

## CHAPTER 5 CONSULTATION AND COORDINATION

Bureau of Land Management (BLM) land use planning activities are conducted in accordance with National Environmental Policy Act of 1969 (NEPA) requirements, Council on Environmental Quality (CEQ) regulations, and the U.S. Department of the Interior (DOI) and BLM policies and procedures implementing NEPA. NEPA and the associated laws, regulations, and policies require BLM to seek public involvement early in, and throughout, the planning process to develop a reasonable range of alternatives to proposed actions and prepare environmental documents that disclose the potential impacts of proposed actions and alternatives. Public involvement and agency consultation and coordination, which have been at the heart of the planning process leading to this Final Environmental Impact Statement (EIS) and Proposed Resource Management Plan (RMP), were achieved through *Federal Register* notices, public and informal meetings, individual contacts, media releases, planning bulletins, and the project planning website.

The formal scoping period for the Little Snake Field Office (LSFO) began with the publication of the Notice of Intent (NOI) in the *Federal Register* on November 18, 2004, which officially announced BLM's intent to prepare an RMP and associated EIS for the LSFO. During the scoping period, BLM announced the commencement of the planning process, invited the submittal of ideas and comments regarding the management of the LSFO, and conducted public scoping meetings. The notice invited the participation of the affected and interested agencies, organizations, and members of the general public in determining the scope and significant issues to be addressed in the planning alternatives and analyzed in the EIS. Additional public involvement was solicited to help identify issues to be addressed in developing a full range of land management alternatives, as well as to review and provide comments on the entire Draft RMP/EIS (see Table 5-1 for a list of public involvement, coordination, and consultation events). This chapter describes this public involvement process as well as other key consultation and coordination activities undertaken for the preparation of the Proposed RMP/Final EIS for the LSFO.

**Table 5-1. Public Involvement, Coordination, and Consultation Events**

Date	Location	Type
November 17, 2004	Craig, Colorado	Neighboring Agency Coordination Meeting
January 4, 2005	Steamboat Springs, Colorado	Public Scoping Meeting
January 5, 2005	Craig, Colorado	Public Scoping Meeting
January 6, 2005	Maybell, Colorado	Public Scoping Meeting
January 6, 2005	Craig, Colorado	Cooperating Agencies Meeting
June 23, 2005	Craig, Colorado	Cooperating Agencies Meeting
August 17, 2005	Craig, Colorado	Cooperating Agencies Meeting
April 4, 2006	Craig, Colorado	Cooperating Agencies Meeting
April 19, 2006	Craig, Colorado	Cooperating Agencies Meeting
July 26, 2006	Craig, Colorado	Cooperating Agencies Meeting
August 17, 2006	Lakewood, Colorado	Cooperating Agencies Meeting
September 11, 2006	Craig, Colorado	Cooperating Agencies Meeting
February 9, 2007	NOA—Start of 90-day public comment period on the Little Snake Draft RMP/EIS	
March 13, 2007	Maybell, Colorado	Public Meeting for the Draft RMP/EIS
March 14, 2007	Steamboat Springs, Colorado	Public Meeting for the Draft RMP/EIS
March 15, 2007	Craig, Colorado	Public Meeting for the Draft RMP/EIS

Date	Location	Type
June 22, 2007	Craig, Colorado	Cooperating Agencies Meeting
February 20, 2008	Craig, Colorado	Cooperating Agencies Meeting
July 15, 2008	Craig, Colorado	Cooperating Agencies Meeting

## 5.1 CONSULTATION AND COORDINATION

Federal laws require BLM to consult with certain federal and State agencies and entities and Native American tribes, (40 Code of Federal Regulations [CFR] 1502.25) during the NEPA decisionmaking process. 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).

### 5.1.1 Native American Consultation

The planning process requires consultation with Native American tribes to develop strategies for managing and protecting recognized traditional uses and areas of cultural and religious significance. In addition to consultation with tribes under the American Indian Religious Freedom Act (AIRFA) required under NEPA, the National Historic Preservation Act (NHPA) requires that Native American consultation is conducted throughout the planning process.

