

Comments of the ACEC NOA by Commenter Type

Table of Contents

Businesses	2
Government	10
Organizations	16

BUSINESSES

Commenter	Record ID & Comment Number		Resource Category	Comment Text	Response to Comment	Doc Mod
IPAMS	003	1	ACE	<p>Accompanying these comments is Attachment 1 which includes the</p> <p>comments on ACECs we provided in our original submittal because they are still applicable during this new comment period.</p> <p>Those comments highlighted several underlying inadequacies in the Draft EIS, pointing out BLM's failure to</p> <p>provide any meaningful information regarding the methodology used to determine how the proposed ACECs</p> <p>meet the significance criteria contained in BLM's guidance, expected resource conflicts and their associated</p> <p>impacts on other uses. Since no new information was provided and no new analysis was conducted on the proposed and existing ACECs, the inadequacies remain valid today, notwithstanding this special comment period.</p>	Please see the response to comments for the DEIS found in Appendix N.	No
IPAMS	003	2	ACE	<p>Existing ACECs, for example, are "subject to reconsideration when plans are revised." BLM Manual 1613.21(A)(1). The Draft RMP/EIS contains no information about the need to continue existing ACECs. Indeed, in Appendix G, page 4, there is no communication by</p> <p>BLM about the analysis undertaken by the</p>	The relevant and important values for which existing ACECs were established in the Diamond Mountain Resource Area Final RMP/EIS and were analyzed in detail. In the NOI to prepare the Vernal Field Office RMP/EIS (Federal Register, Vol. 66, No.48, March 12, 2001, Notice of Intent, Environmental Impact Statement, Vernal Field Office Resource Management Plan, Utah), BLM identified the 7 existing ACECs	No

BUSINESSES

Commenter	Record ID & Comment Number		Resource Category	Comment Text	Response to Comment	Doc Mod
				<p>interdisciplinary team to determine whether these areas warrant continuation as an ACEC. There is only a presumptive statement that these areas “will be carried forward” without specifying why they should be carried forward and the specific information relied upon for that decision.</p>	<p>created in the Diamond Mountain Resource Area RMP of 1993. The NOI explained BLM’s intention to bring these ACECs forward into the Vernal Field Office RMP/EIS. A scoping report was prepared in February 2002 to summarize the public and agency comments received in response to the NOI. The few comments received on the ACECs were supportive of their continued management as ACECs. The ACEC Manual (BLM Manual 1613) states: “Normally, the relevance and importance of resource or hazards associated with an existing ACEC are reevaluated only when new information or changed circumstances or the results of monitoring establish a need.”</p> <p>There has been no change in information or circumstances regarding these areas. These existing ACECs were identified in Appendix G of the DRMP/DEIS, and the relevant and important values are listed. The existing ACECs are discussed within the array of alternatives. All of the ACECs would retain the ACECs designation in the No Action Alternative. Some of them would not retain the ACECs designation in the other alternatives considered. How the implementation of each alternative would affect the relevant and important ACECs values is analyzed and disclosed under each Alternative, including whether the values are at risk of harm by proposed management decisions.</p>	
IPAMS	003	3	ACE	New ACECs can be nominated by a variety of sources, and indeed, the ACECs considered in Draft RMP/EIS were nominated by non-governmental organizations.	Please see the response to comment 2-6.	No

BUSINESSES

Commenter	Record ID & Comment Number	Resource Category	Comment Text	Response to Comment	Doc Mod	
			There is a lack of disclosure about these submissions, the materials serving as the basis of BLM's interdisciplinary team's analysis, and how these procedures complied with existing BLM policy. The Draft Vernal RMP/EIS also fails to explain why other management prescriptions or designations in place are inadequate, thereby necessitating the proposed ACEC designations and continued management for existing ACECs.			
IPAMS	003	4	ACE	<p>As shown below, the Draft RMP/EIS fails to demonstrate that the proposed ACEC decisions meet the regulatory criteria of importance and relevance. 43 C.F.R. §1610-7-2 Secondly, many of the identified resource values already receive adequate protection through other management prescriptions, and the proposed overlapping ACEC designations are unwarranted and contrary to FLPMA, the NEP and BLM policy. 43 U.S.C. §1702(a) (ACECs may be designated "where special management attention is required . . . to protect and prevent irreparable damage"); BLM Manual 1613.51-53 (ACECs unnecessary when other designations are adequate to protect a resource or value).</p>	<p>BLM stands by the relevance and importance determinations.</p> <p>The BLM has separate policies and guidelines, as well as criteria, for establishing ACECs and WSAs. These differing criteria make it possible that the same lands will qualify as both an ACEC and a WSA but for different reasons. The BLM is required to consider these different policies.</p> <p>The values protected by WSA management prescriptions do not necessarily protect those values found relevant and important in ACEC evaluation, and vice versa. The relevant and important values of ACECs within or adjacent to WSAs were noted in the ACEC Evaluation (Appendix G. The ACECs are evaluated and ranked based on the presence or absence of the stated relevant and important values. None of these values includes wilderness characteristics. Additionally, the management prescriptions for the ACECs is limited in scope to protect the relevant and important values, and the</p>	No

