lands that are captured by federal reservations and withdrawals such as wilderness study areas, and that all land tenure adjustments necessary to accomplish this goal will be a priority, in accordance with applicable BLM policy guidance (the BLM Manual provisions re: state exchanges).*

Response: The Draft RMP-EIS Table 2-18 (page 2-77) states "Give exchanges with the State of Utah priority consideration." Appendix 5 addresses criteria for all other land tenure adjustments.

Comment: *BLM should substantially increase the areas identified as available for disposition by exchange with the State of Utah, in order to fully permit the elimination of state inholdings in withdrawn areas.*

Response: The Draft RMP-EIS Table 2-18 (page 2-77) states "Give exchanges with the State of Utah priority consideration." Appendix 5 addresses criteria for all other land tenure adjustments.

Comment: *In addition, state selection (i.e., quantity grants under the Utah Enabling Act, indemnity selections under the Utah Enabling Act, 43 U.S.C §§ 870-871, and other applicable statutes) should be mentioned as an equally preferred method of land disposition as land exchanges. On page 3-72, paragraph 3.4.5.1.1 (Disposals) should be modified to indicate that the preferred method of disposal is land exchange and that facilitating acquisition of state trust lands inholdings in wilderness study areas and other sensitive areas through land exchange is considered an important public objective, and will be given priority.*

Response: The Draft RMP-EIS Table 2-18 (page 2-77) states "Give exchanges with the State of Utah priority consideration." Appendix 5 addresses criteria for all other land tenure adjustments.

Comment: *Non-BLM mineral lands are directly impacted by RMP decisions. This is not recognized as an impact within the RMP. The largest source of revenue for the Utah school trust is from oil and gas bonuses and royalties. In much of Utah, in order to establish an economic oil and gas resource play, the exploration company needs a large geographic area.*

Response: The BLM acknowledges that the closure of adjoining public lands to oil and gas leasing may have a potentially negative impact on SITLA's mineral revenue. The "Socioeconomics" section in Chapter 4 of the Proposed RMP/Final EIS has been revised to include further analysis of the impacts on SITLA lands.

Comment: *BLM decisions to withdraw mineral lands from leasing in WSAs, areas with wilderness characteristics, ACECs, and other areas directly affects the economic viability of state trust lands inholdings in those areas, particularly for oil & gas. Restrictive designations additionally increase the*

cost of access to trust lands, may impair marketability, and require the expenditure of trust resources in pursuing land exchanges with BLM. These facts should be acknowledged appropriately in the discussion of social and economic impacts. See RMP/DEIS at p. 3-97.

Response: The BLM acknowledges that the closure of adjoining public lands to oil and gas leasing may have a potentially negative impact on SITLA's mineral revenue. In alternatives C and D, the closure of the 379,100 acres managed as WSA or Wilderness Areas is nondiscretionary and beyond the scope of this plan.

In alternatives N, A, B, and C, there are no SITLA lands affected by discretionary closure. Chapter 4 of the Proposed RMP/Final EIS has been revised to reflect the impacts of Alternative D on SITLA inholdings for the discretionary closures of 244,058 acres of public land. It should be noted that under any alternative, the proposed ACECs are not managed as closed to mineral leasing. Areas with wilderness characteristics are recommended as closed under Alternative D.

Comment: Appendix 5, page 5-1. We also encourage BLM to delete numbered paragraph 2. It may hinder necessary exchanges to acquire state inholdings. FLPMA does not require that there be no net loss of public lands.

Response: The Draft RMP-EIS Table 2-18 (page 2-77) states "Give exchanges with the State of Utah priority consideration." Appendix 5 addresses criteria for all other land tenure adjustments. Appendix 5, land tenure adjustment criteria 2 allows for "a net gain of important and manageable resource values on public lands" and not a net gain or loss of public land. Proposed disposal actions must meet one or more of the criteria in Appendix 5 before they can be considered for any form of land tenure adjustment.

Comment: Because of this process, the state strongly recommends the BLM preserve the seven potential reservoir sites listed below. Due to time and budget constraints an on-site investigation, which will evaluate construction issues, has not yet been completed. As soon as practicable, on-site evaluations will be completed. Aldrich Reservoir, supplied by the Fremont River and located on Sandy Creek in T29S R08E section 22, would impound 2,000 acre-feet of irrigation water. Antimony Reservoir would be located one and a half miles to the south east of the town of Antimony in T31 S R02W section 26. Caineville Wash would be an off-stream site, west of the town of Caineville in T28S R08E section 35. Road Creek (upper) originally proposed in the state engineers report to the Governor in 1943 is located just west of Loa in T28S R02E section 3 on Road Creek. Thurber dam (Bicknell Bottoms) would be located two miles southeast of the town of Bicknell in T29S R04E section 7. Torrey (poverty Flat). The Bureau of Reclamation and the Wayne County Water Conservancy District are presently studying this site. Torrey (Upper) is near the larger site and would store 2,000 acre-feet of exchange irrigation water, for water rights upstream of the reservoir.

Response: Under FLPMA Title V and 43 CFR 2800, the state could apply to obtain reservoir ROWs for these areas. However, until such action occurs, the areas will be managed as multiple use by BLM. Should BLM receive an application to purchase one of the parcels, the state would have an opportunity to comment at that time. If a patent is issued and the state has an existing reservoir ROW, the patent document would be issued subject to that prior existing right.