The decision on which tribes to consult with was based on a map of cultural affiliation provided the Colorado Commission of Indian Affairs. Four Native American tribes who have cultural and historical ties to lands administered by the LSFO were identified. These are—

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

As part of the scoping process, BLM sent letters to tribal governments on October 14, 2004, requesting information for the RMP/EIS and inviting their coordination and participation in the RMP revision process. BLM received one response from the Southern Ute Indian Tribe. The internal review version of the Draft RMP/EIS was sent to the four tribes in April 2006. LSFO followed up with a phone call on November 13, 2006. The Draft RMP/EIS was sent to the tribes concurrently with its release to the public.

After the Draft RMP/EIS was published, BLM offered in-person visits to the Tribal Business Council of the Southern Ute, Ute Mountain Ute, Eastern Shoshone, and the Uintah-Ouray Ute Tribe. The only response was from the Uintah-Ouray Ute Tribe, and the Field Office Manager presented the Draft RMP/EIS to them in a February 2007 Tribal Business Council meeting. In addition, the Field Office archaeologist has met face-to-face with Eastern Shoshone, Northern Ute, and Ute Mountain Ute representatives to discuss the Draft RMP/EIS. It is important to note that Native American consultation is an ongoing process that began before the current RMP revision and will continue after the new RMP is completed. Consultation occurs throughout all of the levels of the BLM planning process. SHPO consultation is an ongoing process that began before the current RMP revision and occurs throughout all of the levels of the BLM planning process.

### **5.1.2 Consultation Efforts with the Colorado State Historic Preservation Officer**

The BLM cultural resource management program operates in accordance with the alternative procedures for 36 CFR 800 outlined under the National Programmatic Agreement, as implemented by the State Protocol. Section IV of the Protocol requires BLM to provide the SHPO the opportunity to participate at the development stage and all subsequent phases of land use planning in accordance with 43 CFR 1610.3. The SHPO has been in informal coordination efforts during preparation of the Draft RMP/EIS. A copy of the Draft RMP/EIS was sent to the SHPO for review and comment. The SHPO submitted comments on the Draft RMP/EIS to BLM during the 90-day public comment period. Formal consultation with the SHPO was initiated when the Proposed RMP was finalized, and this consultation effort will be completed before the Record of Decision is signed.

In addition to the review of and comments on the Draft RMP/EIS, the SHPO's review of the Draft RMP/EIS resulted in specific concerns about the proposed Sand Wash open OHV area. BLM and the SHPO visited the South Sand Wash area in September 2007 to review the on-the-ground issues and to discuss potential resolution. As a result of that meeting, the SHPO and BLM agreed that surveying for cultural resources in specifically identified areas of the South Sand Wash area through an overlay of a Class II predictive model, as well as surveying current trails in that area, was acceptable if done within five years after the signing of the Record of Decision. It was also agreed that if any portion of the area(s) that needed to be surveyed had not been surveyed within five years, those open area(s) would be closed until the appropriate section 106 occurred. The consultation with the SHPO on the South Sand Wash Area will be executed in a Memorandum of Agreement prior to signing the Record of Decision.

### **5.1.3 U.S. Fish and Wildlife Service Consultation**

To comply with Section 7(c) of the Endangered Species Act of 1973, BLM consulted the U.S. Fish and Wildlife Service (USFWS) early in the planning process. USFWS provided input on planning issues, data collection and review, and alternatives development.

BLM worked with the USFWS to develop a Draft Biological Assessment (BA) following release of the Draft RMP/EIS. The USFWS provided some preliminary comments that were used to prepare the BA. As part of formal consultation efforts with the USFWS on this Proposed RMP/Final EIS, a BA has been provided to the USFWS for review and comment. The BA assesses the effects on multiple species from a variety of uses. Impacts have been determined to range from "No Effect" to "Likely to Adversely Affect." The USFWS may concur with BLM's determination via memorandum or prepare a biological opinion. BLM will finalize Section 7 consultation before the Record of Decision is signed, and incorporate recommendations from the consultation into the ROD.