BUSINESSES

Commenter	Record ID & Comment Number	Resource Category	Comment Text	Response to Comment	Doc Mod
				BLM maintains that the size of the ACEC areas is appropriate for protection of the relevant and important values identified.	
IPAMS	003	5	ACE <p>Coyote Basin- Under Alternatives A and B the Coyote Basin ACEC would include 87,743 acres and 47,659 acres, respectively. The draft RMP claims this ACEC would protect a high value "critical" ecosystem for the white-tailed prairie dog and numerous special status wildlife species. No documentation is provided to verify that this area contains "critical" white-tailed prairie dog habitat and no mention is made that the US Fish and Wildlife Service decided against listing the white-tailed prairie dog as a threatened or endangered species because it was found to be in abundance and in no threat of extinction. In addition, page 3-80 states that this proposed ACEC provides "crucial habitat for the pronghorn, as well as for several special status species including the ferruginous hawk, peregrine falcon, sage grouse, long-billed curlew, grasshopper sparrow short-eared owl, big free-tailed bat, black-footed ferret, and ringtail cat." Many of these species occur throughout the West, which does not support the conclusion that the proposed ACEC provides "crucial habitat" for these species. In addition, no supporting data are provided to even support the</p>	<p>The BLM used the scoping process to explore and objectively determine a reasonable range of alternatives that best addressed the issues, concerns, and alternatives identified by the public. As a result, five alternatives including Alternative E in the Supplement and the No Action Alternative (D) were identified further analysis. The management prescriptions and actions outlined in these alternatives consider various levels or degree of resource use or resource protection to give the public the ability to fully compare the consequences of each management prescription or action.</p> <p>The PRMP/FEIS has been revised to more easily identify the Proposed Plan and the different management prescriptions of each alternative.</p>	Yes

BUSINESSES

Commenter	Record ID & Comment Number		Resource Category	Comment Text	Response to Comment	Doc Mod
				assertion of the area provides crucial habitat for these species.		
IPAMS	003	6	ACE	<p>The USFWS requires that black footed ferret surveys be conducted prior to commencing construction and drilling operations in prairie dog colonies, provided that a minimum of 200 acres of white-tailed prairie dog colonies with a minimum density of 8 burrows/acre are present (U.S. Fish and Wildlife Service 1989). It is not indicated in the draft RMP whether these purportedly critical areas meet the USFWS criteria, information that must be included in the RMP. The USFWS, BLM, and Utah DWR are closely monitoring the released black-footed ferret populations. Therefore, the white-tailed prairie dog and black-footed ferrets are more than sufficiently protected, and the overlapping restrictions that would result from designating an ACEC in the Coyote Basin are completely unnecessary.</p>	<p>The Proposed Plan does not designate the Coyote Basin or Coyote Basin Complex as an ACEC. Chapter 4 has been revised to include protective measures that protect relevant and important resources. The Proposed Plan continues the designation of the existing Nine Mile Canyon ACEC that was carried forward from the Diamond Mountain Resource Area RMP of 1993. The Nine Mile Canyon Expansion was not designated. Chapter 4 has been revised to include protective measures that protect relevant and important resources.</p>	Yes
IPAMS	003	7	ACE	<p>The ‘importance criteria’ given in the draft RMP for the Nine Mile Canyon Expansion ACEC state that the relevant values “have substantial significance due to qualities that make them fragile, sensitive, rare, irreplaceable, exemplary, and unique.” There is no documentation in Chapter 3, 4 or Appendix G, of any relevant documents that verify these qualities. Appendix G also states that the significance of these important resources has been recognized (no citation is given). The draft RMP does not contain adequate data to</p>	<p>The Proposed Plan continues the designation of the existing Nine Mile Canyon ACEC that was carried forward from the Diamond Mountain Resource Area RMP of 1993. The Nine Mile Canyon Expansion was not designated. Chapter 4 has been revised to include protective measures that protect relevant and important resources.</p>	Yes