Comment: Under the preferred alternative, there is a potential problem with the transportation of coal produced from the Henry Mountains coalfield, should such development occur. The route designations map (2-18 for Alternative B) shows two networks of routes providing access to the central part of the coalfield in T. 32 S., R. 8-10 E.; one route heads south from Highway 24 along the Notom road, and the other heads west from Highway 95 in the area between the Mount Ellen-Blue Hills and Mount Pennell (spelled incorrectly as "Pennel" on map 3-14) WSAs. While there are two alternative routes where a paved road could be constructed to truck coal out of the Henry Mountains coalfield, the route to the east, which is the most favorable for coal development from the standpoint of proximity to distant rail access at

Green River, appears to be the least favored by the BLM because it is deemed an area of right-of-way avoidance in alternative B (Map 2-31).

Response: At the time of coal leasing, if a mine is proposed for development, access and haul routes would be considered at that time.

Comment: The UDWR strongly encourages the BLM to mandate off-site mitigation for surface disturbing actions on projects that are expected to have long-term impacts to crucial wildlife habitats. Further, the BLM should include an index (for example, 1 acre impacted: 4 acres mechanically restored) in the RMP for all future development in crucial wildlife habitat.

Response: Table 2-10, page 2-26 includes a decision under common to all alternatives that states “Where appropriate, require onsite mitigation when surface disturbance cannot be avoided on a site-specific basis, and consider offsite (compensatory) mitigation where onsite mitigation is impractical.” The compensatory mitigation is better determined on a site-specific/species-specific basis as projects are proposed.

Comment: Previously, the UDWR submitted a comment suggesting that specific protection and management of special status species should be discussed in the RMP. At that time, the draft RMP stated that BLM actions would be consistent with guidelines provided by the U.S. Fish and Wildlife Service or other agencies. However, no mention was made in other sections of how that may affect oil and gas leasing, surface mining, off-road vehicle travel, or other land uses. This draft also fails to include that information.

Response: The Draft RMP/EIS includes management actions under Fish and Wildlife Common to All Alternatives (Table 2-10, page 2-26) that support UDWR management plans and objectives. The specific conservation actions are specified in UDWR management plans, such as the *Utah Comprehensive Wildlife Conservation Strategy* (UDWR 2005c). Impacts from RMP management actions for special status species to oil and gas leasing, surface mining, OHV travel, or other land uses are discussed generally in Chapter 4.

Comment: The Richfield RMP should be consistent with the newly developed Utah Wildlife Action Plan (UWAP). The UWAP describes how species of concern will be managed in the State of Utah. These species should be included in the RMP where special status species are discussed.

Response: The Draft RMP/EIS includes management actions under Fish and Wildlife Common to All Alternatives (Table 2-10, page 2-26) that support UDWR management plans and objectives. The specific conservation actions are specified in UDWR management plans, such as the *Utah Comprehensive Wildlife Conservation Strategy* (UDWR 2005c). Impacts to wildlife habitat from oil and gas leasing management actions are discussed generally in Section 4.3.9, page 4-164. As leases are proposed, site-specific NEPA analysis, including impacts to fish and wildlife habitat, will be conducted.

Comment: On behalf of the state, UDWR personnel from our Southern and Southeastern regional offices served as interdisciplinary team members and contributed a significant amount of time to development of initial drafts of the RMP. Many of the preliminary agreements that came out of this process are not reflected in the DEIS. Potential transplants of wildlife were addressed during this process, as were issues affecting management of bison, mule deer, sage-grouse, and bighorn sheep. Rather than tackle these issues now, the Draft RMP states that a Habitat Management Plan (HMP) will be developed later. Much work has been invested in this cooperative process over the past three years, and the state prefers to see these issues resolved within the scope of this RMP if possible.

Response: This detailed information is outside the scope of the RMP; however, BLM included appropriate management actions that would allow for the implementation actions to occur. Reintroductions are discussed in the Draft RMP/EIS Table 2-9, page 2-25. BLM appreciates the efforts

put forth by UDWR personnel, and BLM plans to use the information generated in implementation planning, such as HMPs.

Comment: *On page 4-466, the RMP/DEIS states that under Alternative A, BLM would reallocate AUMs dedicated to wildlife back to livestock grazers and that the Utah Department of Wildlife Resources would “forfeit” the investment it made in purchasing “AUMs from livestock permit holders for the purpose of increasing available forage for wildlife.” These AUMS were allocated to wildlife through purchase and an associated resource management planning amendment executed in the late 1980s. To the extent state rights are involved, the state does not agree to “forfeit” any of its rights.*

Response: The BLM is responsible for managing wildlife habitat in coordination with the UDWR, which is responsible for managing wildlife populations. The BLM is also responsible for managing livestock grazing according to the legal requirements of the Taylor Grazing Act and FLPMA. The allocation of forage is a discretionary action and does not involve the granting of any legal “rights.”

Comment: *Several years ago, the BLM requested that conservation groups identify willing sellers and acquire grazing permits where conflicts with bison existed. This was done, and a conservation group acquired a grazing permit in order to help resolve conflicts between bison and domestic livestock. BLM officials have stated that some of these conflicts existed because forage was originally over-allocated on some allotments. If this is the case, the RMP should address the issue of forage over-allocation.*

Response: Forage allocations are contained in the Draft RMP/EIS in Appendix 7. If future monitoring indicates that the forage resource is being over utilized, the Utah Guidelines for Grazing #12 specify, “Where it can be determined that more than one kind of grazing animal is responsible for failure to achieve a standard, and adjustments in management are required, those adjustments will be made to each kind of animal, based on interagency cooperation as needed, in proportion to their degree of responsibility.”