### **5.1.4 Environmental Protection Agency Coordination**

NEPA regulations require that EISs be filed with the Environmental Protection Agency (EPA) for review and comment (40 CFR 1506.9). The Little Snake Draft RMP/EIS was submitted to the EPA for review as required by CEQ regulations. BLM received EPA's comments on the Draft RMP/EIS, except for on air quality, on August 16, 2007. BLM worked directly with the EPA to develop analysis processes and modeling in the development of the Additional Air Quality Impact Assessment to Support the Draft EIS (September 2008). BLM received EPA's comments on that document on November 26, 2008, along with EPA's formal rating of and complete comments on the Draft RMP/EIS.

### 5.1.5 Neighboring Agency Coordination

A meeting was held on November 17, 2004 with agencies that have common boundaries with the LSFO, including BLM's Rawlins, Rock Springs, Vernal, and White River BLM field offices, Dinosaur National Monument (National Park Service), Browns Park National Wildlife Refuge (USFWS), and the Colorado Department of Natural Resources. Issues and concerns with boundary management were discussed, including travel management, greater sage-grouse, fire, visual resources, wild horses, livestock grazing, threatened and endangered species, special designations, wildlife, invasive species, vegetation, water quality, and access to private and State lands. Copies of the Draft RMP/EIS were also provided to the National Park Service, USFWS, U.S. Forest Service, and agencies within the Colorado Department of Natural Resources.

Based on public comments received on the Draft RMP/EIS, BLM interdisciplinary team members worked closely with Colorado Department of Natural Resources, Division of Wildlife personnel to review information, management, and impacts on sagebrush habitat and specifically greater sage-grouse habitat. This coordination allowed BLM and Division of Wildlife biologists to share information and local expertise in developing the Proposed RMP/Final EIS alternatives and impacts.

## 5.2 COOPERATING AGENCIES

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

The LSFO requested cooperating agency status for the Little Snake RMP planning process from the following agencies or entities:

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

These entities were invited to participate because they had jurisdiction by law or could offer special expertise. Moffat County, the Colorado Department of Natural Resources, the USFWS, Juniper Water Conservancy District, and the City of Steamboat Springs accepted and signed a Memorandum of Understanding (MOU) with BLM. This MOU outlines responsibilities of the cooperating agencies, and resources they can contribute to the planning effort. Coordination and consistency for this planning effort were primarily accomplished through the assistance of the cooperating agencies formally involved in the project.

### 5.3 COORDINATION AND CONSISTENCY

According to BLM RMP guidance found in 43 CFR 1610, BLM RMPs and amendments must be consistent, to the extent practical, with officially approved or adopted resource-related plans of State and local governments, other federal agencies, and tribal governments, as long as the guidance and RMPs are also consistent. BLM RMPs must also be consistent with the purposes, policies, and programs of FLPMA and other federal laws and regulations applicable to public lands, including federal and State pollution control laws (see 43 CFR 1610.3-2 [a]). If these other entities do not have officially approved or adopted resource-related plans, then BLM RMPs must, to the extent practical, be consistent with their officially approved and adopted resource-related policies and programs. This consistency will be accomplished as long as BLM RMPs incorporate the policies, programs, and provisions of public land laws and regulations, and federal and State pollution control laws (see 43 CFR 1610.3-2 [b]).

Coordination with other agencies and, to the extent consistent with Federal law, consistency with other agency and local and state government plans was accomplished through communications and cooperative efforts between BLM and involved federal, state, and local agencies. By law, the Governor of the State of Colorado will undertake a formal consistency review during review of the Proposed RMP/Final EIS.