BUSINESSES

Commenter	Record ID & Comment Number		Resource Category	Comment Text	Response to Comment	Doc Mod
				support the designation of the proposed ACEC. Without any supporting documentation of the draft RMP of the “importance” of this area, the Nine Mile Canyon Expansion ACEC should be eliminated from consideration as an ACEC		
IPAMS	003	8	ACE	Further, there is no analysis that BLM adhered to its ACEC policy manual in developing potential ACECs. Specifically, there are existing laws and management prescriptions already in place that adequately protect the identified resources, and as a result, the ACEC designations are inappropriate.	Please see the response to Comment 1-1.	No
IPAMS	003	9	ACE	The “importance criteria” given in the draft RMP for the Lower Green River Expansion ACEC state that the relevant values “have substantial significance due to qualities that make them fragile, sensitive, rare, irreplaceable, exemplary, and unique.” There is no documentation in Chapter 3, 4 and Appendix G, of any documents that verify these qualities. Appendix G also states that the significance of these important resources has been recognized (no citation is given). Without any supporting documentation for these statements in the draft RMP, therefore the Lower Green River Expansion ACEC should be eliminated from consideration as an ACEC.	The Proposed Plan did not designate the nominated Lower Green River Expansion area as an ACEC. The Nine Mile Canyon Expansion was not designated. Chapter 4 has been revised to include protective measures that protect relevant and important resources.	Yes
IPAMS	003	10	ACE	Figure 22 (Special Designations – Alternative A) shows many areas of overlap in current and proposed ACECs. This is inconsistent with the text in the	The BLM has separate policies and guidelines, as well as criteria, for establishing ACECs and WSAs. These differing criteria make it possible that the same	Yes

BUSINESSES

Commenter	Record ID & Comment Number	Resource Category	Comment Text	Response to Comment	Doc Mod	
			RMP since the stated goal is not to re-propose or layer additional restrictions onto the existing ACEC areas within the planning area.	<p>lands will qualify as both an ACEC and a WSA but for different reasons. The BLM is required to consider these different policies.</p> <p>The values protected by WSA management prescriptions do not necessarily protect those values found relevant and important in ACEC evaluation, and vice versa. The relevant and important values of ACECs within or adjacent to WSAs were noted in the ACEC Evaluation (Appendix I). The ACECs are evaluated and ranked based on the presence or absence of the stated relevant and important values. None of these values includes wilderness characteristics. Additionally, the management prescriptions for the ACECs is limited in scope to protect the relevant and important values, and the BLM maintains that the size of the ACEC areas is appropriate for protection of the relevant and important values identified. The Proposed Plan has been inserted into the PRMP/FEIS to more easily understand differences between the Propose Plan and the alternatives analyzed.</p>		
IPAMS	003	11	ACE	The RMP should include a table (that shows the oil and gas leasing stipulations for each ACEC), similar to the one included below, that clearly identifies the stipulations for each proposed ACEC under all alternatives.	This information has been added to the Special Designations section of the PRMP.	Yes
IPAMS	003	12	ACE	We have also noted that the draft RMPEIS does not contain any discussion, in Chapter 4, Section 4.8 (Minerals and Energy Resources), on the effects of designation of new ACECs on mineral leasing and development. Since the impacts	This information has been added to the Special Designations section of the PRMP.	Yes

BUSINESSES

Commenter	Record ID & Comment Number	Resource Category	Comment Text	Response to Comment	Doc Mod
			of the additional stipulations for ACECs would be exceptionally restrictive, a discussion of the impacts to mineral development from designation of new ACECs must be included in Chapter 4 of the RMP/EIS.		

GOVERNMENT

Commenter	Record ID & Comment Number		Resource Category	Comment Text	Response to Comment	Doc Mod
Uintah County Commission	002	1	ACE	The BLM must make a determination for each potential and proposed ACEC that special management attention is required to protect the identified relevant and important values. It has failed to do so in the DEIS/RMP.	The BLM determined that the potential ACECs identified in the PRMP/FEIS have relevant and important values and this provides the need for protection. Where potential ACECs are designated special management attention would be directed at the relevant and important values.	No
Uintah County Commission	002	2	ACE	Similarly, on page 4-203, the draft RMP indicates the lack of designation of some potential ACECs may place the relevant and important values "at some risk of irreparable damage during the life of the plan". This statement is completely backward. BLM must make a determination that a threat of irreparable damage from some authorized multiple-use activity exists, and is directed toward the identified relevant and important value in order to complete the fundamental requirements for an ACEC.	<p>The ACEC evaluation appendix (Appendix G) was modified, and a section added to Chapter 2 discussing threats to the relevant and important ACEC values; however, whether the threats currently exist does not preclude a potential ACEC from being considered in the action alternatives. All nominated areas, where the BLM has determined to have relevant and important values, are identified as potential ACECs and are addressed in the action alternatives. Threats to relevant and important values are likely to vary by alternative. The PRMP/FEIS was revised from the draft document to better address potential threats and impacts associated with each alternative.</p> <p>On August 27, 1980, the BLM promulgated final ACEC guidelines (45 Federal Register 57318) clarifying the term "protects" – "To defend or guard against damage or loss to the important environmental resources of a potential or designated ACEC. This includes damage that can be restored over time and that which is irreparable. With regard to a natural hazard, protect means to prevent the loss of life or injury to people, or loss or damage to</p>	Yes