Comment: *Also, in desert bighorn sheep habitat, the UDWR requests that forage that is not allocated to cattle because of terrain be considered for allocation to wildlife (for bighorn sheep).*

Response: Terrain was considered in the initial livestock forage allocation process. No forage was allocated to livestock in areas too steep and/or rugged for livestock.

Comment: *UDWR is concerned with the general language describing impacts to fish and wildlife from leasable minerals beginning on page 4-164. It states that impacts to wildlife will be dealt with on a case-by-case basis. We recommend that the BLM develop a long-term plan for mineral extraction and wildlife mitigation within the area covered by this RMP.*

Response: The Draft RMP/EIS includes seasonal and distance restrictions on oil and gas leasing where appropriate under the multiple-use analysis.

Comment: *The UDWR recommends that the RMP require active motorized vehicle management, monitoring and cooperation with local communities that may potentially restore OHV use in currently closed areas or preclude OHV use on currently open routes/areas if evidence derived from future surveys or research indicate that OHV use has deleterious or negligible impacts, respectively, to crucial wildlife habitat.*

Response: The RMP includes a range of alternatives that consider OHV area and route designations. Implementation planning requires active OHV management, which would address these issues. BLM administers OHV management under EO 11646 and EO 11989 as well as 43 CFR 8340. Draft RMP/EIS Table 2-17, page 2-63, states “Coordinate OHV management with other agencies where possible (U.S. Forest Service, National Park Service, State of Utah, counties, and communities).”

Comment: *The draft RMP discusses several options for dealing with public lands that have the potential for disposal or transfer. Maps 2-22 and 2-23 identify several of these parcels in Sanpete and Sevier counties that are either located within, or lie adjacent to, State Wildlife Management Areas. We strongly encourage the BLM to withdraw the following parcels from the list of potential disposals: SA01, SA06, SA09, SA10, SA11, SA12, SA13, SA14, SA25, SA29, and SV05.*

Response: BLM's mandate is to retain lands in federal management unless the lands meet the criteria specified in FLPMA Section 203 for sale and other disposal actions as provided for under other authorities (such as exchange, Recreation and Public Purposes [Act][R&PP]) as discussed under the "Lands and Realty Common to All Alternatives" section in Chapter 2, Table 2-18, of the Draft RMP/EIS. The local governments were given the opportunity to identify isolated and/or uneconomical parcels that they may have interest in as part of the RMP process. Table A5-1 in the Final RMP/EIS will be modified to identify these parcels as having DWR interest associated with the adjacent state wildlife management areas. Local, county, or state governments may apply for any of the parcels identified in the tables for FLPMA Section 203 sale or other public land under other current authorities for public purposes. Preference is generally given to applicants that would provide a public benefit.

Comment: *Map 2-24 illustrates several proposed disposal parcels in Wayne County that are identified as crucial mule deer winter range. Specifically, the UDWR is concerned that parcels WN03, WN03, and WN04, if converted to agriculture, could greatly increase depredation issues in this area. The UDWR hopes the BLM will consider these issues and consult with the UDWR prior to disposal of these parcels.*

Response: In Table 2-18 of the Draft RMP/EIS, the last bullet of the desired outcomes identifies the initial criteria used to identify the parcels for sale. This bullet has been modified in the Final EIS to further clarify BLM's preliminary review process. Additional site-specific inventories would be completed in the NEPA analysis and decision-making process, at which time resources may be identified that would preclude disposal suitability. If determined suitable for disposal, publication notices would be sent to federal, state, local governments, and interested parties to provide opportunity for coordination regarding land tenure adjustment actions.

Comment: *Domestic sheep diseases are a significant threat to desert bighorn sheep. We recommend that the BLM convert all allotments identified in the Henry Mountains Desert Bighorn HMP to cattle. Further, because of the potential threat of transmission of malignant cataharral fever to bison, we recommend conversion of all allotments east of Capitol Reef National Park to cattle (specified on p. 2-43).*

Response: BLM acknowledges that domestic sheep may pose a threat (e.g., cataharral fever) to Desert bighorn sheep and bison. However, the RFO has no active sheep allotments in the Henry Mountains Desert Bighorn HMP or in any of the allotments east of Capitol Reef National Park.

Comment: *Stipulations implemented by some BLM Field Offices restrict surface disturbing activities in desert bighorn sheep habitat during the rut (October 15 to December 15).*

Response: The Final RMP/EIS has been modified to include this stipulation in Appendix 11, page A11-15.

Comment: *The preferred alternative offers only seasonal protection within 0.5 miles of Sage Grouse leks and provides no buffer around brooding habitat. See RMP/DEIS at p. 2-31. The buffer used for protection of sage-grouse habitat from development should be 2 miles, following the currently accepted management guidelines set forth by Connelly et al. (2000) and the 2002 Utah Strategic Management Plan for Sage-Grouse (two documents that should be cited and referenced to provide guidance in sage-grouse management issues).*

Response: The Proposed RMP has been revised to include a seasonal restriction of 2 miles around sage grouse leks from March 15 through June 1 and a seasonal restriction around brooding/nesting habitat from April 1 through July 15.

Comment: *There are no alternatives or reparations known to suitably replace a sage-grouse lek. As such, the UDWR recommends the BLM adopt appropriate avoidance measures for sage-grouse habitat, i.e., preclude new ROWs with high-profile structures (such as buildings, storage tanks, overhead powerlines, wind turbines, towers, and windmills) within 2 miles of a greater sage-grouse lek and/or in crucial brood rearing and winter habitats.*

Response: The Proposed RMP has been revised to prohibit aboveground structures within 2 miles of leks from March 15 through June 1.

