

# **Chapter 1. Purpose and Need for Action**

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## 1.1. Introduction and Background

This Draft Resource Management Plan and Environmental Impact Statement (Draft RMP and EIS) describes and analyzes alternatives for the future management of public lands and resources administered by the United States Department of the Interior (DOI) Bureau of Land Management (BLM) within the Buffalo Field Office (BFO). Located in north-central Wyoming (Figure 1.1, “Buffalo Field Office RMP Planning Area” (p. 3)), the planning area covers approximately 7.4 million acres of federal, state, and private land in three adjacent counties. Of the total area, approximately 780,000 acres are BLM-administered federal surface lands and 4.8 million acres are BLM-administered federal mineral estate.

BLM-administered lands within the planning area are currently managed according to the 1985 Buffalo RMP as updated by the 2001 Buffalo RMP Update and amended by the 2003 Record of Decision (ROD) for the Powder River Basin Oil and Gas Project and Decision Record for the 2011 Fortification Creek RMP Amendment/Environmental Assessment (EA) (BLM 2011c). The Buffalo RMP revision is anticipated to be completed by fall 2014.

### 1.1.1. Historical Overview

The foundation for the BLM dates back to the Land Ordinance of 1785, which established the public domain and led to the creation of the General Land Office. In 1946, the United States Grazing Service merged with the General Land Office to form the BLM. After passage of the Federal Land Policy and Management Act of 1976 (FLPMA), BLM-administered lands were managed according to the principles of multiple use and sustained yield. Since 1976, the BLM has managed for multiple use and to balance increasing and competing demands for resources on public lands.

### 1.1.2. Land Ownership within the Planning Area

As defined by FLPMA, “... public lands means any land and interest in land owned by the United States within the several states and administered by the Secretary of the Interior through the Bureau of Land Management ...” The BFO is responsible for managing public lands in Wyoming’s Campbell, Johnson, and Sheridan counties. County governments have land use planning responsibility for the private lands located within their jurisdictions.

BLM surface exists in scattered tracts throughout the planning area with the largest blocks of contiguous BLM-administered surface lands existing in the center and southwest portions of the planning area (Map 1). There are also large portions of the planning area with intermingled mineral ownerships.

Federally owned minerals are categorized as locatable, leasable or salable. The mineral estate under BLM surface in the planning area is generally federally owned. Mineral estate (shown on Map 2) is determined based on the content of patent documents. The following are common abbreviations used on BLM Master Title Plats (MTPs) to indicate the federal ownership of particular minerals for surface estate that is not federally owned: “All Min” (all minerals), “Coal” (only coal), “Coal OG” (only coal, oil, and gas), “OG” (only oil and gas), and “Coal OG Sod Pot” (only coal, oil, gas, sodium, and potassium). There may also be other abbreviations used to denote other federal mineral ownerships, but that are much less common (see Chapter 3 — *Minerals*).

Both federal locatable and salable mineral estates occur on lands with federal mineral ownership type “All Min.”

Leasable mineral estate can be held for a particular mineral or group of minerals. For example, federal coal includes ownership types “All Min,” “Coal,” “Coal OG,” and “Coal OG Sod Pot,” and federal oil and gas includes ownership types “All Min,” “Coal OG,” “OG,” and “Coal OG Sod Pot.” Leasable minerals other than coal and oil and gas are mentioned in Chapter 3 – *Minerals*.

Lands where the ownership of the surface estate and mineral estate differ are referred to as split estate. In these situations, mineral rights are considered the dominant estate, meaning they take precedence over other rights associated with the property, including those associated with owning the surface. The areas with scattered surface land ownership patterns and varied mineral ownerships, along with split estate lands, affect BLM management options.

Table 1.1, “Acreage of Surface Lands Within Each Jurisdiction of the Buffalo Planning Area” (p. 2) and Table 1.2, “Acreage of BLM-administered Mineral Estate Within Each County in the Planning Area” (p. 2) provide summaries of the surface and mineral estate and administrative relationships for the planning area. The Approved RMP will not include planning and management decisions for lands or minerals administered by other federal agencies, privately owned, or owned by the State of Wyoming or local governments.

**Table 1.1. Acreage of Surface Lands Within Each Jurisdiction of the Buffalo Planning Area**

Agency	Campbell County	Johnson County	Sheridan County	Total
Bureau of Land Management	224,010	504,368	53,724	782,102
Department of Defense	0	0	4,166	4,166
Bighorn National Forest	0	328,220	389,228	717,447
Thunder Basin National Grasslands	144,640	0	0	144,640
Private	2,502,958	1,614,453	1,049,853	5,167,265
State	195,332	220,908	122,366	538,606
Water	0	2,148	0	2,148
Total	3,066,940	2,670,098	1,619,337	7,356,374

Source: BLM 2012f

**Table 1.2. Acreage of BLM-administered Mineral Estate Within Each County in the Planning Area**

Mineral	Campbell County	Johnson County	Sheridan County	Total
Total <sup>1</sup>	2,418,761	1,682,668	701,848	4,803,277
Locatables	1,599,141	1,412,726	336,254	3,348,121
Leasable – Coal	2,411,562	1,663,142	700,432	4,775,136
Leasable – Fluids	1,611,915	1,434,092	340,523	3,386,530
Salables	1,599,141	1,412,726	336,254	3,348,121

Source: BLM 2012f

<sup>1</sup>Acreage values are not cumulative. As described below, the federal government may manage multiple mineral resources on a given land parcel.