GOVERNMENT

Commenter	Record ID & Comment Number		Resource Category	Comment Text	Response to Comment	Doc Mod
					<p>property.” Thus, BLM is to consider the potential for both reparable and irreparable damage when protecting important historic, cultural, or scenic values; fish and wildlife resources; or other natural systems through ACEC designation. This interpretation is consistent with FLPMA’s legislative history and implementing policy.</p> <p>Section 2 of the guidelines clarifies that ACECs are special places within the public lands. It states: “In addition to establishing in law such basic protective management policies that apply to all the public lands, Congress has said that ‘management of national resource lands [public lands] is to include giving special attention to the protection of ACECs, for the purpose of ensuring that the most environmentally important and fragile lands will be given early attention and protection’ (Senate Report 94-583, on FLPMA). Thus, the ACEC process is to be used to provide whatever special management is required to protect those environmental resources that are most important, i.e., those resources that make certain specific areas special places, endowed by nature or man with characteristics that set them apart. In addition, the ACEC process is to be used to protect human life and property from natural hazards.”</p>	
Uintah County Commission	002	3	ACE	The manual section (1613.22) further requires the BLM to consider whether the values within the proposed and potential ACEC are already afforded protection through other designations. BLM Manual Section 1613.33E allows	See comment response 2-2.	No

GOVERNMENT

Commenter	Record ID & Comment Number		Resource Category	Comment Text	Response to Comment	Doc Mod
				<p>that BLM may decline to designate an ACEC "because standard or routine management prescriptions are sufficient to protect the resource or value from risks or threats of damage/degradation", which is clarified to mean that "the same management prescriptions would have been provided for the area in the absence of the important and relevant values". Examples of values that have been used to justify need for protection management are the species cultural resources, riparian and wetland areas and special status species. The counties cannot find any analysis of these factors within the draft RMP and EIS. In fact, the majority of the relevant and important values identified are already afforded such protection.</p>		
<p>Uintah County Commission</p>	<p>002</p>	<p>4</p>	<p>ACE</p>	<p>The failure to conduct the analysis required in section (1613.12) is evidenced by the proposal to create an ACEC in the Winter Ridge WSA and on the White River. These areas are currently protected by Interim Management Plan for WSAs and Provisions of the Threatened and Endangered Species Act.</p>	<p>The BLM has separate policies and guidelines, as well as criteria, for establishing ACECs and WSAs. These differing criteria make it possible that the same lands will qualify as both an ACEC and a WSA but for different reasons. The BLM is required to consider these different policies.</p> <p>The values protected by WSA management prescriptions do not necessarily protect those values found relevant and important in ACEC evaluation, and vice versa. The relevant and important values of ACECs within or adjacent to WSAs were noted in the ACEC Evaluation (Appendix I). The ACECs are evaluated and ranked based on the presence or absence of the stated relevant and important values. None of these values includes wilderness characteristics. Additionally, the management</p>	<p>No</p>

GOVERNMENT

Commenter	Record ID & Comment Number		Resource Category	Comment Text	Response to Comment	Doc Mod
					prescriptions for the ACECs is limited in scope to protect the relevant and important values, and the BLM maintains that the size of the ACEC areas is appropriate for protection of the relevant and important values identified.	
Uintah County Commission	002	5	ACE	Further, BLM Manual Section 1613.22(A)(2) requires the BLM to consider the value of other resources when considering the protection of important and relevant values of a proposed and potential ACEC. The intent is that BLM balance the various multiple-uses within the proposed RMP, and consider whether the need for other multiple-uses in the area "outweigh" the need for the ACEC. The discussions in the draft RMP and EIS do not analyze any such balancing, and do not discuss the potential benefits of ACEC designation versus other resource uses for any of the potential and proposed ACECs. As stated above, the impacts on RFD are not disclosed to a level that such analysis could be made.	The rationale for designation of individual ACECs carried forward into the PRMP/FEIS will be provided in the Record of Decision (ROD) including the identified benefits of ACEC designation versus other resource uses. The analysis that forms the basis of the rationale for the final decision to designate or not designate an ACEC can be found in Chapter 4 of the PRMP/FEIS.	No
Uintah County Commission	002	6	ACE	The counties are concerned that the draft RMP is not specific about the sources and goals of many of the special management designations available to it, leading to the circular and non-responsive reasoning in the analysis. For example, on page 4-284, the impacts analysis for visual resources and special designations indicates that visual resources will be protected by designation of ACECs and Wild and Scenic River designations. This analysis proceeds under the general presumption that ACECs and WSR segments are "good" for visual resources, but fails to indicate the management prescriptions which actually accomplish this goal. On page 4-280 under a discussion of recreation, the draft RMP indicates that the designation	The PRMP/FEIS has been revised to include the Proposed Plan that reflects the selection of management direction from all alternatives to mitigate impacts to resources "Layering" is planning tool. Under FLPMA's multiple-use mandate, the BLM manages many different resource values and uses on public lands. Through land use planning BLM sets goals and objectives for each of those values and uses, and prescribes actions to accomplish those objectives. Under the multiple-use concept, the BLM does not necessarily manage every value and use on every acre, but	Yes

