

CHAPTER 5—CONSULTATION AND COORDINATION

5.1 INTRODUCTION

During the planning and decisionmaking process for this Price Field Office (PFO) Proposed Resource Management Plan and Final Environmental Impact Statement (Proposed RMP/Final EIS), the Bureau of Land Management (BLM) made formal and informal efforts to consult and coordinate with other federal agencies, State and local governments, Indian tribes, and the interested public, in accordance with the requirements of the National Environmental Policy Act (NEPA), the Federal Land Policy Management Act (FLPMA), and all applicable Council on Environmental Quality (CEQ) and Department of the Interior regulations, policies and procedures. NEPA, FLPMA, and applicable regulations and policy require that all federal agencies involve the interested general public in their decisionmaking, consider reasonable alternatives to the preferred alternative or proposed plan, and prepare environmental documents that disclose the potential impacts of the preferred alternative or proposed plan and the reasonable alternatives.

Such public involvement, consultation, and coordination have been at the heart of the planning process leading to the PFO Proposed RMP/Final EIS to ensure that (1) the most appropriate data have been gathered and employed for the analyses, and (2) agency and public sentiment and values are considered and incorporated into decisionmaking. This was accomplished through *Federal Register* notices, formal public and informal meetings, individual contacts, news releases, planning bulletins, the planning website, and public comments and responses thereto on the Draft RMP/EIS and the various supplements.

The BLM initiated the planning process on November 7, 2001, by publishing in the *Federal Register* a Notice of Intent (NOI) to conduct land use planning for the PFO. The NOI invited the participation of the affected and interested agencies, organizations, and members of the general public in determining the scope of and the significant issues to be addressed in the planning alternatives and analyzed in the EIS. Scoping remained open until February 2002. As part of the resource inventory to determine the baseline data, members of the interdisciplinary (ID) team formally and informally contacted various relevant agencies to request data to supplement BLM's existing resource database.

On July 16, 2004, the BLM published in the *Federal Register* a Notice of Availability (NOA) of the Draft RMP/EIS to announce and solicit public comment on the alternatives and the impacts and effects of those alternatives on the human environment. The BLM distributed the Draft RMP/EIS to relevant agencies and the interested public for review and comment. The comment period ended November 29, 2004. The BLM requested additional comments on the Areas of Critical Environmental Concern (ACEC) contained in the Draft RMP/EIS in December 2005. The BLM issued a Supplement to the Draft RMP/EIS for ACECs in June 2006 and a Supplement to the Draft RMP/EIS for non-Wilderness Study Area (WSA) lands with wilderness characteristics in September 2007. The comments and the BLM's responses to the public comments received during the four different review periods are addressed in this Proposed RMP/Final EIS.

The following sections of this chapter describe the public involvement, consultation, and coordination process, including key consultation and coordination activities undertaken to prepare a comprehensive Proposed RMP/Final EIS for the PFO.

5.2 CONSULTATION

In the development of this Proposed RMP, the BLM is required to consult and coordinate with other federal agencies, State and local government agencies and officials, both elected and appointed, and federally recognized Indian tribes. More specifically, federal law, including FLPMA, NEPA, the National Historic Preservation Act of 1966 (NHPA) (16 USC Sec. 470 et seq.), the Fish and Wildlife Coordination Act (16 USC Sec. 661 et seq.), the Endangered Species Act of 1973 (ESA) (16 USC Sec 1531 et seq.), and other applicable law, regulations, policy, and executive orders, directs BLM to coordinate and consult with Native Americans, the State Historic Preservation Office (SHPO), the U.S. Fish and Wildlife Service (USFWS), and the Environmental Protection Agency (EPA) during the planning/NEPA decisionmaking process. This section documents the specific consultation and coordination efforts undertaken by BLM throughout the entire process of developing the Proposed RMP/Final EIS.

Coordination with other agencies and consistency, to the extent possible, with other plans were accomplished through frequent communications, meetings, and cooperative efforts among the BLM planning and interdisciplinary team and involved federal, State, and local agencies and organizations. The cooperating agencies that were formally involved assisted BLM throughout the planning process in the development of the Proposed RMP/Final EIS.