BLM Bureau of Land Management



## 1.2. Purpose and Need for the Resource Management Plan Revision

The purpose and need section of this Draft RMP and EIS provides a context and framework for establishing and evaluating the reasonable range of alternatives described in Chapter 2.

### 1.2.1. Purpose

An RMP is a land use plan that provides direction for managing public lands administered by the BLM in accordance with its multiple use mandate. The FLPMA directs the BLM to develop such land use plans to provide for appropriate uses of public land. Decisions in land use plans guide future land management actions and subsequent site-specific implementation decisions. The RMP establishes goals and objectives (desired outcomes) for resource management and the measures needed to achieve them. These measures are expressed as management actions and allowable uses (i.e., lands that are open or available for certain uses [including any applicable restrictions] and lands that are closed to certain uses). The purpose of revising the existing plan is to address conditions within the planning area that have changed and to evaluate new information in order to develop a management strategy that achieves a combination of the following:

- Employ a community-based planning approach to seek broadly supported solutions to issues, and collaborate with federal, state, and local cooperating agencies.
- Establish goals and objectives (desired outcomes) for management of resources and resource uses within the approximately 780,000 surface acres and 4.8 million acres of federal mineral estate in the planning area administered by the BLM in accordance with the principles of multiple use and sustained yield.
- Identify land use plan decisions to guide future land-management actions and subsequent site-specific implementation decisions.
- Identify management actions and allowable uses anticipated to achieve the established goals and objectives and reach desired outcomes.
- Provide comprehensive management direction by making land use decisions for all appropriate resources and resource uses administered by the BLM in the planning area or by updating existing decisions.
- Provide for compliance with applicable tribal, federal, and state laws, standards, implementation plans, and BLM policies and regulations.
- Recognize the Nation's needs for domestic sources of minerals, food, timber, and fiber, and incorporate requirements of the Energy Policy Act of 2005 (Pub. L. 2005).
- Retain flexibility to adapt to new and emerging issues and opportunities and to provide for adjustments to decisions over time based on new information and monitoring.
- Strive to be compatible with existing plans and policies of adjacent local, state, tribal, and federal agencies while complying with federal law, regulations, and BLM policy.

### 1.2.2. Need for Revising the Existing Plan

New data have become available, and laws, regulations, and policies regarding management of these public lands have changed. In addition, the existing plan's decisions do not satisfactorily address all of the new and emerging issues in the planning area. These changes and potential deficiencies have resulted in the need to revise the existing plan. The BLM identified the need, or requirement, to revise the existing plan through a formal evaluation of the existing plan,

consideration of the Analysis of the Management Situation (AMS) (BLM 2009i), examination of issues identified during the public involvement process known as scoping, and through collaboration with cooperating local, state, and federal agencies.

### **New Data**

Monitoring, availability of new information, and advances in science and technology provide new data to consider in the revision of the existing plan. Select new data can be found in the following documents and sources:

- BLM Assessing the Potential for Renewable Energy on Public Lands (BLM 2003a)
- Buffalo RMP Revision Analysis of the Management Situation (BLM 2009i)
- Buffalo Mineral Occurrence and Development Potential Report (BLM 2009c)
- BLM Wyoming Statewide Programmatic Endangered Species Act (ESA) Consultations:
  - Bald eagle – 2004 (BLM 2004a)
  - Black-footed ferret – 2006 (BLM 2006a)
  - Black-tailed prairie dog – 2008 (BLM 2008b)
  - Mountain plover – 2007 (BLM 2007k)
  - Ute ladies'-tresses orchid – 2007 (BLM 2007o)
- Cultural Class I Regional Overview (BLM 2010b)
- Energy Policy and Conservation Act of 2000 Scientific Inventory of Onshore Federal Lands Oil and Gas Resources and Reserves and the Extent and Nature of Restrictions or Impediments to their Development (DOI et al. 2003)
- Preliminary Reasonable Foreseeable Development (RFD) Scenario for Oil and Gas (Stilwell et al. 2012)
- Final Programmatic EIS on Wind Energy Development on BLM-Administered Lands in the Western United States (BLM 2005c)
- Wyoming Greater Sage-Grouse Conservation Plan (WSG WG 2003)
- Conservation Assessment of Greater Sage-Grouse and Sagebrush Habitats (Connelly et al. 2004)
- Western Association of Fish and Wildlife Agencies (WAFWA) Greater Sage-Grouse Comprehensive Conservation Strategy (WAFWA 2006)
- Northeast Wyoming Sage-Grouse Conservation Plan (NWSGLWG 2006)
- Final EIS for Vegetation on BLM in Seventeen Western States (BLM 2007g)
- Final Programmatic EIS for Geothermal Leasing in the Western United States (BLM 2008d)
- Powder River Basin Oil and Gas Project Final EIS and Plan Amendment (BLM 2003c)
- Fortification Creek RMP Amendment/Environmental Assessment (BLM 2011c)
- Energy Policy Act of 2005
- BLM Manual 6320 – Considering Lands with Wilderness Characteristics in the BLM Land Use Planning Process (BLM 2012b)
- DOI Order 3294 – Energy Management Reform (DOI 2010)

### **New and Revised Policies**

Numerous policies either have been revised or developed since the ROD for the existing plan was signed. A complete list of relevant policies, including new and revised policies, and their effective dates is identified in Appendix A (p. 1569).