Comment: *All Alternatives “prohibit long-term surface disturbing activities” within important sage-grouse habitats. The RMP should define (i.e., quantify) “long-term” activities. Three weeks of disruptive activity in close proximity to a lek or brooding habitat may be considered short-term, but still result in significant disruptions to sage grouse breeding habits. Again, as stated above, these stipulations should be based on guidelines detailed in Connelly et al. (2000) and the 2002 Utah Strategic Management Plan for Sage-Grouse.*

Response: Long-term is defined on page 4-2 of the Draft RMP/EIS as lasting beyond 5 years. The Proposed RMP has been revised to include a seasonal restriction of 2 miles around sage- grouse leks from March 15 through June 1 and a seasonal restriction around brooding/nesting habitat from April 1 through July 15.

Comment: *The Larry Canyon, Sam's Mesa Box Canyon, Twin Corral Box Canyon, and Maidenwater Springs areas provide important habitat for desert bighorn sheep and bison. The discussion on page 2-91 and associated analysis should be revised to reflect this.*

Response: The discussion of outstandingly remarkable values for Wild and Scenic Rivers is included in Appendix 2, *Wild and Scenic River Eligibility and Tentative Classification Report*. Supporting information for this report is in the administrative record. Impacts to fish and wildlife from the wild and scenic river management actions is discussed generally in Section 4.3.9.

Utah Department of Education

Comment: *As more specifically set forth below, the State Board of Education believes that the Draft RMP fails to address adequately these two major issues: the financial impact, including economic opportunities lost, of BLM management decisions on school trust lands, and the need for a substantially more robust program for land tenure adjustments between the BLM and SITLA.*

Response: The BLM acknowledges that there are important fiscal impacts from oil and gas (including coalbed methane) activities on school trust lands, and these have been incorporated in the Proposed RMP/Final EIS in the socioeconomic analysis in Chapter 4. The potential fiscal impacts, and the potential economic impact from loss of spending in the local economy because of SITLA oil and gas wells foregone have also been calculated for Alternative D and added to the socioeconomic analysis in Chapter 4. The comment regarding a program for land tenure adjustments between BLM and SITLA is addressed in the “Lands and Realty” section of the comments and responses.

Comment: *For this reason, the State Board of Education strongly disagrees with the BLM's assumption that non-BLM lands would be minimally directly impacted by RMP decisions, since BLM does not make land decisions on non-BLM lands.*

Response: The BLM acknowledges that the closure of adjoining public lands to oil and gas leasing may have a potentially negative impact on SITLA's mineral revenue. In alternatives C and D, the closure of the 379,100 acres managed as WSA or Wilderness Areas is nondiscretionary and beyond the scope of this plan.

In alternatives N, A, B, and C, there are no SITLA lands affected by discretionary closure. Chapter 4 of the Proposed RMP/Final EIS has been revised to reflect the impacts of Alternative D on SITLA inholdings for the discretionary closures of 244,058 acres of public land. It should be noted that under any alternative, the proposed ACECs are not managed as closed to mineral leasing. Areas with wilderness characteristics are recommended as closed under Alternative D.

***Comment:** The BLM's decisions on how to manage its lands directly affect the ability of the Utah public schools to receive the revenue from profitable management of school lands, as intended by Congress when they were granted. We suggest an analytical assumption sentence be included which says "The BLM appreciates that our decisions on how to manage our lands directly affect the ability of the Utah public schools to receive the revenue from profitable management of these lands, as intended by Congress when they were granted."*

Response: The BLM acknowledges that the closure of adjoining public lands to oil and gas leasing may have a potentially negative impact on SITLA's mineral revenue. In alternatives C and D, the closure of the 379,100 acres managed as WSA or Wilderness Areas is nondiscretionary and beyond the scope of this plan.

In alternatives N, A, B, and C, there are no SITLA lands affected by discretionary closure. Chapter 4 of the Proposed RMP/Final EIS has been revised to reflect the impacts of Alternative D on SITLA inholdings for the discretionary closures of 244,058 acres of public land. It should be noted that under any alternative, the proposed ACECs are not managed as closed to mineral leasing. Areas with wilderness characteristics are recommended as closed under Alternative D.

***Comment:** Specifically, the BLM does not consider multiple use or sustained use mandates required by FLPMA in the "Lands and Realty Objectives" section. None of the alternatives adequately analyze the loss of revenue from formally or effectively limiting or eliminating the mineral development in many of the lands subject to special designations and restrictive viewsheds. There are references to number of wells to be allowed in Appendix 1, Reasonable Foreseeable Development Scenario, but no indication what that means in terms of lost revenue to the United States, the State of Utah, local governments.*

Response: The BLM acknowledges that there are important fiscal impacts from oil and gas (including coalbed methane) activities on school trust lands, and these have been incorporated in the Proposed RMP/Final EIS in the socioeconomic analysis in Chapter 4. The potential fiscal impacts, and the potential economic impact from loss of spending in the local economy because of SITLA oil and gas wells foregone have also been calculated for Alternative D and added to the socioeconomic analysis in Chapter 4. The comment regarding a program for land tenure adjustments between BLM and SITLA is addressed in the "Lands and Realty" section of the comments and responses.