5.2.1 Native American Consultation

Protective measures for culturally sensitive Native American resources are established through consultation and coordination with the appropriate Native American tribes or entities. Pursuant to NEPA, the NHPA, FLPMA, the American Indian Religious Freedom Act (AIRFA), Executive Order 13007, and BLM Manuals 8160, *Native American Coordination and Consultation*, and H-8160-1, *General Procedural Guidance for Native American Consultation*, the BLM has engaged in consultation with Native American representatives throughout the planning process. The applicable laws and guidance require that the consultation record demonstrate, “that the responsible manager has made a reasonable and good faith effort to obtain and consider appropriate Native American input in decision making” (H8160-1, 2003:4). Recommended procedures for initiating the consultation process include project notification, preferably by certified mail, follow-up contact (i.e., telephone calls), and meetings when appropriate (H8160-1, 2003:15). Native American consultation is an ongoing process that will continue after the Proposed RMP is completed.

As part of the RMP/EIS scoping process, on August 1, 2003, then-BLM Utah State Director Sally Wisely initiated consultation for land use planning with 37 tribal organizations by letter (Table 5-1). The BLM requested information regarding any concerns the tribal organizations might have within the planning area, specifically requested input concerning the identification and protection of culturally significant areas and resources located on lands managed by the Price and Vernal Field Office districts, and offered the opportunity for meetings. Between November 2002 and July 2004, all 37 tribes were contacted by SWCA ethnographer Molly Molenaar, under contract with and on behalf of BLM, to 1) ensure that the appropriate tribal contact had received the consultation letter and 2) determine the need for additional or future consultation for the study areas identified in the consultation letter. Meetings were arranged when requested. A record of the tribal consultation, which includes the methodology, can be found in the *Native American Consultation Report* prepared by BLM (BLM 2003c).

In consulting with tribes or tribal entities under the NHPA, BLM emphasized the importance of identifying historic properties having cultural significance to tribes (commonly referred to as Traditional Cultural Properties [TCP]). BLM held meetings with 11 tribal organizations and they have identified the Green River and Nine Mile Canyon as TCPs (Table 5-1 and Table 5-2).

Table 5-1. Tribes Contacted for Price Resource Management Plan

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| • Jicarilla Apache Tribe | • Navajo Nation |
| • Kaibab Paiute Tribe | • Paiute Indian Tribe of Utah |
| • San Juan Southern Paiute | • Hopi Tribe |
| • Pueblo of Acoma | • Pueblo of Cochiti |
| • Pueblo of Isleta | • Pueblo of Jemez |
| • Pueblo of Laguna | • Pueblo of Nambe |
| • Pueblo of Picuris | • Pueblo of Pojoaque |
| • Pueblo of San Felipe | • Pueblo of San Ildefonso |
| • Pueblo of San Juan | • Pueblo of Santa Clara |
| • Pueblo of Santa Ana | • Pueblo of Santo Domingo |
| • Pueblo of Sandia | • Pueblo of Taos |
| • Pueblo of Tesuque | • Pueblo of Zia |
| • Pueblo of Zuni | • Duck Valley Shoshone-Paiute Tribe |
| • Duckwater Shoshone Tribe | • Eastern Shoshone Tribe |
| • Ely Shoshone Tribe | • Confederated Tribes of Goshute Nation |
| • Shoshone-Bannock Tribes | • Skull Valley Band of Goshute Indians |
| • Te-Moak Tribe of Western Shoshone Indians | • Uintah and Ouray Ute Indian Tribe |
| • Southern Ute Tribe | • Northwestern Band of the Shoshoni Nation |
| • Ute Mountain Ute Tribe | |

Table 5-2. Meetings with Tribes

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| • Navajo Nation | • White Mesa Ute Tribe |
| • Skull Valley Band of Goshute Indians | • Paiute Indian Tribe of Utah |
| • Ute Mountain Ute Tribe | • Pueblo of Santa Clara |
| • Pueblo of Zia | • Te-Moak Tribe of Western Shoshone Indians |
| • Pueblo of Laguna | • Southern Ute Tribe |
| • Uintah and Ouray Ute Indian Tribe | |

BLM made an extensive effort to consult with Native American tribes that might have ties to the PFO planning area. BLM began during project scoping to identify concerns of Native Americans.