GOVERNMENT

Commenter	Record ID & Comment Number	Resource Category	Comment Text	Response to Comment	Doc Mod
			<p>of Special Recreation Management Areas would benefit scenic quality by "limiting surface-disturbing activities". On the other hand, the explanation of management prescriptions for the proposed Bitter Creek ACEC indicates possible use of three of four existing VRM categories. Which designation –ACEC, WSR, SRMA or VRM management - is being proposed for the protection of visual resources? The VRM discussion mentions the others, while the ACEC discussion mentions the use of VRM classifications. This lack of clarity in proposed management prescriptions doesn't meet the requirements of full disclosure under the provisions of NEP A, and doesn't allow counties to determine whether or not the BLM is proposing duplicate prescriptions, contrary to the provisions of State law, and the BLM's Manual on designation of ACECs, as discussed above.</p>	<p>routinely manages many different values and uses on the same areas of public lands. The process of applying many individual program goals, objectives, and actions to the same area of public lands may be perceived as “layering”. The BLM strives to ensure that the goals and objectives of each program (representing resource values and uses) are consistent and compatible for a particular land area. Inconsistent goals and objectives can lead to resource conflicts, failure to achieve the desired outcomes of a land use plan, and litigation. Whether or not a particular form of management is restrictive depends upon a personal interest or desire to see that public lands are managed in a particular manner. Not all uses and values can be provided for on every acre. That is why land use plans are developed through a public and interdisciplinary process. The interdisciplinary process helps ensure that all resource values and uses are considered to determine what mix of values and uses is responsive to the issues identified for resolution in the land use plan. Layering of program decisions is not optional for BLM, but is required by the FLPMA and National BLM planning and program specific regulations.</p> <p>The FLPMA directs BLM to manage public lands for multiple use and sustained yield (Section 102(a)(7)). As a multiple-use agency, the BLM is required to implement laws, regulations and policies for many different and often competing land uses and to resolve conflicts and prescribe land uses through its land use plans. The BLM’s Land Use Planning</p>	

GOVERNMENT

Commenter	Record ID & Comment Number		Resource Category	Comment Text	Response to Comment	Doc Mod
					<p>Handbook requires that specific decisions be made for each resource and use (See, Appendix C, Land Use Planning Handbook "H-1601-1"). Specific decisions must be included in each of the alternatives analyzed during development of the land use plan. As each alternative is formulated, each program decision is overlaid with other program decisions and inconsistent decisions are identified and modified so that ultimately a compatible mix of uses and management prescriptions result.</p>	

ORGANIZATIONS

Commenter	Record ID & Comment Number		Resource Category	Comment Text	Response to Comment	Doc Mod
The Wilderness Society	001	1	ACE	The Draft RMP does not comply with BLM's obligations under the Federal Land Policy and Management Act (FLPMA) to prioritize designation and protect ACECs, because it does not designate ACECs where necessary and appropriate and does not include sufficient protective management prescriptions for proposed ACECs.	<p>The FLPMA states that in developing land use plans the BLM shall give priority to the designation and protection ACEC. The BLM gave full consideration to the designation and preservation of ACECs during this land use planning process. Nominations for ACECs from the public were specifically solicited during the scoping period. A total of 35 ACEC nominations were received and the relevance and importance of each were determined. Fourteen of the ACEC nominations were found to meet both the criteria of relevance and importance and all these were included for special management as proposed ACECs in Alternative B.</p> <p>The BLM Manual 1613.23 states that "After completing the analysis of the effects of each alternative, the manager selects the preferred plan alternative which best meets the planning criteria and the guidance applicable to the area. The preferred alternative reflects the BLM's proposals for designation and management of ACECs." The BLM has full discretion in the selection of ACECs from the various alternatives from the Proposed Plan.</p> <p>Should BLM choose not designate potential ACECs, BLM Manual 1613 .33E provides direction in this process. Rational for not proposing designation of a potential ACEC in the Proposed Plan must be provided, that is, the reasons for the decision not to provide special management attention must be clearly set forth. Such reasoning may include:</p>	No