***Comment:** Utah's school trust, and the effect of that revenue loss under EPCA. The discussion of coal development and the effect, should the BLM not lease its available coal in the RPA, is also very limited.*

Response: The BLM acknowledges that there are important fiscal impacts from coal activities, and these are addressed in the Proposed RMP/Final EIS in the socioeconomic analysis in Chapter 4. The management actions in the Proposed RMP are to consider coal leasing on areas suitable. Under the Proposed RMP, the Wasatch and Emery coal fields would remain largely available. The Proposed RMP includes policies and decisions that are designed to balance extractive industries such as coal mining with needs to protect, restore, and enhance natural values. Whether additional coal development takes place

largely depends on energy prices, the relative economics of coal production in the RFO versus other regions, and site-specific environmental review.

Comment: *At the current time, approximately 73,862 surface acres are inheld in Wilderness Study Areas (WSAs) in the RPA. When these lands are added to the 88,822 acres included in the proposed non-WSA lands in the Alternative D, Utah's school trust will be left with approximately 162,684 surface acres within the RPA that cannot produce revenue or have reduced revenue potential. In this respect, the Resource Management Plan includes an unconstitutional taking of approximately 43% of the school children's lands within the RPA, and the BLM must include specific provisions in the RMP to adequately compensate the school trust, through exchanges or purchase.*

Response: The BLM acknowledges that the closure of adjoining public lands to oil and gas leasing may have a potentially negative impact on SITLA's mineral revenue. In alternatives C and D, the closure of the 379,100 acres managed as WSA or Wilderness Areas is nondiscretionary and beyond the scope of this plan.

In alternatives N, A, B, and C, there are no SITLA lands affected by discretionary closure. Chapter 4 of the Proposed RMP/Final EIS has been revised to reflect the impacts of Alternative D on SITLA inholdings for the discretionary closures of 244,058 acres of public land. It should be noted that under any alternative, the proposed ACECs are not managed as closed to mineral leasing. Areas with wilderness characteristics are recommended as closed under Alternative D.

Comment: *The section on Land Tenure Adjustments should specifically reference the need for federal acquisition of school trust lands that are captured by federal reservations and withdrawals, such as wilderness study areas, and the balancing need to provide other productive lands for the school trust to acquire. The RMP should specifically address lands more appropriately managed by the school trust and non-federal lands that could be more appropriately managed by the BLM, and identify potentially productive lands that could be used to facilitate the exchange.*

Response: In the Draft RMP/EIS, Table 2-18, pages 2-76 and 2-77, under "Common to All Alternatives for Lands and Realty" as well as Land Tenure Adjustment criteria 1 in Appendix 5 address this concern.

Comment: *Reasonable access to school trust lands, across the BLM lands, should be provided for under all alternatives. This can be done as a "Management Common to All Alternatives" notation, with a notation that access to school trust lands will be granted, even if an area is otherwise an avoidance or exclusion area for right-of-ways. Under the law, as laid out in *Andrus v. Utah*, the BLM is obligated to provide reasonable access to all school trust lands, including such lands located within wilderness study areas. Failure to do so would frustrate the very purpose of which Congress granted the lands.*

Response: BLM Utah IM UT 83-130 and BLM WO IM 85-579 provide access to non-federally owned land surrounded by public land managed under the authority of FLPMA. In accordance with the Cotter decision, BLM must also provide access to SITLA lands.

Comment: *Specifically, the "Planning Issues Identified" section "should include discussion and detailed reference to the issue of inheld school lands in special designation categories, particularly WSAs, ACECs, and areas to be managed for 'wilderness characteristics,' and the need to give priority to resolution of the issue."*

Response: In the Draft RMP/EIS, Table 2-18, pages 2-76 and 2-77, under "Common to All Alternatives for Lands and Realty" as well as Land Tenure Adjustment criteria 1 in Appendix 5 address this concern.

Comment: *In the Reasonably Foreseeable Development Scenario section 11, it should again be noted that BLM withdrawals and special designations directly affect development of oil and gas on school trust*

lands. The BLM should assume that, in addition to the loss of oil and gas wells on BLM lands, the school trust lands will suffer a proportionally equal loss according to the proposed special designations under each alternative. Such loss is a taking of trust resources incident to BLM's plans.

Response: The BLM acknowledges that the closure of adjoining public lands to oil and gas leasing may have a potentially negative impact on SITLA's mineral revenue. In alternatives C and D, the closure of the 379,100 acres managed as WSA or Wilderness Areas is nondiscretionary and beyond the scope of this plan.

In alternatives N, A, B, and C, there are no SITLA lands affected by discretionary closure. Chapter 4 of the Proposed RMP/Final EIS has been revised to reflect the impacts of Alternative D on SITLA inholdings for the discretionary closures of 244,058 acres of public land. It should be noted that under any alternative, the proposed ACECs are not managed as closed to mineral leasing. Areas with wilderness characteristics are recommended as closed under Alternative D.

Comment: In the "Impacts to Physical, Biological, and Cultural Resources," section 12, it should be stated that to the extent the BLM creates new areas managed for preservation, such as ACECs or areas managed for "wilderness characteristics," such designation has a direct economic impact on the Utah school trust.

Response: The BLM acknowledges that there are important fiscal impacts from oil and gas (including coalbed methane) activities on school trust lands, and these have been incorporated in the Proposed RMP/Final EIS in the socioeconomic analysis in Chapter 4. The potential fiscal impacts, and the potential economic impact from loss of spending in the local economy because of SITLA oil and gas wells foregone have been calculated for Alternative D and added to the socioeconomic analysis in Chapter 4.

Comment: The BLM must do an economic study of the value of the minerals in each of those areas so that the RMP clearly sets forth the economic impact of the decision to set these lands aside. Restrictive designations additionally increase the cost of access to school trust lands, they may impair marketability, and they do require the expenditure of trust resources in pursuing land exchanges with the BLM. These facts should be acknowledged appropriately in the discussion of socioeconomic impacts.