The Draft RMP/EIS was released in July 2004 to the public, and hard copies of the plan were sent to the following Native American tribes: Southern Ute, Navajo Nation, Skull Valley Band of Goshute Indians, Hopi, Paiute Indian Tribe of Utah, Uintah and Ouray, and the Northwestern Band of Shoshone Nation. Telephone calls were made to the above-mentioned tribes and follow-up visits were made to the tribes that requested copies (e.g., Navajo, Southern Ute, and Paiute). In addition, CDs of the Draft RMP/EIS were sent to the tribes listed in Table 5-1. Comments on the Draft RMP/EIS were received from the Southern Ute Tribe and the Paiute Indian Tribe. Consultation continues throughout the planning process. Copies of the Price Supplemental Information and Analysis to the Price Field Office Draft RMP/EIS for ACECs and the Supplement to the Price Field Office Draft RMP/EIS for non-WSA lands with wilderness characteristics were sent to the Tribes. No comments were received from the tribes on the ACEC

Supplement. Comments on the Supplement to the PFO Draft RMP/EIS for Non-WSA lands with Wilderness Characteristics were received from the Navajo and Hopi Tribes.

5.2.2 State Historic Preservation Office

The NHPA and the regulations at 36 CFR Part 800 govern BLM's cultural resource management program. The regulations provide specific procedures for consultation between the BLM and the SHPO. The BLM has initiated formal consultation with SHPO during the development of the RMP concerning cultural resources. A copy of the Draft RMP/EIS was sent to the SHPO for review and comment. The BLM started the formal consultation with the SHPO in June 2008 and will finalize the consultation before the Record of Decision (ROD) is signed (Appendix E).

5.2.3 Fish and Wildlife Consultation

The BLM consulted with the USFWS as required prior to initiation of any project by a federal agency that may affect federally listed Special Status Species or their habitat in accordance with Section 7 of the ESA and with the Fish and Wildlife Coordination Act, 16 USC Sec 661 et seq. This RMP/EIS is considered a major planning action, and the BLM initiated a Consultation Agreement with the USFWS in December 2001.

The BLM and the USFWS signed a consultation agreement in December 2001 for the Price planning effort. The USFWS responded by providing the BLM with a comprehensive list of sensitive species that may be present in the planning area and indicated whether those species could be affected by the proposed and alternative actions. The results of this consultation have been incorporated into this Proposed RMP/Final EIS.

A Biological Assessment (BA) was provided to the USFWS in July 2008 for review and comment. The BLM determined that the implementation of the Proposed RMP is "not likely to adversely affect" the species on which this consultation occurred. The USFWS may concur with BLM's determination via memorandum, or prepare a biological opinion. The BLM will finalize Section 7 consultation before the ROD is signed (Appendix D).

5.2.4 Environmental Protection Agency

BLM continues to coordinate with the EPA relating to air quality and other issues of concern to EPA. EPA has provided specific comments relating to the NEPA adequacy of the Draft RMP/EIS. The EPA rated the Preferred Alternative (Alternative D) in the Draft RMP/EIS as "EC-2". The "EC" rating means that EPA has identified several environmental impacts that should be avoided to fully protect the environment. The EC rating is based on EPA's concerns regarding the potential impacts to aquatic resources, water quality, air quality, sensitive and rare wildlife, soil erosion, recreations resources and experiences and wildlife habitats. The "2" rating means that the Draft RMP/EIS has insufficient information to thoroughly assess environmental impacts. Quantitative estimates of future conditions, or relative differences in qualitative estimates of those conditions showing change in conditions over time would be helpful to understand the impacts to air quality, wildlife habitats, vegetation, water quality, and other environmental resources.

5.3 COOPERATING AGENCIES

The PFO extended cooperating agency status to the State of Utah and Carbon and Emery counties because of their knowledge of the planning area within their jurisdictions. Each signed a cooperating agency agreement in 2001. The cooperating agencies were formally invited and participated as a member of the interdisciplinary (ID) team and were in attendance at most ID team meeting (more than 20 meetings) and assisted BLM with development of alternatives, review of preliminary copies of the Draft and Final RMP/EIS, development of the preferred alternative and the Proposed RMP, and response to comments. BLM met with cooperating agencies on March 31 to April 4, 2003, to develop alternatives and further discuss the approach to the planning process. The draft alternatives (Chapter 2) were reviewed by cooperating agencies and subsequently used in the preparation of the Draft RMP/EIS. The Draft RMP/EIS published in July 2004 incorporated cooperating agencies' input. The cooperating agencies were members of working groups between the Draft RMP/EIS and the Proposed RMP/Final EIS dealing with route designation, wild and scenic rivers (WSR), ACECs, energy and mineral development, and SRMAs.