Table 5-2 summarizes coordination actions taken by various federal, State, and local agencies for the RMP development process. County and town, State agency, and other federal agency plans for neighboring areas or cross-jurisdictional purposes are also further discussed in the following sections. The plans discussed in the following sections were consulted, as applicable, during the development of the RMP.

**Table 5-2. Key Coordination Actions**

Agency	Coordination/Responsibility
<b>FEDERAL AGENCIES</b>	
<b>DOI</b>	
USFWS	Reviews actions affecting threatened or endangered species of fish, wildlife, or plants (Section 7 consultation, coordination, and review).
U.S. Geological Survey (USGS)	Reviews LSFO RMP/EIS for consistency with USGS planning.
National Park Service (NPS)	Reviews LSFO RMP/EIS for coordination with NPS planning.
Bureau of Reclamation (BOR)	Coordinates mineral leasing and other activities that affect lands administered by the BOR. Reviews the LSFO RMP/EIS for consistency with BOR planning.
<b>USDA</b>	
USFS	Coordinates mineral leasing and other activities that affect lands administered by USFS. Reviews the LSFO RMP/EIS for consistency with USFS planning. Coordinates and cooperates with EPA and Colorado Department of Public Health and Environment (CDPHE) on monitoring and collecting air quality data.
Animal and Plant Health Inspection Service (APHIS) Wildlife Services	Coordinates annual management plan for animal damage control activities on public lands.
<b>ENVIRONMENTAL PROTECTION AGENCY</b>	
Environmental Protection Agency (EPA)	Coordinates with BLM, USFS, and CDPHE on monitoring and collecting air quality data. Reviews air quality monitoring data. Files <i>Federal Register</i> notices.

Agency	Coordination/Responsibility
<b>STATE AGENCIES</b>	
State of Colorado	Participates in the environmental analysis and documentation process by providing information concerning environmental issues for which the State of Colorado has jurisdiction by law or special expertise. Provides information from State records on matters including, but not limited to, LSFO RMP/EIS project impacts on air quality and Class 1 air sheds, fish and wildlife, domestic livestock grazing, social and economic impacts, minerals, and State of Colorado permitting requirements. This information includes a focus on restoration activities in which the State has identified water bodies impaired by pollutants for which BLM, through best management practices, can provide positive benefits and improvements.
CDPHE	Coordinates management of water quality, development of monitoring for visibility standards and guidelines, and collection of air quality data. CDPHE administers the NPDES program, issues permits for surface discharge in the State, and sets the water quality standards for water bodies within the State.
Colorado State Land Board	The State Land Board's mineral section manages the exploration and development of coal, oil and gas, and other minerals and oversees and evaluates nonrenewable resources, and manages all mineral leases and the Board's mineral revenues.
Colorado Department of Natural Resources, Division of Forestry	Coordinates forest management of prescribed fire and wildland fire.
Colorado Department of Natural Resources, Division of Wildlife	Coordinates vegetation treatment projects, wildlife habitat management, big game herd objectives, and special status species.
Colorado State Parks	Administers and manages State parks, including the facilities on the Yampa River.
Colorado Department of Transportation	Coordinates transportation planning and highway access.
Colorado Geological Survey	Data sharing.
Colorado Historical Society, Office of Archaeology and Historic Preservation	Consults on compliance with Section 106 of the National Historic Preservation Act in accordance with the National Programmatic Agreement as implemented in the Colorado Protocol to that agreement.
<b>NATIVE AMERICAN TRIBES</b>	
Shoshone Tribal Council Ute Mountain Tribal Council Uintah and Ouray Tribal Council Southern Ute Indian Tribe	Consultation under NEPA and AIRFA.
<b>COUNTY AGENCIES</b>	
Moffat and Routt Counties	Participate in environmental analysis and documentation by providing information on environmental issues for which each specified county has jurisdiction by law or special expertise. Provide information on LSFO RMP/EIS project impacts on domestic livestock grazing and on social and economic impacts specific to each county.