Response: The BLM acknowledges that there are important fiscal impacts from oil and gas (including coalbed methane) activities on school trust lands, and these have been incorporated in the Proposed RMP/Final EIS in the socioeconomic analysis in Chapter 4. The potential fiscal impacts, and the potential economic impact from loss of spending in the local economy because of SITLA oil and gas wells foregone have been calculated for Alternative D and added to the socioeconomic analysis in Chapter 4.

Comment: The BLM should re-consider whether it can impose its standards on split estate lands where it does not own the surface. This action diminishes the rights of the surface owners, whether fee or trust lands, to develop the land in the manner the owner sees fit. So long as the operator of an oil and gas well, for example, has obtained a satisfactory surface use agreement that can be included in the Application for Permit to Drill to the BLM, the BLM should not unilaterally limit mineral development.

Response: Information regarding leasing and development on split-estate lands is found at the following Washington office website: www.blm.gov/bmp/Split_Estate.htm.

IM No. 2003-202 outlines the policy, procedures, and conditions for approving oil and gas operations on split-estate lands. In particular, the BLM will not consider an APD or a Sundry Notice administratively or technically complete until the federal lessee or its operator certifies that an agreement with the surface owner exists, or until the lessee or its operator complies with Onshore Oil and Gas Order No. 1. Compliance with Onshore Oil and Gas Order No. 1 requires the federal mineral lessee or its operator to enter into good-faith negotiations with the private surface owner to reach an agreement for the protection

of surface resources and reclamation of the disturbed areas, or payment in lieu thereof, to compensate the surface owner for loss of crops and damages to tangible improvements, if any. In addition, the BLM will invite the surface owner to participate in the onsite inspection and will take into consideration the needs of the surface owner when reviewing the APD. BLM will offer the surface owner the same level of surface protection BLM provides on federal surface (IM No. 89-201).

***Comment:** The Draft RMP fails to address the impact of these closures on the economic value of the affected school trust lands in either this section or its section on socioeconomic impacts of the preferred alternative.*

Response: The BLM recognizes that under *Utah v. Andrus*, the state is entitled to reasonable access across public lands to school trust lands, including those located within WSAs and other areas where management prescriptions would restrict general public access. Any restrictions such as route closures within these management areas pertain to general public access. Public access to OHV routes on public lands is accomplished through travel management planning. We make a distinction between closures to the public, and state access entitlements and access needs of others that can be addressed as specific needs arise. Land tenure adjustment efforts including pending and anticipated land exchanges between the BLM and the state should properly focus on SITLA lands located within WSAs and other special management areas identified in RMPs. Therefore, the BLM does not believe it is necessary or prudent to globally grant ROWs or designated routes to school trust lands for public use. The BLM is happy to work with the state to process any FLPMA Title V ROW application the state feels is necessary to protect ingress and egress to state property. The concern about Draft RMP/EIS access restrictions other than those for general public access, such as the designation of ROW avoidance or exclusion areas, can be clarified with specific mention in the Proposed RMP/Final EIS that these designations are subject to state access entitlements under *Utah v. Andrus*, as described above.

***Comment:** Under the Takings Clause of the United States Constitution, no road that accesses a school trust land section, within the RMP, should be closed without trustee consent. It is anticipated that SITLA would take the necessary legal action, on behalf of the beneficiary, to prevent such a closure.*

Response: The BLM recognizes that under *Utah v. Andrus*, the state is entitled to reasonable access across public lands to school trust lands, including those located within WSAs and other areas where management prescriptions would restrict general public access. Any restrictions such as route closures within these management areas pertain to general public access. Public access to OHV routes on public lands is accomplished through travel management planning. We make a distinction between closures to the public, and state access entitlements and access needs of others that can be addressed as specific needs arise. Land tenure adjustment efforts including pending and anticipated land exchanges between the BLM and the state should properly focus on SITLA lands located within WSAs and other special management areas identified in RMPs. Therefore, the BLM does not believe it is necessary or prudent to globally grant ROWs or designated routes to school trust lands for public use. The BLM is happy to work with the state to process any FLPMA Title V ROW application the state feels is necessary to protect ingress and egress to state property. The concern about Draft RMP/EIS access restrictions other than those for general public access, such as the designation of ROW avoidance or exclusion areas, can be clarified with specific mention in the Proposed RMP/Final EIS that these designations are subject to state access entitlements under *Utah v. Andrus*, as described above.

***Comment:** At the very least, the Draft RMP should be amended to specifically state that: (1) Continued motorized administrative access on “non-designated” routes providing access to school trust lands will be permitted to the State of Utah, SITLA, and its permittees and grantees, notwithstanding any closure to the general public; (2) The State of Utah, SITLA, and its permittees and grantees may undertake reasonable maintenance activities to preserve and improve existing access across the BLM lands, after consultation and appropriate environmental review by the BLM; and (3) Existing routes that are the sole*

access to school trust lands will not be reclaimed without full BLM consultation with, and written approval by, SITLA, after consultation with the State Board of Education and its designated representatives.

Response: BLM Utah IM UT 83-130 and BLM WO IM 85-579 provide access to non-federally owned land surrounded by public land managed under the authority of FLPMA. In accordance with the Cotter decision, BLM must also provide access to SITLA lands.