ORGANIZATIONS

Commenter	Record ID & Comment Number	Resource Category	Comment Text	Response to Comment	Doc Mod
				<p>1. Special management attention is not required to protect the potential ACEC because standard or routine management prescriptions are sufficient to protect the Relevance and Importance Values from risks or threats of damage/degradation.</p> <p>2. The area is being proposed for designation under another statutory authority such as wilderness and would require no further management attention.</p> <p>3. The manager has concluded that no special management attention is justified either because of exposure to risks of damage to threats to safety is greater if the area is designated or there are no reasonable special management actions which can be taken to protect the resource from irreparable damage or to restore it to a viable condition.</p> <p>BLM ACEC guidance (Areas of Critical Environmental Concern; Policy and Procedures Guidelines, 45 FR 57318, 57319 (Aug. 27, 1980)) allows a manager to exercise discretion not to protect a potential ACEC through ACEC designation, but that decision has to be documented through the planning process. If the manager decides to provide the necessary protection through another form of special management, the documentation will include specifics of the special management proposed. Rationale for all ACEC decisions will be provided in the Record of Decision</p>	

ORGANIZATIONS

Commenter	Record ID & Comment Number	Resource Category	Comment Text	Response to Comment	Doc Mod	
				and supported by analysis in the EIS. If the decision is to allocate the resources with relevant and important values, in whole or in part, to another use which would in result in damage or loss to such resource, the authorized officer must first find that there is an overriding public need for such other use; that the public benefits of such other use outweigh the public benefits of use appropriate with ACEC designation, and that such other use will best meet the present and future needs of the American people. In addition, any allocations to such other use will include all feasible planning and management to prevent, minimize, mitigate or restore any consequent damage to the resource, and these requirements will be specified in the documentation.		
The Wilderness Society	001	2	ACE	<p>FLPMA requires BLM to prioritize designation and protection of ACECs. Accordingly, where BLM has found special values that meet the relevance and importance criteria, and where impacts could or would occur to these identified values if no special management prescriptions are implemented, BLM then violates its FLPMA obligations by failing to even designate the areas or large enough areas. BLM has improperly ignored or discounted the threats to special places from oil and gas development and off-road vehicle (ORV) use, and so has failed to designate and/or failed to incorporate sufficient protections for proposed ACECs.</p>	<p>The BLM followed the ACEC designation process outlined in BLM Manual 1613 and analyzed the implications of designating or not designating areas as ACEC. In particular, in Chapter 4 of the DRMP/DEIS analyzes the impacts of ongoing and future uses on the relevance and importance values associated with potential ACECs under all alternatives.</p> <p>Please also see Comment Response 1-1</p>	No
The Wilderness Society	001	3	ACE	In its discussion of "Irreversible and Irrecoverable Impacts," "Unavoidable Adverse Impacts" and "Short-Term Use Versus Long-Term Productivity" with respect to wildlife and special status species, BLM takes note of	Through the alternatives in the PRMP/EIS, BLM has analyzed impacts to resources located on BLM administered lands. The Proposed Plan reflects the selection of management direction from all	No

ORGANIZATIONS

Commenter	Record ID & Comment Number	Resource Category	Comment Text	Response to Comment	Doc Mod	
			<p>the irretrievable habitat fragmentation that would be caused by minerals development in the planning area, as well as the long-term loss of special status species habitat and even complete loss of the ferruginous hawk population. DEIS, pp. 4-326, 4-252. BLM also finds that the proposed energy development would likely destroy primitive recreation in wilderness quality lands, stating: “[g]iven the number and spacing of industrial facilities, it would be difficult to escape the adverse impacts to solitude and primitive recreation throughout the areas having wilderness character.” DEIS, p. 4-215. BLM even concludes that opening certain portions of the planning area to mineral development “may be inconsistent with the direction to manage for large un-fragmented blocks of continuous wildlife.” DEIS, p. 4-311.</p> <p>BLM’s failures to protect these values in the Vernal RMP may mean that they are lost forever.</p>	alternatives to mitigate impacts to resources.		
The Wilderness Society	001	4	ACE	Further, the IBLA has found that even ongoing use of existing motorized recreational routes can lead to more damage to other resources, especially as interest in an area increases. See, Southern Utah Wilderness Alliance, 164 IBLA 33 (2004). As a result, BLM’s failure to take action to limit ORV access to the sensitive and special places nominated for ACEC protection is also likely to endanger their unique values.	The Proposed Plan would limit OHV travel to designated trails on 1,643,475 acres as compared to Alternative D-No Action which would limit OHV travel to designated trails on only 887,275 acres. In addition, the proposed plan closes 75,845 acres to OHV use as compared to Alternative D-No Action which closes 50,386 acres.	No
The Wilderness Society	001	5	ACE	BLM has specifically failed to designate ACECs to protect lands with wilderness characteristics.	Pursuant to BLM Manual 1613, “An ACEC designation will not be used as a substitute for wilderness suitability recommendations”. The BLM does not have the authority to designate new WSAs	No