BLM has continued to involve the cooperators in addressing concerns raised during the public comment period and to refine BLM's preferred alternative outlined in the Draft RMP/EIS. Participants in these meetings reviewed and made recommendations concerning energy, recreation, motorized route designation, ACECs, WSRs, socioeconomics, and grazing. The recommendations and information provided during these meetings were used to further develop the Proposed RMP/Final EIS.

5.4 COORDINATION AND CONSISTENCY

This Proposed RMP/Final EIS has been prepared by the PFO with assistance from the BLM Utah State Office and the cooperating agencies. It is the fourth in a series of five NEPA documents released to the public during the PFO federal land use planning process. The Draft RMP/EIS (the first NEPA document) was sent to the public in July 2004 with an initial 90 day public comment period that was extended 45 days (135 days) until November 29, 2004. The BLM received more than 60,000 comment letters on the Draft RMP/EIS. Complete records of public comments are on file in the PFO.

A supplemental NOA was published in the *Federal Register* on December 13, 2005, soliciting public comments on ACECs contained in the Draft RMP/EIS. This initiated a 60-day public comment period. During the ACEC public comment period, approximately 7,000 comment letters were received. The majority of these letters were also form letters received by e-mail.

BLM published the Notice of Availability (NOA) for the Price Supplemental Information and Analysis to the Price Field Office Draft RMP/EIS for ACECs for public review and comment in the *Federal Register* on June 9, 2006. This initiated the 90-day public comment period. During the Supplemental ACEC public comment period, approximately 25 comment letters were received.

BLM published the Notice of Availability (NOA) for the Supplement to the Price Field Office Draft RMP/EIS for Non-WSA lands with Wilderness Characteristics for public review and comment in the *Federal Register* on September 14, 2007. This initiated the 90-day public comment period. During the Supplemental Non-WSA lands with Wilderness Characteristics public comment period, approximately 14,000 comment letters were received, many were form letters or e-mails.

The BLM planning regulations require that RMPs be "consistent with officially approved or adopted resource-related plans, and the policies and procedures contained therein, of other Federal agencies, State and local governments, and Indian Tribes, so long as the guidance and RMPs also are consistent with the

purposes, policies and programs of Federal laws and regulations applicable to public lands.” (43 CFR 1610.3-2(a)). Coordination and consistency with other agencies and local and State government plans are achieved through frequent communication and cooperation among BLM and the involved federal, State, and local agencies.

Section 202 of FLPMA requires the BLM to coordinate land use planning activities with other federal agencies, State and local governments, and Indian tribes. FLPMA also requires BLM to ensure that consideration is given to non-BLM plans that are pertinent to the development of the RMP, assist in resolving inconsistencies between federal and non-federal government plans, and to provide for meaningful public involvement of other federal agencies, State and local government officials, and Indian tribes in the development of the RMP.

Table 5-3 summarizes coordination actions undertaken by various federal, State, and local agencies for the RMP development process.

Table 5-3. Key Coordination Actions

Agency	Coordination/Responsibility
FEDERAL AGENCIES	
U.S. Department of the Interior	
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 Price RMP/EIS for consistency with USGS planning.
National Park Service (NPS)	Reviews Price RMP/EIS for coordination with NPS planning.
U.S. Department of Agriculture	
U.S. Forest Service (USFS)	Coordinates mineral leasing and other activities that affect lands administered by the USFS. Reviews the Price RMP/EIS for consistency with USFS planning. Coordinates and cooperates with EPA and Utah Department of Environmental Quality (UDEQ) on monitoring and collection of air quality data.
Animal and Plant Health Inspection Service (APHIS) Wildlife Services	Coordinates annual management plan for animal damage control activities on public lands.
Environmental Protection Agency	Provides oversight of state implementation of the Clean Air Act (CAA). Coordinates with BLM, USFS, and UDEQ on monitoring and collecting air quality data. Reviews air quality monitoring data. Files <i>Federal Register</i> notices.
STATE AGENCIES	
State of Utah	Participates in the NEPA process by providing information concerning environmental issues for which the State of Utah has jurisdiction by law or special expertise. Provides information from state records on matters including, but not limited to, Price RMP/EIS project impacts on air quality, fish and wildlife, domestic livestock grazing, social and economic impacts, minerals, and State of Utah permitting requirements. This information includes a focus on restoration activities in which the State has identified waterbodies impaired by pollutants for which BLM, through best management practices, can provide positive benefits and improvements.
Public Lands Policy Coordination Office	Coordinates the state's interests on public lands issues and acts to ensure that state and local interests are considered in the management of public lands