### **Emerging Issues and Changing Circumstances**

Emerging issues and changes in local, regional, and national circumstances to consider when revising the existing plan include the following:

- Increasing and conflicting demands on the planning area's resources
- Increasing complexity of resource management issues
- Changes in resource and resource condition monitoring tasks and the entities conducting monitoring
- Changes in the legal status of plants and wildlife occurring or potentially occurring in the planning area
- Increasing conflicts between resource uses and protection of specific wildlife and wildlife habitat
- Greater Sage-Grouse population viability
- Maintaining public access to public lands
- The spread of invasive plant and animal species on public lands
- Changing demand for energy and minerals development
- Increased interest in renewable energy development across the nation
- The management of riparian areas and water quality concerns
- Fire and fuels management practices and changes in national fire policy
- Changes in livestock grazing practices and rangeland conditions
- Changes in recreation and visitor use levels and locations
- The management and protection of recently discovered cultural and paleontological resources
- Addressing travel management, including increases in off-highway vehicle (OHV) use
- The appropriateness of certain withdrawals, land tenure adjustments, land use authorizations, and ROW to include utility corridors rights-of-way (ROW)
- Cumulative increase in surface disturbance due to mining and oil and gas activities
- Achieving reclamation success after mineral development activities
- Identification of unique or sensitive areas that meet the criteria for special designation
- Increasing air quality issues affecting human health and regulatory compliance
- Changes to visual resources classifications

### **Greater Sage-Grouse Management**

In March, 2010 the U.S. Fish and Wildlife Service (USFWS) published its decision that listing of the Greater Sage-Grouse as a threatened or endangered species under the ESA was "Warranted but Precluded." Inadequacy of regulatory mechanisms was identified as a major threat in the USFWS finding on the petition to list the Greater Sage-Grouse. The USFWS has identified the principal regulatory mechanism for the BLM as conservation measures in RMPs. Based on the identified threats to the Greater Sage-Grouse and the USFWS timeline for making a listing decision on this species, the BLM needs to incorporate objectives and adequate conservation measures into RMPs in order for the USFWS to constitute these RMP measures as adequate regulatory mechanisms that conserve the Greater Sage-Grouse, thus contributing to the avoidance of potentially listing the Greater Sage-Grouse.

This RMP revision incorporates specific management actions and conservation measures to conserve Greater Sage-Grouse and its habitats on public land.

## **1.3. Planning Process**

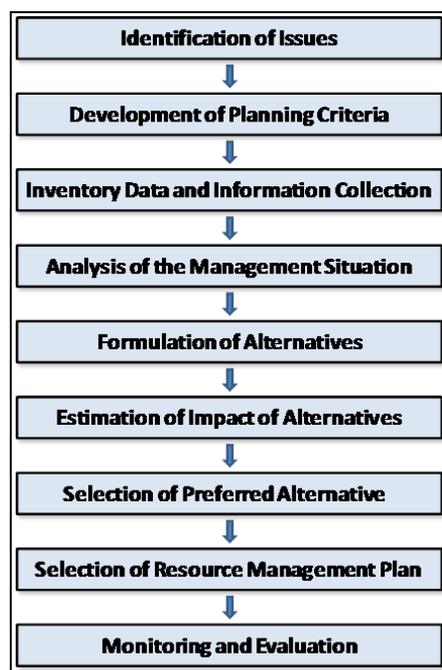
The RMP provides basic program direction with the establishment of goals, objectives, and allowable uses. The RMP focuses on what resource conditions, uses, and visitor experiences

should be achieved and maintained over time. Since this involves considering natural processes with long-term timeframes, the RMP must take a long-term view.

The planning process is the result of the FLPMA requirement to manage lands under comprehensive plans and the National Environmental Policy Act (NEPA) requirement to analyze alternatives in an EIS and evaluate and disclose impacts for all major federal actions with the potential to result in significant impacts. Revising an existing plan is a major BLM federal action with the potential to result in significant impacts. This EIS analyzes four alternatives, including the NEPA-required No Action Alternative.

### 1.3.1. BLM Planning Process

Figure 1.2, “BLM Planning Process” (p. 7) illustrates the planning process used to develop and revise RMPs as required by 43 Code of Federal Regulations (CFR) 1600 and planning program guidance in the BLM Handbook H-1601-1, Land Use Planning Handbook (BLM 2005b). The planning process is designed to help the BLM identify the uses of BLM-administered lands desired by the public and to consider these uses to the extent they are consistent with the laws established by Congress and the policies of the executive branch of the federal government.



**Figure 1.2. BLM Planning Process**

The planning process is issue-driven. The BLM utilized the public scoping process to identify planning issues. The scoping process also was used to introduce the public to preliminary planning criteria, which set limits to the scope of the RMP revision.

The BLM collected data to address planning issues and to fill data gaps identified during public scoping. Using this data, the planning issues, and the planning criteria, the BLM conducted an AMS to describe current management and identify management opportunities for addressing the planning issues. Current management reflects management under the existing RMP and management that would continue through selection of the No Action Alternative.

The first steps of the planning process clarified the purpose and need and identified key planning issues to be addressed by the RMP revision. Key planning issues reflect the focus of the RMP revision and are described in more detail in the Planning Issues section.

During alternative formulation, the BLM collaborated with cooperating agencies to identify goals and desired outcomes for resources and resource uses in the planning area. These desired outcomes addressed the key planning issues, were constrained by the planning criteria, and incorporated the management opportunities identified by the BLM.

The details of alternatives were filled in through the development of management actions and allowable uses anticipated to achieve the goals and objectives. The alternatives represent a reasonable range for managing resources and resource uses within the planning area. Chapter 2 of this document describes and summarizes the alternatives.

This Draft RMP and EIS includes an analysis of the impacts of each alternative in Chapter 4. With input from cooperating agencies and BLM specialists, and consideration of planning issues, planning criteria, and the impacts of alternatives, the BLM selected Alternative D as the Preferred Alternative.