ORGANIZATIONS

Commenter	Record ID & Comment Number		Resource Category	Comment Text	Response to Comment	Doc Mod
				<p>As discussed in detail in comments previous submitted (and incorporated herein by reference), we believe that BLM's abandonment of its authority to designate any additional Wilderness Study Areas is invalid and will ultimately be overturned in pending litigation ; and, therefore, does not prevent BLM from designating new WSAs.</p> <p>The recent withdrawal of court approval of the consent decree and the subsequent withdrawal by the State of Utah and the Department of Interior of the settlement as a consent decree at all, casts serious doubt upon BLM's current policy not to consider designating new WSAs.</p> <p>Because the State of Utah and the Department of Interior have withdrawn their settlement and do not intend to seek a new consent decree, there is currently no binding consent decree and the BLM has not even issued any updated guidance seeking to continue applying this misguided, and illegal, policy. Consequently, IM Nos. 2003-274 and 2003-275, which are explicitly based on an April 2003 settlement that no longer exists, are arguably invalid and do not apply to restrict BLM from designating new WSAs.</p>	<p>under the land use planning process.</p> <p>Under the provisions of FLPMA, the BLM has authority to designate ACECs where special management attention is required to protect and prevent irreparable damage to important cultural, historic, scenic values, fish and wildlife resources, other natural systems or processes, or to protect life and safety from natural hazards. However to be considered as a potential ACEC, an area must meet the criteria or relevance and importance, which does not include wilderness characteristics (ACEC Manual at 1613.1).</p>	
The Wilderness Society	001	6	ACE	<p>BLM did not recognize the economic benefits to be gained from designation of ACECs.</p> <p>In considering the designation of ACECs, BLM did not adequately recognize either the potential benefits to local economies from protecting these areas or the potential costs from permitting oil and gas and ORV use to continue at the expense of protecting special places. In</p>	<p>Information on the economics of designation of ACECs had been added to the Socioeconomic section of Chapter 4.</p>	Yes

ORGANIZATIONS

Commenter	Record ID & Comment Number		Resource Category	Comment Text	Response to Comment	Doc Mod
				fact, in discussing socioeconomic analysis, the Draft RMP/EIS did not discuss this aspect of ACEC designation at all. See, DEIS, Sections 3.12 and 4.12.		
The Wilderness Society	001	7	ACE	<p>The ACEC evaluations do not comply with BLM's obligations.</p> <p>Nowhere in the Draft RMP/EIS is there a thorough discussion of how BLM evaluated the relevance and importance of the four proposed ACECs, how the agency justified not designating any of these ACECs in the preferred alternative, or how the agency determined that the different sizes of the ACECs and management prescriptions in the alternatives was sufficient. Instead, there are only summary descriptions of the alternatives and the different ACEC designations and prescriptions in the Draft RMP/EIS, including in Appendix 26. As noted above, Manual 1613 specifically requires that each area recommended for consideration as an ACEC be considered by BLM, through collection and evaluation of data on relevance and importance; then, if an area is not to be designated, the analysis supporting the conclusion "must be incorporated into the plan and associated environmental document." Manual 1613, Section .21 (Identifying Potential ACECs). Further, the National Environmental Policy Act (NEPA) requires that, in reviewing and commenting on an environmental document, "environmental information is available to public officials and citizens" and that the interested public is entitled to accurate, "high quality" information, so that they can carry out the "public scrutiny" that is considered "essential to implementing NEPA." 40 C.F.R. § 1500.1(b).</p>	The rationale for designation of individual ACECs carried forward into the PRMP/FEIS will be provided in the Record of Decision (ROD). The analysis that forms the basis of the rationale for the final decision to designate or not designate an ACEC can be found in Chapter 4 of the PRMP/FEIS.	No

ORGANIZATIONS

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The Wilderness Society	001	8	ACE	<p>SUWA submitted a number of ACEC proposals for the RMP planning process. However, SUWA was not directly contacted and provided with evaluations or feedback by BLM on any of the nominated ACECs. Further, there is certainly no way for a concerned reviewer to locate the analysis supporting BLM's conclusion in the Draft RMP/EIS, in contravention of the requirements of the ACEC Manual and NEPA. In order to comply with its obligations regarding ACEC designation in the land use planning process, BLM is required to and must provide specific data and background information setting out and explaining:</p> <ul style="list-style-type: none"> • BLM's evaluation and determination of the relevance and importance of the values of each proposed ACEC; • the agency's analysis of the need for special management prescriptions to protect relevant and important values; and • BLM's determination that the proposed size determinations and management prescriptions in each alternative are sufficient to protect the relevant and important values of each proposed ACEC. 	Manual 1613—Areas of Critical Environmental Concern does not require notification. Information concerning all of the nominated ACECs may be found in Appendix G. The BLM is in compliance with Manual 1613.	No
The Wilderness Society	001	10	ACE	Additionally, without specific designated routes within the management prescriptions (of Nine Mile Canyon), no accurate assessment of ORV impacts can be justified.	Routes have been designated under the proposed plan. Please see Map 33 Travel/OHV Areas-Proposed Action.	No
Center for Native Ecosystems	004	1	ACE	The BLM should reevaluate the proposed ACECs to determine whether some should be expanded or whether new ACECs should be designated in order to provide the penstemon with the special management it needs. The BLM should also reevaluate the draft RMP's	Comment noted.	No