Agency	Coordination/Responsibility
School and Institutional Trust Land Administration	Manages state school and institutional trust lands.
State Historic Preservation Office	Consults on compliance with Section 106 of the NHPA in accordance with either the federal regulations or the National Programmatic Agreement and the Utah Protocol as appropriate.
Utah Geological Survey	Participates in data sharing.
Utah Department of Natural Resources, Division of Wildlife Resources	Coordinates and cooperates on vegetation treatment projects, wildlife habitat management, big game herd objectives, and Special Status Species.
Utah Department of Natural Resources, Division of Parks and Recreation	Administers and manages state parks.
Governor's Office of Planning and Budget	Provides leadership for the initiatives of the governor and provides budgeting, planning, and issue coordination by providing accurate and timely data, impartial analyses, and objective recommendations.
UDEQ Division of Water Quality	Coordinates and cooperates on water quality, development of monitoring for visibility standards and guidelines, and collection of air quality data.
Utah Department of Natural Resources, Division of Oil, Gas and Mines (DOGM)	Issues permits to mine (and drill for oil and gas) on state, federal, and private land. These permits are obtained only after a thorough and exhaustive review of each mine plan.
Utah State Forestry, Emergency Management Agency, State Fire Marshal's Office	Coordinates regarding forest management of prescribed fire and wildland fire.
Utah Department of Transportation	Coordinates and cooperates on transportation planning and highway access.
COUNTY AGENCIES	
Carbon County Emery County	Participate in the NEPA process by providing information on environmental issues for which each specified county has jurisdiction by law or special expertise. Provide information on Price RMP/EIS project impacts on domestic livestock grazing and on social and economic impacts relating to each specified county.

Thus, although Federal, State, and County planning processes, under FLPMA, are required to be as integrated and consistent as practical, the federal agency planning process is not bound by or subject to State or County plans, planning processes, or planning stipulations. The BLM will identify these conflicts in the Proposed RMP/Final EIS, so that the State and County governments have a complete understanding of the impacts of the Proposed RMP on State and County management options. A consistency review of the Carbon County Master Plan, the Emery County General Plan, and the State of Utah Code has been completed. With few exceptions, the Proposed RMP is consistent with the State of Utah (Table 5-4), Carbon County (Table 5-5) and Emery County Plans (Table 5-6). The Utah Governor's Office will conduct a 60 days review of the Proposed RMP to ensure consistency with ongoing State and County plans.