## 5.4 PUBLIC PARTICIPATION

Public participation in the BLM planning process includes a variety of efforts to identify and address public concerns and needs. Public involvement assists the agencies in—

- ❑ Broadening the information base for decisionmaking
- ❑ Informing the public about the RMP/EIS and the potential impacts associated with various management decisions
- ❑ Ensuring that public needs and viewpoints are understood by BLM.

### **5.4.1 Scoping Period**

The public is provided a scoping period to identify potential issues and concerns associated with the RMP/EIS. Information obtained by BLM during public scoping is combined with issues identified by the agencies to form the scope of the EIS. Knowing the scope and the significance of issues allows for an accurate and timely environmental analysis. The scoping process is also designed to encourage public participation and to solicit public input.

An NOI was published in the *Federal Register* on November 18, 2004 to formally announce that the BLM LSFO was preparing an RMP and associated EIS. The notice invited participation of affected and interested agencies, organizations, and members of the public in determining the scope and significant issues to be addressed in the planning alternatives and analyzed in the EIS. The notice also included information on the scoping meeting schedule and notification of the opportunity for the public to provide input and help identify resource issues and concerns, management alternatives, and other information that could assist the LSFO with determining future land use decisions. The scoping period ended on January, 31, 2005; however, BLM considered additional issues brought forward during the planning process.

#### **5.4.1.1 Scoping Notice**

The official 60-day scoping period began when a public scoping notice was prepared and mailed to federal, State, and local agencies; interest groups; and members of the general public on November 18, 2004. The notice invited the public to participate in the scoping process and to submit input on identifying resource issues and concerns, management alternatives, and other information valuable in determining future land use decisions for the Little Snake RMPPA. The scoping period ran from November 18, 2004 through January 31, 2005. Also included with the scoping notice was information on the LSFO management area, background information on the planning process, as well as preliminary planning issues and planning criteria.

#### **5.4.1.2 Scoping Meetings**

Public scoping meetings were held in Steamboat Springs, Craig, and Maybell, Colorado, on January 4, 5, and 6, 2005, respectively. During the three scoping meetings, a total of 98 people registered their attendance. The meetings were structured in an open house format, with BLM specialists available to provide information on and respond to questions or issues regarding livestock grazing, mineral and gas development, and other resource areas. Comments from the public were received during the scoping meetings and throughout the scoping period by mail, fax, and e-mail.

A total of 921 comment letters were submitted, and 478 specific comments and issues were received during the scoping period. Comments were sorted into the following 14 topical categories: access, travel and transportation, cultural resources and paleontology, fire general comments, lands and realty, livestock grazing, minerals and energy, recreation, social and economic values, soil, water, and air (including water and air quality), special management designations (including wilderness), vegetation (including upland and riparian management and forestry), wild horses, and wildlife habitats and fisheries management (including special status species). The majority of comments fell under special management designations (including wilderness) and wildlife habitats. The *Little Snake RMP Scoping Report* (BLM 2005a), which

can be viewed at [http://www.blm.gov/co/st/en/fo/lrfo/plans/rmp\\_revision/rmp\\_docs.html](http://www.blm.gov/co/st/en/fo/lrfo/plans/rmp_revision/rmp_docs.html), provides a summary of the comments.

## 5.4.2 Community Consultation

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

The Northwest Colorado Stewardship (NWCOS) is a key participating body in this planning effort and is an independent, community-centered stewardship group (see Table 5-3 for a list of NWCOS events). NWCOS was established in April 2003 with the mission of fostering a working relationship among a diverse range of interests, and empowering the affected public to have a more significant role in the federal land management agencies' decisionmaking processes. NWCOS is a community group independent of BLM or any agency.