Comment: *These alternatives have significant potential to cause loss of jobs. The document contains no economic analysis on the loss of income tax revenue to the uniform school fund, which comprises all of the State of Utah's contribution to public education.*

Response: The BLM acknowledges that there are important fiscal impacts from oil and gas (including coalbed methane) activities on school trust lands, and these have been incorporated in the Proposed RMP/Final EIS in the socioeconomic analysis in Chapter 4. The potential fiscal impacts, and the potential economic impact from loss of spending in the local economy because of SITLA oil and gas wells foregone have been calculated for Alternative D and added to the socioeconomic analysis in Chapter 4.

5.6 RECORD OF DECISION

Following publication by the EPA and BLM of an NOA of the Proposed RMP/Final EIS in the *Federal Register* and distribution of the Proposed RMP/Final EIS, a 30-day protest period runs. In addition, a 60-day Governor's Consistency Review period runs concurrently with the first half of the protest period.

The State Director will approve the Proposed RMP/Final EIS by issuing a public ROD, which is a concise document summarizing the findings and decisions brought forth from the Proposed RMP. However, approval shall be withheld on any portion of a plan being protested until final action has been completed on such protest. Before such approval is given, there shall be public notice and opportunity for public comment on any significant change made to the Proposed RMP. Among other decisions, the proposed ACEC designations and OHV categories (limitations and closures) will be approved when the ROD is signed.

5.7 DISTRIBUTION LIST

Copies of the Richfield Draft RMP/EIS were made available to the following:

Tribal Governments

- Navajo Nation
- Paiute Indian Tribe of Utah
- Uintah and Ouray Ute Indian Tribe
- Hopi Tribe

Local Governments (Counties)

- Emery County
- Garfield County
- Piute County
- Sanpete County

- Sevier County
- Wayne County

Utah State Agencies

- Governor's Office of Planning and Budget
- School and Institutional Trust Land Administration
- Utah Department of Environmental Quality
- Utah Department of Agriculture
- Utah Department of Transportation
- Utah Department of Natural Resources
- Utah State Engineer's Office
- Utah State Historic Preservation Office
- Utah State Legislature, Government Affairs Committee

Members of Congress

- Senator Orrin Hatch
- Senator Robert Bennett
- Representative Jim Matheson
- Representative Rob Bishop
- Representative Chris Cannon

Department of the Interior Agencies

- National Park Service
 - Capitol Reef National Park
 - Glen Canyon National Recreation Area
 - Canyonlands National Park
- Office of Environmental Policy and Compliance
- U.S. Fish and Wildlife Service
- U.S. Geological Survey

Department of Agriculture Agencies

- U.S. Department of Agriculture Forest Service
 - Intermountain Regional Office
 - Dixie National Forest
 - Fishlake National Forest
 - Manti-LaSal National Forest
- Natural Resources Conservation Service

Other Non-DOI Federal Agencies

- Environmental Protection Agency
- Federal Highway Administration
- U.S. Army Corps of Engineers
- Department of Energy

5.8 LIST OF PREPARERS

As required by NEPA regulations (40 CFR § 1502.17), Table 5-14 lists the people responsible for preparing this Proposed RMP/Final EIS.

Table 5-14. List of Preparers

Name	Education/Experience	Resource Specialty
Bureau of Land Management		
Stan Adams	BS, Range Science	Recreation, OHV, Hazardous Materials
Jason Anderson	BS, Geography	GIS Analysis
Lori Armstrong	BS, Botany	Former Associate Field Manager
Dona Bastian	BLM experience, 15 years	Wild Horses and Burros
Doug Bauer	BS, Geology	Minerals
Ron Bolander	BS, MS, Botany	Special Status Species
Sandra Borthwick	BS, in Wildlife Science MS, in Wildlife Biology	Fish and Wildlife, Special Status Species
Laurie Bryant	BLM experience, 30 years	Paleontology
Lisa Bryant	BS, Agriculture and Soils MS, Soil Science	Air, Soils, Watershed, Invasive Species
Susan Caplan	BS, Meteorology MS, Watershed Science	Air Quality
Douglas Cook	BA, History and Journalism BS, Petroleum Geology and Mathematics	Fluid Minerals
Linda Chappell	BS, Range Management BS, Forest Management	Wildland Fire Management
Cornell Christensen	BS, Range Management	Field Manager
Lorraine Christian	BS, Wildlife and Fisheries Biology	WO Planner; Project Oversight
Vearl Christiansen	BS, Range Science	Vegetation, Livestock Grazing
Chris Colton	BS, Range Management	Wildland Fire Management, Livestock Grazing, Vegetation
Michael Dekeyrel	BS, Wildlife and Range Management	Lands and Realty
Nancy DeMille	BLM experience, 17 years	Lands and Realty
Frank Erickson	BS, Journalism	Project Management, Wild and Scenic Rivers, ACECs, Wilderness Characteristics
Robin Fehlau	BS, Physical Geography MS, Outdoor Recreation	Recreation, OHV