The BLM will select the Proposed RMP and prepare a Final EIS following receipt and consideration of public comments on the Draft RMP and EIS.

### **1.3.2. Resource Management Plan Implementation**

After issuing the Approved RMP and ROD, an Implementation Strategy will be developed. The Implementation Strategy will include an annual coordination meeting between the BLM and the agencies cooperating in the RMP revision. The annual coordination meeting will include an update on implementation of the plan, foreseeable activities for the upcoming year, and opportunities for continued collaboration with the RMP cooperators. Additional coordination meetings could be held as needed. Appendix B (p. 1575) provides an overview of the Buffalo monitoring and implementation protocol.

Planning and decision making for the management of public lands is a tiered process. Documents produced during each successive tier are progressively more focused in scope and more detailed in terms of their identification of specific measures to be undertaken and impacts that may occur. The RMP, the first tier in the planning process, provides an overall vision of the goals and objectives and includes measurable steps, anticipated management actions, and allowable uses to achieve that vision. Upon approval of the RMP, subsequent implementation decisions are carried out by developing activity-level or project-specific plans.

- If an activity-level plan is developed, it usually describes multiple projects for a single resource program (e.g., habitat management plan) or multiple projects for multiple resource programs.
- If a project-specific plan is developed, it usually describes a single project or several related projects.

In general, a planning-level EIS is prepared at the RMP tier, and a more detailed EIS or Environmental Assessment is prepared at the implementation tier. The activity- or project-level plans reflect the management direction and broad goals and objectives articulated in the revised RMP. Only the first of these tiers, the RMP, is involved in the present document. As a result, activity- and project-level plans are not considered further in this document.

The RMP provides basic program direction with the establishment of goals, objectives, and allowable uses. The RMP focuses on what resource conditions, uses, and visitor experiences should be achieved and maintained over time. The RMP must also take a long-term view that considers the timeframes associated with natural processes which can be years, decades or longer.

## 1.4. Decision Framework

As described in the previous section, identifying the planning issues and developing planning criteria (discussed in detail below) are the first steps in narrowing the scope of the RMP revision. The planning issues and planning criteria provide the framework in which RMP decisions are made. RMP decisions refer to what is established or determined by the final RMP. For example, the BLM received nominations (issues) for Areas of Critical Environmental Concern (ACECs). These issues fall within one of the planning criteria (see Planning Criteria section), the need to identify and analyze areas potentially suitable for ACEC designation. The RMP revision will establish (decide) whether any ACEC will be designated within the planning area. In this example, the land use planning decision is referred to as a special designation. The RMP provides guidance for land use planning decisions according to the following categories:

- Physical, biological, and heritage resources
- Resource uses and support
- Special designations

In the context of these categories, the planning team develops management strategies aimed at providing viable options for addressing planning issues. The management strategies provide the building blocks from which general management scenarios and, eventually, the more detailed resource management alternatives, are developed. The resource management alternatives reflect a reasonable range of management options that fall within limits set by the planning criteria. The following sections, describe the planning issues and planning criteria used to revise the existing plan.

### 1.4.1. Planning Issues

The BLM conducted public scoping to determine the issues to be addressed in this RMP EIS. As part of the scoping process, the BLM solicited comments and issues from the public, organizations, tribal governments, and federal, state, and local agencies, as well as from BLM specialists. The BLM's Land Use Planning Handbook (BLM 2005b) defines planning issues as "...disputes or controversies about existing and potential land and resource allocations, levels of resource use, production, and related management practices." Issues identified during the scoping and RMP revision process for this EIS comprise two categories:

- Issues within the scope of the EIS and used to develop alternatives or otherwise addressed in the EIS.
- Issues outside the scope of the EIS or that could require policy, regulatory, or administrative actions.

Issues determined to be within the scope of the EIS were used to develop one or more of the alternatives or are addressed in other parts of the EIS. For example, as planning issues were refined, the BLM collaborated with cooperating agencies to develop a reasonable range of alternatives designed to address or resolve key planning issues, such as what areas are suitable for energy and mineral resource development. A reasonable range of alternatives provides various management approaches for how the BLM and cooperating agencies can address this and other

key planning issues, including the management of resources and resource uses in the planning area. In other words, key planning issues serve as the rationale for alternative development. The preliminary key planning issues identified from scoping are presented below.

### **Air Quality and Climate Change**

- How can the BLM manage activities occurring on public lands to ensure they do not contribute to air quality-related impacts to human health or resource values?
- How should the BLM incorporate consideration of climate change into its land management practices?

### **Water Quality and Riparian/Wetlands Areas**

- How should the BLM manage the use and development of public lands to ensure surface and groundwater resources are available and of sufficient quality for public, wildlife, and other uses?
- How can BLM-administered lands be managed to protect wetland and riparian areas?

### **Mineral and Energy Resources**

- Which areas should be open to mineral and energy development and how will the BLM address issues related to split estate lands?
- What management and leasing actions are needed for mineral and energy developments to protect natural, biological, and cultural resources?

### **Biological Resources: Vegetation, Fish, Wildlife, and Special Status Species**

- What management actions or development actions are needed to protect, improve, or restore terrestrial and aquatic habitats for fish, wildlife, and special status species?
- How can BLM management sustain ecosystem health while providing for multiple uses?
- In March 2010, the USFWS determined that the Greater Sage-Grouse warranted protection under the ESA, but that listing the species was precluded by the need to address other, higher-priority species first (75 Federal Register [FR] 13910, March 23, 2010). One reason for the USFWS decision was an identified need for “improved regulatory mechanisms” to ensure species conservation. The principal regulatory mechanisms for the BLM are RMPs, therefore, the BLM is using this opportunity to develop long-term and effective management for the species on BLM-administered lands (Washington Office [WO] Instruction Memorandum [IM] No. 2012-044).