ORGANIZATIONS

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				proposed management provisions for ACECs containing Graham's penstemon habitat and ensure that ACEC management will further penstemon recovery.		
Center for Native Ecosystems	004	2	ACE	The following ACECs already being considered in the draft RMP contain portions of the proposed critical habitat: Lower Green River (all alternatives), Nine Mile (all alternatives), Four Mile Wash (Alternative C), Main Canyon (Alternative C), and White River (Alternative C). In addition, Alternative C's Bitter Creek/P.R. Spring includes a known Graham's penstemon occurrence outside of the critical habitat proposal. In reevaluating its management of Graham's penstemon, the BLM should determine whether additional prescriptions are necessary in these areas, and should consider expanding them to include other penstemon occurrences. Of the potential ACECs mentioned above, Main Canyon seems to be especially important.	Comment noted.	No
Center for Native Ecosystems	004	3	ACE	<p>The BLM must ensure that the Pariette Wetlands ACEC is designated as No Surface Occupancy (as the Service required in the Castle Peak Biological Opinion, even though the BLM ignored this). Furthermore, the BLM must expand the Pariette Wetlands ACEC to include all known occurrences of Pariette cactus. The BLM should consult with the Service on what other measures may be necessary for Pariette cactus given its potential listing independent of Uinta Basin hookless cactus.</p> <p>Again, the BLM must not contribute to the need to list species under the Act, and must ensure that its actions will not jeopardize listed species. Because of Pariette cactus's unusual status of being listed under Uinta Basin</p>	Comment noted.	No

ORGANIZATIONS

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				hookless cactus listing while at the same time being considered for independent listing, both of these apply, and the BLM's proposed management of Pariette Wetlands ACEC and adjacent areas in the draft RMP may fail both of these tests. Just like Graham's penstemon, the Vernal RMP will be key to Pariette cactus's future.		
Center for Native Ecosystems	004	4	ACE	At the November meeting, participants prioritized the following suites of Uinta Basin endemics for conservation: Green River Shale endemics (Schoenocrambe suffrutescens, Schoenocrambe argillacea, Penstemon scariosus var. albifluvis, Penstemon grahamii, Lepidium barnebyanum, Cryptantha barnebyi), Pariette Draw/Myton Bench cacti (Sclerocactus brevispinus, Sclerocactus wetlandicus/Sclerocactus glaucus), and Horseshoe Bend area milkvetches (Astragalus equisolensis and Astragalus duchesnensis). The BLM should consider whether ACECs should be designated, expanded, or granted enhanced management prescriptions for these species. Most of these species have special status, and the BLM must not contribute to the need to list them, either	Comment noted.	No
Center for Native Ecosystems	004	5	ACE	The BLM has moved forward with the terribly ill-advised Uintah County Recreation Park project, which will destroy much of the Sunshine Bench white-tailed prairie dog complex for the construction of a motorized vehicle park and shooting range, and will then give this land to Uintah County. This is the single worst project we have seen proposed for a 5000+ acre white-tailed prairie dog complex, and it epitomizes the BLM's utter disregard for the white-tailed prairie dog ecosystem. We believe that	This is beyond the scope of the RMP.	No

ORGANIZATIONS

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				the construction happening on the park now is illegal, and are looking into the process that the BLM used to authorize construction before the Notice of Realty Action even ran. We do not believe that Uintah County has developed a prairie dog management plan, which was one of the stipulations of both the ROD and the Temporary Use Permit that the County is operating under now. It is baffling how the BLM could construe the construction of four separate race tracks as a “minimum impact” activity that “will not cause appreciable damage or disturbance to the public lands”.		
Center for Native Ecosystems	004	6	ACE	The BLM must also consider strengthening the management prescriptions for white-tailed prairie dog ACECs given that the Field Office has chosen to dispose of the Sunshine Bench complex and has completely fragmented the entire Myton Bench complex.	Comment noted.	No
Center for Native Ecosystems	004	7	ACE	Holloran (2005) concludes that the impacts of drilling on sage grouse are even more severe than Connelly et al. (2000) projected. Without active management for large blocks of unfragmented sagebrush habitat, sage grouse may be extirpated from the basin as well. The BLM should consider designating ACECs for any sage grouse leks that may not yet be affected by oil and gas drilling.	Comment noted.	No
Center for Native Ecosystems	004	8	ACE	Designating ACECs now may also help the BLM site oil shale, tar sands, or wind developments outside of sensitive areas. The BLM should consider where these development pressures are likely to occur and protect sensitive resources in those areas via this RMP revision.	Comment noted.	No