Name	Education/Experience	Resource Specialty
Timothy Finger	BS, Zoology BS, Wildlife Management	Recreation, Wilderness Study Areas, Wild and Scenic Rivers, ACECs, Wilderness Characteristics
Sue Fivecoat	BLM experience, 16 years	VRM, Forestry and Woodland Products, Recreation, Wild and Scenic Rivers, Travel Management
Suzanne Grayson	BS, Environmental Science	Fish and Wildlife
Larry Greenwood	BS, Wildlife MS, Botany/Range	Soil, Water and Riparian, Fish and Wildlife, Special Status Species
Gary Hall	BS, Range Management	ACEC Sub-team Leader, VRM, Recreation, OHV, Lands and Realty, Minerals, Wilderness Study Areas
Brant Hallows	BS, Range Management Masters Natural Resources	Soil, Water and Riparian
Craig Harmon	BA, Anthropology and Archaeology MA, Anthropology and Archaeology	Cultural Resources
Bert Hart	BS, Range Management	Assistant Planner, Travel Management
Gregg Hudson	BS, Geology	Minerals
Michael Jackson	BS, Geology MS, Geology	Minerals, Paleontology
Chris Keefe	BS, Wildlife Biology and Fisheries Management	Special Status Species, Biological Assessment, Technical Review
Margaret Kelsey	BS, Natural Resource Management	Wilderness, ACECs, Wild and Scenic Rivers
Steve Knox	BS, Watershed Management, Forestry option	State Planner; Document Reviewer
Larry Lichthardt	BS, Range Management	Livestock Grazing
Steve Madsen	BS, Wildlife and Fisheries Sciences	Wildlife, Raptors, and Migratory Birds
Jeanette Matovich	MA, Anthropology	Document Reviewer
Tom Mendenhall	BS, Fisheries Science	Fish
Dave Mermejo	BS, Recreation	Wilderness, Wilderness Characteristics
Lauren Mermejo	BS, Zoology Graduate Certificate, Environmental Impact Studies	Wilderness Characteristics
Doug Page	MS, Forestry	Forestry and Woodland Products
Jolie Pollet	BA, Geography MS, Forestry and Fire Science	Wildland Fire Management
Garth Portillo	BS, Anthropology	Cultural Resources

Name	Education/Experience	Resource Specialty
Buzz Rakow	BS, Earth Science	Minerals
John Russell	MS, Social Sciences BS, Outdoor Recreation AS, Natural Resources	Planning Specialist
Justin Seastrand	BS, Geography	GIS Analysis
Leroy Smalley	BS, Zoology and Chemistry	Vegetation, Livestock Grazing
Bill Stevens	Ph.D. Socioeconomics	Socioeconomics
Gus Warr	BS, Range Science	Wild Horses and Burros
Wayne Wetzel	BS, Earth Science MS, PhD, Geography	Associate Field Manager
Burke Williams	BS, Wildlife Science	Vegetation, Livestock Grazing, OHV
Phil Zieg	BS, Range and Forest Management	Air Quality, Soil, Water and Riparian
Booz Allen and Hamilton		
Erik Anderson	BS, Civil and Environmental Engineering MAS, (In progress) Environmental Policy and Management	Project Management, Soil, Water and Riparian, Minerals
Gary Armstrong	BA, Political Science MA, Public Policy Analysis	Project Management, Wild and Scenic Rivers, ACECs
Quincy Bahr	BS, Natural Resources Management and Planning MS, (In progress) Natural Resources Management and Planning	Cultural Resources, Paleontology, Wild Horses and Burros, Wildland Fire Management, Livestock Grazing, Wilderness Study Areas
Sean Dougherty	BS, Geography	GIS Analysis
Michael Ghazizadeh	BS, Geology MS, Geology MS, Natural Science PhD, Geology	Minerals
Melanie Martin	BS, Agriculture (Environmental Protection major) MEPM, Natural Resource Management	NEPA Support, Technical Reviewer, Special Status Species, ACECs, Cumulative Impacts Analysis
Jim May	A.B, Zoology MS, Water Resources Management	Technical Reviewer
Lisa McDonald	BS, Earth Science MS, Mineral Economics PhD, Mineral Economics	Socioeconomics
Pamela Middleton	MAS, Environmental Policy and Management	NEPA Support, Technical Reviewer

Name	Education/Experience	Resource Specialty
Dan Morse	BS, Natural Resource Recreation MS, Forestry	VRM, Wildland Fire Management, Forestry and Woodland Products, Recreation, Wilderness Study Areas
Al Pierson	BS, Wildlife Science	Public Lands Advisor
Richard Pinkham	BA, Geography MS, Natural Resource Policy and Management	Socioeconomics
Dana Purrone	BA, Environmental Policy BA, Spanish Pursuing MS, Environmental Policy and Natural Resource Management	Fish and Wildlife
Warner Reeser	BA, Mathematics MS, Atmospheric Science PhD, Earth Resources	Air Quality
Mike Sumner	BS, Recreation Resource Management	Document Coordination, VRM, Transportation and Access, Glossary, Acronym List, Preparer's List, Appendices
Lloyd Tabing	BS, Natural Resource Management BS, Urban Planning MS, Natural Resource Management	Air Quality, Wild and Scenic Rivers, Cumulative Impacts Analysis
Jeff Ward	BS, Natural Resource Planning and Management	VRM, Recreation, OHV, ACECs
Leslie Watson	BS, Zoology	Vegetation, Special Status Species, Livestock Grazing
Dave Wegner	BS, Aquatic Science MS, Environmental Engineering	Vegetation, Special Status Species, Fish and Wildlife
Caitlin Willoughby	BA, Geology (Environmental Science, minor) GIS Certification and Coastal Zone Management Certification MLS, Library and Informational Science GIS Certification	GIS Analyst
Rocky Mountain Environmental Consultants		
Megan Robinson	BS, Biology, Chemistry, and Zoology	Biological Assessment and Threatened, Endangered, and Special Status Species
SAGE Environmental, LLC		
Joelle Dickson	BS, Recreation Management	Document Editing and Formatting
Laurie Goldner	BS, Zoology PhD, Zoology	Document Editing

Name	Education/Experience	Resource Specialty
John Rezac	BS, Earth Science Professional Geologist	Document Editing
Steve Torpey	BS, Geology	Document Editing

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