### **Invasive Species and Pest Management**

- What development stipulations and management actions are appropriate to control and prevent the spread of noxious weeds, pests, and invasive species?

### **Cultural and Paleontological Resources and Tribal Concerns**

- How can the BLM protect paleontological resources, cultural and heritage sites, and traditional cultural properties?

- How can the BLM effectively involve Native Americans in BLM management and decision making?

## **Lands and Realty and Rights-Of-Way**

- How can land tenure and management adjustments be used for access and development, while also protecting natural, biological, and cultural resource values?
- Which areas should be available for renewable energy development and how should this development be managed to protect other resource values and uses?

## **Travel and Transportation Management**

- How should travel, including OHV use be managed for recreational and commercial access, while also protecting natural, biological, and cultural resources?

## **Recreation**

- How should the BLM manage recreation on public lands to provide a full spectrum of recreational opportunities, while ensuring public safety and the protection of resources values?

## **Livestock Grazing**

- How should the BLM manage livestock grazing on public lands to ensure the protection of natural, biological, and cultural resources while maintaining grazing-dependent socioeconomic and heritage values?

## **Special Designations**

- What areas contain sensitive resources requiring special management and what, if any, special designations are appropriate to protect them?

## **Socioeconomic Resources**

- How can the BLM protect natural, biological, and cultural resources while managing BLM-administered lands to support local economies and traditions tied to these lands?

In addition to key planning issues, other issues, themes, and positions were identified during the scoping process. Those issues determined to be outside the scope of the EIS or that would require policy, regulatory, or administrative actions to address were not used to develop alternatives and were not carried forward in this Draft RMP and EIS.

For a detailed description of all issues identified during scoping, please refer to the Buffalo RMP Revision Project Final Scoping Report (BLM 2009d). This scoping report describes the public involvement process and the issues identified by the public. The report is available on the Buffalo RMP Revision website, <http://www.blm.gov/wy/st/en/programs/Planning/rmps/buffalo.html>.

## 1.4.2. Planning Criteria

Planning criteria are the standards, rules, and guidelines that help to guide the RMP planning process. These criteria influence all aspects of the planning process, including inventory and data collection, developing issues to address, formulating alternatives, estimating impacts, selecting the Preferred Alternative and the Proposed RMP. In conjunction with the planning issues, planning criteria ensure that the planning process is focused and incorporates appropriate analyses. Planning criteria are developed from appropriate laws, regulations, and policies. The criteria also help to guide the final plan selection and are used as a basis for evaluating the responsiveness of the planning options.

The planning criteria for this RMP revision are as follows:

- The proposed RMP will be in compliance with the FLPMA and all other applicable laws, regulations, and policies.
- Impacts from the management alternatives considered in the revised RMP will be analyzed in an EIS developed in accordance with regulations at 43 CFR 1610 and 40 CFR 1500.
- Lands covered in the RMP will be public land and split estate managed by the BLM. No decisions will be made relative to non-BLM-administered lands.
- The planning process will follow 10 stages of an EIS-level planning process: conducting scoping, development of an AMS report, formulation of alternatives, analysis of the alternatives' effects, selection of a preferred alternative, publication of a Draft RMP and EIS, providing a 90-day public comment period for the Draft RMP and EIS, preparation and publication of a Proposed RMP and Final EIS, providing a 30-day public protest period, and preparation of a ROD. For specific information, please see the Land Use Planning Handbook, H-1601-1.
- For program specific guidance of land use planning level decisions, the process will follow the Land Use Planning Manual 1601 and Handbook H-1601-1, Appendix C.
- Broad-based public participation will be an integral part of the planning and EIS process.
- Decisions in the plan will strive to be compatible with the existing plans and policies of adjacent local, state, federal, and tribal agencies to the extent those plans and policies are also consistent with the purposes, policies, and programs of federal law, and regulations applicable to public lands.
- The RMP will recognize the state's responsibility and authority to manage wildlife. The BLM will consult with the Wyoming Game and Fish Department (WGFD).
- The National Greater Sage-Grouse Habitat Conservation Strategy (BLM 2004b) requires that impacts to sagebrush habitat and sagebrush-dependent wildlife species (including Greater Sage-Grouse) be analyzed and considered in BLM land use planning efforts for the public lands with Greater Sage-Grouse sagebrush habitats.
- The BLM will utilize the WAFWA Conservation Assessment of Greater Sage-Grouse and Sagebrush Habitats (Connelly et al. 2004), and any other appropriate resources, to identify Greater Sage-Grouse habitat requirements and best management practices.
- The RMP will comply with WO IM-2012-044 and address public comments received during national scoping related to WO IM-2012-044 implementation.
- The RMP will recognize valid and existing rights.
- The RMP and EIS will incorporate management decisions brought forward from existing planning documents.
- The planning team will work cooperatively and collaboratively with cooperating agencies and all other interested groups, agencies, and individuals.