DOI solicitors and other attorneys assessed the issue of the Federal Advisory Committee Act (FACA) as it related to the NWCOS collaborative process. They determined that the NWCOS process complied with FACA. FACA states that the act applies when "the group is established, managed, or controlled by a Federal agency." BLM did not manage or control a community group. BLM did not convene NWCOS meetings, did not develop the agendas, and did not in any way control the operations of NWCOS. BLM's role was to attend the meetings to provide the community group with information relevant to the RMP revision effort. The Keystone Center and the NWCOS steering committee organized meetings and facilitated the collaborative process.

**Table 5-3. Northwest Colorado Stewardship Events**

Date	Location	Type
September 23, 2004	Craig, Colorado	Full NWCOS Meeting
October 30, 2004	Craig, Colorado	Full NWCOS Meeting
December 7, 2004	Craig, Colorado	Full NWCOS Meeting
December 21, 2004	Craig, Colorado	Full NWCOS Meeting
January 25, 2005	Craig, Colorado	Full NWCOS Meeting
February 16, 2005	Craig, Colorado	Full NWCOS Meeting
March 16, 2005	Craig, Colorado	Full NWCOS Meeting
May 18, 2005	Craig, Colorado	Full NWCOS Meeting
May 31-June 1, 2005	Craig, Colorado	NWCOS Subcommittee Meeting
June 15, 2005	Craig, Colorado	Full NWCOS Meeting
July 6-7, 2005	Craig, Colorado	NWCOS Subcommittee Meeting
July 19-20, 2005	Craig, Colorado	NWCOS Subcommittee Meeting
July 26, 2005	Craig, Colorado	Full NWCOS Meeting
October 12, 2005	Craig, Colorado	Full NWCOS Meeting
October 19, 2005	Craig, Colorado	NWCOS Subcommittee Meeting
November 9, 2005	Craig, Colorado	Full NWCOS Meeting
November 30, 2005	Craig, Colorado	Full NWCOS Meeting

Date	Location	Type
December 7, 2005	Craig, Colorado	Full NWCOS Meeting
January 11-12, 2006	Craig, Colorado	Full NWCOS Meeting
February 1-2, 2006	Craig, Colorado	Full NWCOS Meeting
February 15-16, 2006	Craig, Colorado	Full NWCOS Meeting
March 30, 2006	Craig, Colorado	Full NWCOS Meeting
April 27, 2006	Craig, Colorado	Full NWCOS Meeting

### 5.4.3 Newsletters and Mailing List

BLM prepared a scoping newsletter and sent it to the individuals and entities on the Little Snake project mailing list and posted it on the project website. A newsletter announcing the availability of the Draft RMP/EIS was also sent to those on the mailing list. The mailing list includes federal, State, and local government agencies, tribal government representatives, organizations, special interest groups, and individuals who have expressed an interest in the RMP planning process. Scoping meeting and public hearing attendees could request to be added to the mailing list; however, others could also add their names to the project mailing list through the project website or by contacting BLM.

### 5.4.4 Project Website

The Little Snake RMP/EIS project website, [http://www.blm.gov/co/st/en/fo/lsfo/plans/rmp\\_revision.html](http://www.blm.gov/co/st/en/fo/lsfo/plans/rmp_revision.html), serves as a virtual repository for announcements, bulletins, and RMP-related draft and final documents. Documents are posted as .pdf files to ensure accessibility to the widest range of users. The website also provides the public the opportunity to send requests to be added to the project mailing list to receive periodic bulletins and announcements.

### 5.4.5 Notices of Availability, Public Meetings, and Public Comments

BLM published the Notice of Availability (NOA) for the Little Snake Draft RMP/EIS for public review and comment in the *Federal Register* on February 9, 2007. The EPA published their notice on February 16, initiating the 90-day public comment period which concluded on May 16, 2007. Hard copies and CDs were provided to cooperating agencies and tribal representatives and made available to the public. The Draft RMP/EIS was made available through the project website and at information repositories or reading rooms in the BLM State Office in Denver and the LSFO and at local public libraries.