- The BLM and cooperating agencies will jointly develop alternatives for resolution of resource management issues and management concerns.
- The planning process will incorporate the Standards for Healthy Rangelands and Guidelines for Livestock Grazing Management for Public Lands Administered by the BLM in the State of Wyoming as goal statements.
- Areas with special environmental qualities will be designated as ACECs or other appropriate designations if necessary for their protection.
- Any public land surface found to meet the suitability factors to be given further consideration for inclusion in the WSR System will be addressed in the RMP revision effort in terms of developing interim management options in the alternatives for the EIS.
- Wilderness Study Areas (WSAs) will be managed under BLM Manual 6330 – Management of Wilderness Study Areas, which replaces the Interim Management Policy for Lands Under Wilderness Review, until Congress either designates all or portions of the WSA as wilderness or releases the lands from further wilderness consideration. It is no longer the policy of the BLM to make wilderness recommendations or designate additional WSAs through the RMP process.
- The BLM will consider the designation of lands with wilderness characteristics through the RMP revision process, pursuant to BLM Manuals 6301, 6302, and 6303.
- Forest management strategies will be consistent with the Healthy Forests Restoration Act.
- The Wyoming High Plains District (WHPD) Fire Management Plan (FMP) will be updated to reflect objectives from this RMP, and will be implemented to address fire management on a landscape level.
- Geographic Information System (GIS) and metadata information will meet Federal Geographic Data Committee (FGDC) standards, as required by Executive Order 12906. All other applicable BLM data standards will also be followed.
- The planning process will involve American Indian Tribal governments and will provide strategies for the protection of recognized traditional uses.
- All proposed management actions will be based upon current scientific information, research and technology, as well as existing inventory and monitoring information.
- The RMP will include adaptive management criteria and protocols to deal with future issues.
- The planning process will use the Wyoming BLM Mitigation Guidelines to develop management options and alternatives and analyze their impacts as well as part of the planning criteria for developing the options and alternatives and for determining mitigation requirements.
- A RFD scenario for fluid minerals will be developed.
- Planning and management direction will be focused on the relative values of resources and not the combination of uses that will give the greatest economic return or economic output.
- Known areas in the Buffalo planning area with coal development potential are located in Campbell and Sheridan counties, Wyoming. Coal screening determinations were made on these areas and updated during planning efforts for the existing Buffalo RMP and the Thunder Basin National Grasslands Land and RMP. No additional coal screening determinations with associated coal planning decisions are planned for the Buffalo RMP, unless public submissions of coal resource information or surface resource issues indicate a need to update these determinations.
- The RMP and EIS will address *Pennaco v. U.S.*, 377 F.3d 1147 (10th Cir. 2004) requiring analysis of coalbed natural gas development for fluid mineral leasing decisions in the Powder River Basin.

### **1.4.3. Major Statutes, Limitations, and Guidelines**

Numerous federal and state laws and applicable regulations, policies, and actions affect the alternatives analyzed in this Draft RMP and EIS. The FLPMA is the primary authority for the BLM's management of public lands. This law provides the overarching policy by which public lands are managed and establishes provisions for land use planning, land acquisition, administration, range management, ROW, designated management areas, and the repeal of certain laws and statutes. Sections 201 and 202 of the FLPMA establish the BLM's land use planning requirements. BLM Handbook H-1601-1, Land Use Planning Handbook, provides guidance for implementing the BLM land use planning requirements established by Sections 201 and 202 of the FLPMA and the land use planning regulations found in 43 CFR 1600 (BLM 2005b).

The NEPA stipulates the process through which public officials should make decisions that consider the environmental consequences of their actions and work to protect, restore, and enhance the human environment. NEPA provides for public input regarding issue identification and consideration of the environmental impacts of major federal actions that affect the quality of the human environment.

The NEPA also created the Council on Environmental Quality (CEQ), which has issued regulations (40 CFR 1500-1508) to ensure proper consideration of environmental concerns in federal decision making. The DOI and the BLM have in turn published their own regulations and guidance related to implementation of the NEPA process and CEQ Regulations (43 CFR Part 46, DOI DM Part 516 and BLM Handbook H-1790-1).

Many additional laws, regulations, and policies guide the management of public lands and are therefore relevant to this RMP revision. A list of these laws, regulations, and policies is provided in Appendix A (p. 1569).

### **1.4.4. Other Related Plans**

BLM planning policies and regulations require that the BLM review approved or adopted resource plans or officially approved and adopted resource-related policies and programs of other federal, state, local, and tribal governments and, where practicable, be consistent with those plans or policies, so long as they are also consistent with the purposes, policies and programs of federal laws and regulations applicable to public lands. If the other agencies, tribes and/or governments do not have officially approved or adopted resource-related plans, then the land use plan must, to the maximum extent practical, be consistent with their officially approved and adopted resource-related policies and programs. Table 1.3, "Related Plans" (p. 15), identifies plans that are related to the management of land and resources considered in this RMP revision.