Three public meetings were held in early March 2007 to provide an opportunity to comment on the Little Snake Draft RMP/EIS (Table 5-1 above). During the three meetings, 87 people registered their attendance. These public meetings were structured in an open house format with BLM specialists available to provide information on the Draft RMP/EIS in general, the alternatives, analysis, or specific resources of concern, or on the planning process. The public was also provided information on how to submit comments on the Draft RMP/EIS. During the public comment period for the Draft RMP/EIS, comment letters were received from approximately 68,910 individuals. Of the total individuals who sent letters, approximately 68,274 of them were associated with one of four form letters, and approximately 636 were considered to be associated with unique letters.

BLM published the NOA for the *Additional Air Quality Impact Assessment to Support the Little Snake Draft RMP/EIS* on October 10, 2008, starting a 45-day public comment period. This information provided the results of air quality modeling of the alternatives in the Draft RMP/EIS, providing additional detail to

the air quality impacts to the Draft RMP/EIS. On November 19, 2008, BLM published a Notice of Correction to the October 10<sup>th</sup> NOA, clarifying a procedural issue and extending the public comment period on the additional air quality analysis document for 45 days after the correction. With this correction, the public comment period on the *Additional Air Quality Impact Assessment to Support the Little Snake Draft RMP/EIS* concluded on January 5, 2009, for a total of 88 days of public review. During the public comment period for the additional air quality impacts document, comment letters were received from approximately 18,040 individuals. Of the total individuals who sent letters, approximately 18,000 of them were associated with one of three form letters, and approximately 40 were associated with unique letters.

#### 5.4.6 Public Comment Analysis

During the Draft RMP/EIS and *Additional Air Quality Impact Assessment to Support the Little Snake Draft RMP/EIS* public comment periods the LSFO received written comments by mail, e-mail, or submitted at the public meetings. Comments covered a wide spectrum of thoughts, opinions, ideas, and concerns. BLM recognizes that commenters invested considerable time and effort to submit comments on the Draft RMP/EIS, and developed comment analysis methodology to ensure that all comments were considered as directed by NEPA regulations.

According to NEPA, BLM is required to identify and formally respond to all substantive public comments. BLM developed a systematic process for responding to comments to ensure all substantive comments were tracked and considered. Upon receipt, each comment letter was assigned an identification number and logged into a tracking database. Substantive comments from each letter were also entered into a database and coded to appropriate categories based on content of the comment, retaining the link to the commenter. The categories generally follow the sections presented in the Draft RMP/EIS, though some relate to planning processes or editorial concerns. Substantive comments were then distributed to resource specialists and BLM managers for review and consideration. Some comments warranted additional team discussion; others could be addressed by specialist or management review only. Comments similar to each other were combined and responded to once. Comments on the Draft RMP/EIS that presented significant new data or addressed the adequacy of the document, the alternatives, or the analysis are responded to in Appendix Q of the Proposed RMP/Final EIS. Similar comments on the *Additional Air Quality Impact Assessment* are responded to in Appendix R. Changes were made to several portions of the Draft RMP/EIS as a result of comments and reflect consideration given to public comments. A summary of major changes between the Draft RMP/EIS and the Proposed RMP/Final EIS can be found in Chapter 1.

Although each comment letter was diligently considered, the comment analysis process involved determining whether a comment was substantive or nonsubstantive in nature. In performing this analysis, 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.

Additionally, BLM's 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 or may not lead to changes in the Proposed RMP/Final EIS. Interpretations of analyses should be based on professional expertise. Where 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 office [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 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.