**Table 1.3. Related Plans**

<b>Related Plans</b>	
Bighorn National Forest Plan 2005 (USFS 2005)	Powder River Watersheds Water Quality Management Plan (Powder River Conservation District and Powder River Watersheds Steering Committee 2007)
Campbell County Community Wildfire Protection Plan, 2007 (Campbell County 2007a)	Sheridan County Comprehensive Plan (Sheridan County 2008)
Campbell County Conservation District: Long Range and Natural Resource Management Plan 2010-2015 (CCCD 2009)	Sheridan County Wildland Fire Mitigation Plan, September 2009 (Sheridan County 2009)
Campbell County Land Use Plan (Campbell County 2007b)	Thunder Basin National Grassland Land Use and Resource Management Plan (USFS 2001)
Donkey/Stonpile Creek Watershed Plan (CCCD and Donkey/Stonpile Creeks Watershed Steering Committee 2006)	United States EPA Region 8 Wyoming State Implementation Plans (EPA 1989 - 2004)
Gillette Fishing Lake Water Quality Improvement Plan (CCCD and City of Gillette 2005)	Wyoming Department of Agriculture Strategic Plan (Wyoming DOA 2008a)
Goose Creek Watershed Management Plan 2004 (Sheridan County Conservation District 2004)	Wyoming Sage-Grouse Conservation Plan (WSGWG 2003)
Johnson County Community Wildfire Protection Plan, Evaluation and Update, March 2010 (Johnson County 2010)	Wyoming Game and Fish Strategic Habitat Plan (WGFD 2001)
Johnson County Land Use Plan (Johnson County 2005)	Wyoming SHPO Comprehensive Statewide Historic Preservation Plan 2007-2015 (Wyoming SHPO 2007)
Lake DeSmet Conservation District Plan (Lake DeSmet Conservation District 2006)	Wyoming State Water Plan Northeast River Basins (Wyoming Water Development Commission 2002a)
Little Powder River Watershed Plan (CCCD and Little Powder River Watershed Steering Committee 2006)	Wyoming State Water Plan Powder/Tongue River Basins 2002 (Wyoming Water Development Commission 2002b)
National Fire Plan (USDA and DOI 2000)	Wyoming Statewide Comprehensive Outdoor Recreation Plan (Wyoming SPHS 2009)
Northeast Wyoming Sage-Grouse Conservation Plan (NWSGLWG 2006)	Wyoming Statewide Trails Plan 2004 (Wyoming SPCR 2004)
Powder River Conservation District Plan (Powder River Conservation District 2005)	—
EPA Environmental Protection Agency SHPO State Historic Preservation Office USDA United States Department of Agriculture WDA Wyoming Department of Agriculture WDSPCR Wyoming Department of State Parks and Cultural Resources WGFD Wyoming Game and Fish Department WWDC Wyoming Water Development Commission	

### 1.4.5. Other Policies

In addition to the plans listed in Table 1.3, “Related Plans” (p. 15), other policies and decisions that existed prior to the RMP revision that are outside the scope of the plan, may influence the decisions, constrain the alternatives, or are needed to understand the management of the area.

## 1.5. Collaboration

This section describes specific actions taken by the BLM to consult and coordinate with tribes, government agencies, and interest groups, and to involve the interested public during preparation of the Draft RMP and EIS. A Notice of Intent (NOI) published in the FR on November 14, 2008,

formally announced the intent of the BLM to revise the existing plan and prepare the associated EIS. Publication of the NOI initiated the scoping process and invited participation of affected and interested agencies, organizations, and the general public in determining the scope and issues to be addressed by alternatives and analyses in the EIS. Additional detail regarding actions taken by the BLM to involve the public and consult and coordinate with tribes, government agencies, and interest groups is provided in Appendix C (p. 1587).

### **1.5.1. Consultation and Coordination**

This section documents the consultation and coordination efforts undertaken by the BLM throughout the process of revising the RMP and developing the Draft RMP and EIS. Title II, Section 202, of FLPMA directs the BLM to coordinate inventory, planning, and management efforts with the land use planning and management programs of Native American tribes, other federal departments, and agencies of the state and local governments as part of its land use planning process, to the extent consistent with the laws governing the administration of the public lands. The BLM is also directed to integrate NEPA requirements with other environmental review and consultation requirements to reduce paperwork and delays (40 CFR 1500.4-5). The BLM accomplished coordination with other agencies and consistency with other plans through ongoing communications, meetings, and collaborative efforts with the Interdisciplinary Team, which includes BLM specialists and federal, state, and local agencies. A list of the cooperating agencies that have actively participated in cooperators' meetings leading up to the development of the Draft RMP and EIS include the following:

#### **Counties**

- Campbell County Commission
- Crook County Commission
- Johnson County Commission
- Sheridan County Commission

#### **Conservation Districts**

- Campbell County Conservation District
- Lake DeSmet Conservation District
- Powder River Conservation District

#### **Wyoming State Agencies**

- Office of the Governor
- Department of Agriculture
- Department of Revenue
- State Geological Survey
- Office of State Lands and Investments
- Oil and Gas Conservation Commission
- State Historic Preservation Office
- State Engineer's Office
- State Forestry Division
- State Parks and Cultural Resources
- State Trails Program
- Travel and Tourism
- Water Development Commission
- Department of Environmental Quality

- Department of Transportation
- Game and Fish Department

### **Federal Agencies**

- United States Environmental Protection Agency (EPA), Region 8
- United States Department of the Interior – Office of Surface Mining
- United States Forest Service – Medicine Bow-Routt National Forest, Thunder Basin National Grasslands

### **Native American Tribes**

- Northern Cheyenne Tribe

The BLM formally invited the cooperating agencies to participate in developing RMP alternatives and providing existing data and other information relative to their agency responsibilities, goals, mandates, and expertise. Cooperating agencies provided input during the initial scoping process on issues of special expertise or legal jurisdiction. In addition, cooperating agencies participated in a series of alternative formulation workshops, reviewed draft information and documents, and periodically met with BLM management and resource specialists throughout the revision process to discuss planning issues and provide input to the process. Table 1.4, “Meetings with Cooperating Agencies” (p. 17) lists these meetings and workshops.

**Table 1.4. Meetings with Cooperating Agencies**

<b>Date</b>	<b>Location</b>	<b>Type of Meeting</b>
October 22 – 23, 2008	Buffalo, Wyoming	Cooperating Agency Training
October 22, 2008	Buffalo, Wyoming	Socioeconomic Workshop
May 20 – 22, 2009	Buffalo, Wyoming	Goals and Objectives Development Workshop
June 17 – 18, 2009	Buffalo, Wyoming	Range of Alternatives Development Workshop
July 15 – 16, 2009	Buffalo, Wyoming	Range of Alternatives Development Workshop
August 19 – 20, 2009	Buffalo, Wyoming	Range of Alternatives Development Workshop
September 16 – 17, 2009	Buffalo, Wyoming	Range of Alternatives Development Workshop
October 7 – 8, 2009	Buffalo, Wyoming	Range of Alternatives Development Workshop
April 27 – 29, 2010	Buffalo, Wyoming	Preferred Alternative Development Workshop

In addition, the following federal Congressional Offices participated in the meetings with Cooperating Agencies.

- United States Senator Michael Enzi’s Office
- United States Senator John Barrasso’s Office
- United States Representative Cynthia Lummis’ Office

### **Endangered Species Act Consultation**

The USFWS provided the BFO with a list of species on August 15, 2008 to be considered when evaluating actions under the ESA of 1973. The species include: black-footed ferret, blowout penstemon, and Ute ladies’-tresses orchid. Scoping comments provided by the USFWS on

January 5, 2009 confirmed the listed species for ESA evaluation and recommended the RMP consider additional species of concern. The USFWS provided an updated ESA species list on August 26, 2010. The August 2010 species list contains the following four species: blowout penstemon, Ute ladies'-tresses orchid, mountain plover and Greater Sage-Grouse. On May 12, 2011, the USFWS withdrew the proposal to list the mountain plover as a Threatened species. On June 30, 2011, the BLM BFO requested that the USFWS remove blowout penstemon from the BFO list after further data and site visits provided clarification that neither the flower nor potential habitat was present. The USFWS agreed that it is unlikely the BFO planning area contains suitable habitat and removed it from the list.

The list of species that the USFWS requested to be considered for the BFO planning area now contains two species: Ute ladies'-tresses orchid, a Threatened species, and Greater Sage-Grouse, a Candidate species.

The USFWS was provided opportunities to comment on the Draft RMP and EIS and Draft Biological Assessment. Consultation letters concerning the Buffalo RMP revision project are located in Appendix C (p. 1587). Consultation will continue through completion of the final biological opinion and final RMP.

## **Native American Interests**

Consultation with Native American tribes is part of the NEPA scoping process and a requirement of FLPMA. The BLM took multiple steps to contact the tribes and include them in the scoping process. On September 19, 2008, the BLM sent letters to the following tribes inviting them to be part of the planning process through consultation and public scoping meetings, as well as requesting information to be considered in the planning process:

- Cheyenne River Sioux
- Crow
- Eastern Shoshone
- Ft. Peck/Assiniboine/Sioux
- Northern Arapahoe
- Northern Cheyenne
- Oglala Sioux
- Three Affiliated Tribes

## **1.6. National Greater Sage-Grouse Planning Strategy**

On December 9, 2011, a Notice of Availability was published in the FR to initiate the BLM Greater Sage-Grouse Planning Strategy across nine western states, including California, Oregon, Nevada, Idaho, Utah, and Southwest Montana in the Great Basin Region and Northwest Colorado, Wyoming, Montana, South Dakota, and North Dakota in the Rocky Mountain Region. This Draft RMP and EIS is one of fifteen separate EISs that are currently being conducted to analyze and incorporate specific conservation measures across the range of the Greater Sage-Grouse, consistent with National BLM policy.

On December 27, 2011, the BLM WO released IM No. 2012-044, which directed all of the planning efforts across the Greater Sage-Grouse range to consider all applicable conservation measures when revising or amending its RMPs in Greater Sage-Grouse habitat, including the measures developed by the National Technical Team (NTT) that were presented in their

December 2011 document – *A Report on National Greater Sage-Grouse Conservation Measures*. IM-2012-044 directs all planning efforts associated with the national strategy to consider and analyze (as appropriate) the conservation measures presented in the report.

Along with the applicable measures that were outlined in the NTT Report, planning efforts associated with this National Greater Sage-Grouse Planning Strategy will also analyze applicable conservation measures that were submitted to the BLM from various state governments and from citizens during the public scoping process. It is the goal of the BLM to make a final decision on these plans by the end of 2014, so that adequate regulatory mechanisms are incorporated in place before the USFWS makes a listing decision in 2015.

## **1.7. Topics Not Addressed in This Resource Management Plan Revision**

Laws, regulations, policies, and executive orders require specific resource topics be examined during the NEPA process. In some instances, initial evaluation reveals topics that are not relevant to the planning area or do not require further analysis. Examples of these topics are listed below.

- **Prime and Unique Farmlands** – In accordance with the Farmland Protection Policy Act, the BLM determined that no prime or unique farmlands or farmland of statewide or local importance occur on public lands in the planning area. None of the actions proposed in this RMP revision would disturb farmlands; therefore, impacts on prime and unique farmlands were not analyzed further in this RMP revision.
- **Wild Horses and Burros** – Herd areas are limited to areas of public land identified as being habitat used by wild horses and burros at the time of passage of the 1971 Wild Free-Roaming Horse and Burro Act. No wild horses are known to inhabit the planning area, and no herd areas have been identified. Therefore, impacts on wild horses and burros were not analyzed further in this RMP revision.
- **National Historic Trails** – No National Historic Trails currently exist within the planning area; therefore, impacts on National Historic Trails were not analyzed further in this RMP revision.