Comments that failed to meet the above description were considered nonsubstantive. Many comments received throughout the process expressed personal opinions or preferences, had little relevance to the adequacy or accuracy of the Draft RMP/EIS, or represented commentary regarding resource management without any real connection to the document being reviewed. These comments did not provide specific information to assist the planning team in making a change to the Preferred Alternative, did not suggest other alternatives, and did not take issue with methods used in the Draft RMP/EIS, and are not addressed further in this document. Examples of some of these comments include the following:

- ❑ The best of the alternatives is Alternative D (or A, B, or C)
- ❑ BLM has yet to show land stewardship at or above the level currently demonstrated by the private sector
- ❑ Your plan does not reflect balanced land management
- ❑ Stop giving away land to the mineral companies
- ❑ More land should be protected as wilderness
- ❑ I want the EIS to reflect the following for this area: no grazing, no logging, no drilling, no mining, and no OHVs
- ❑ You need to protect all ACECs/Wild and Scenic Rivers/areas with wilderness characteristics
- ❑ Do not add any more road closures to what is now in existence! People need access and the roads provide revenue for local communities
- ❑ More areas should be made available for multiple uses (drilling, OHVs, ROWs, etc.) without severe restrictions.

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 include them in the comment database or respond to them. It is also important to note that while all comments were reviewed and considered, comments were not counted as “votes.” The NEPA public comment period is neither considered an election nor does it result in a representative sampling of the population. Therefore, public comments are not appropriate to be used as a democratic decision-making tool or as a scientific sampling mechanism.

A complete listing of all substantive comments and their responses can be found in Appendix Q for comments on the Draft RMP/EIS and Appendix R for comments on the Additional Air Quality Impact Assessment. The appendix includes commenter names/organization, comment category, comments and responses. In addition to comments received during the formal public comment period, the LSFO received additional submissions after the close of the comment period which BLM maintained in its files.

## **5.5 FUTURE PUBLIC PARTICIPATION AND RECORD OF DECISION**

Following publication by the EPA and BLM of an NOA for the Proposed RMP/Final EIS in the Federal Register and the distribution of the Proposed RMP/Final EIS, the public has 30 days to review the document and submit a protest letter, if desired. In addition, a 60-day Governor's Consistency Review period begins the same day as the protest period, running concurrently with the protest period for the first 30 days (43 CFR 1610.5-2).

Following protest resolution and the Governor's Consistency Review, 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, as necessary, to the proposed plan.

## **5.6 PROPOSED RMP/FINAL EIS DISTRIBUTION LIST**

### **5.6.1.1 Tribal Governments**

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

### **5.6.1.2 Local Governments**

- Moffat County
- Routt County
- Rio Blanco County
- City of Craig
- City of Steamboat Springs
- Town of Hayden
- Town of Oak Creek
- Town of Yampa
- Town of Maybell

### **5.6.1.3 Colorado State Agencies**

- Governor's Office
- Colorado Department of Public Health and Environment
- Colorado State Land Board
- Colorado Department of Natural Resources, Division of Forestry
- Colorado Department of Natural Resources, Division of Wildlife
- Colorado State Parks

- ❑ Colorado Department of Transportation
- ❑ Colorado Geological Survey
- ❑ Colorado Historical Society, Office of Archeology and Historic Preservation

#### **5.6.1.4 Members of Congress (House and Senate)**

- ❑ Senator Mark Udall
- ❑ Senator Michael Bennett
- ❑ Representative Jared Polis
- ❑ Representative Diana DeGette
- ❑ Representative Doug Lamborn
- ❑ Representative Betsy Markey
- ❑ Representative John Salazar
- ❑ Representative Mike Coffman
- ❑ Representative Ed Perlmutter

#### **5.6.1.5 DOI (Non-BLM)**

- ❑ Bureau of Indian Affairs
- ❑ Bureau of Reclamation
- ❑ National Park Service
- ❑ Office of Environmental Policy and Compliance
- ❑ Office of Surface Mining
- ❑ USFWS
- ❑ U.S. Geological Survey

#### **5.6.1.6 Non-DOI Federal Agencies**

- ❑ Environmental Protection Agency
- ❑ Federal Highway Administration
- ❑ USDA
- ❑ USFS
- ❑ Natural Resources Conservation Service
- ❑ U.S. Army Corps of Engineers
- ❑ U.S. Department of Energy

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