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

Resources	State of Utah Code 63j-4-401	BLM
ACECs	<p>State of Utah: It is the policy of the State of Utah to withhold support for ACEC designation unless or until relevant and important values or significant natural hazards are clearly identified and the area requires special management protections not afforded by normal multiple-use management. ACECs should be no larger than necessary and management should be no more restrictive than necessary to prevent irreparable damage to relevant and important values or protect human safety. To the extent allowed by federal law, management prescriptions should comport with the plans and policies of the State and of the county where the proposed designation is located. These prescriptions should not result in management equivalent to that afforded congressionally designated wilderness areas.</p>	<p>BLM: The potential ACECs brought forward for designation into the Proposed RMP have gone through a rigorous and stringent process in accordance with FLPMA, the planning regulations at 43 CFR 1600, Land Use Planning Handbook (H- 1601-1), and in accordance with BLM Manual 1613 and ACEC Policy and Procedures Guidelines (45 FR 57318). Appendix C outlines the process the interdisciplinary team underwent to determine whether a nominated ACEC had relevance and/or importance values. The size of the proposed ACECs is limited only to the area(s) of geography where the relevance and importance values are manageable to protect and prevent irreparable damage. In the Proposed RMP, the potential ACECs generally do not have redundant special designations and/or other existing protections applied.</p> <p>However, four ACECs which include the San Rafael Reef, Muddy Creek, Bowknot Bend, and the I-70 Corridor, continue to overlap WSAs because they were carried forward from the 1991 San Rafael RMP and a range of alternatives was not considered for this planning effort.</p> <p>The potential ACECs carried forward into the Proposed Plan necessitate an ACEC designation because special management protection is necessary (outside of normal multiple-use management) to specifically protect the relevance and importance values within the areas identified. The special management prescriptions that have been proposed are narrowly tailored to protect the identified relevant and important values; none of which are recognized as wilderness resources. For these reasons, the potential ACEC decisions carried forward into the Proposed Plan are considered by BLM to be consistent with Utah Code 63j-4-401.</p>
Wild and Scenic Rivers	<p>State of Utah: It is the policy of the State of Utah that federal land managers should refrain from applying a non-impairment management standard to river segments inventoried as "eligible" for inclusions in the national Wild and Scenic Rivers and all eligible segments should promptly be evaluated for suitability. The State of Utah will work with federal land managers to identify suitable segments and work towards a recommendation to congress for designation where careful analysis: (1) identifies and evaluates regionally significant segments, (2) addresses the impact designation will have on physical, biological, and economic resources, (3)</p>	<p>BLM: The State of Utah has worked as a Cooperating Agency throughout this planning process and has been intimately involved with the BLM's wild and scenic river planning process. The State has assisted Field Office specialists to help determine eligibility findings for each of the river segments, and has provided social and economic expertise and advice as the BLM determined which eligible segments to carry forward as suitable into the Proposed Plan. BLM has committed to working cooperatively among Federal, State, and local governments and communities during</p>

Resources	State of Utah Code 63j-4-401	BLM
	<p>demonstrates that suitable segments have water present and flowing at all times, and (4) not interfere with water resources development.</p> <p>Interim management of suitable segments should not interfere with development of valid existing water rights, including development of waters apportioned to the State under all interstate compacts or agreements, including the Bear River Compact and the Upper Colorado River Compact. To the extent allowable by federal law and where not in conflict with state law or policy, interim management of suitable segments and congressional recommendations for designation should be consistent with plans and policies of the county or counties where the river segment is located.</p>	<p>the post-planning wild and scenic river study phase when statewide recommendations for inclusion of river segments into the National Wild and Scenic Rivers System would go forward to Congress. Prior to this post-planning phase, BLM would work with affected partners to help identify in-stream flows necessary to protect the outstandingly remarkable values for which the subject river segments were found suitable via this planning process. Thus, because there are no effects of this planning decision on valid existing rights, and because suitability findings in this planning process do not create new water rights for the BLM, the land use planning wild and scenic river suitability determinations are found by BLM to be consistent with the Utah Code 63j-4-401.</p>
Grazing	<p>State of Utah: It is the policy of the State of Utah that the citizens of the state are best served by applying multiple-use and sustained-yield principles in public land use planning and management. Public lands should continue to produce food and fiber, and the rural character and landscape should be preserved through a healthy and active agricultural and grazing industry. Land management plans should maximize forage availability for domestic livestock and wildlife use. The State favors active management to restore and maintain rangeland health, increase forage, and improve watershed for the mutual benefit of local communities, domestic livestock, and wildlife.</p> <p>Adjustments in AUM levels may occur as required by range and watershed conditions, based on scientific, on-the-ground analysis. Grazing AUMs should be placed in suspension where range conditions will not sustain the current level of AUMs or where necessary to protect range and watershed health. Any suspended AUMs should be returned to active use when range conditions improve. The State generally opposes forced relinquishment or forced retirement of grazing AUMs but will continue to recognize voluntary relinquishments and retirements agreed to prior to RMP revisions.</p>	<p>BLM: Grazing decisions carried forward into the Proposed Plan are considered by BLM to be consistent with Utah Code 63j-4-401. Proposed Plan decisions on public lands would continue to promote a healthy active grazing industry. Forage allocations for livestock and wildlife are fully allocated on public lands. Numerous RMP decisions under other identified resources allow for the restoration and maintenance of rangeland and watershed health. For example, the Proposed Plan provides the umbrella to allow implementation-level actions for hazardous fuel reductions, fire rehabilitation, vegetation treatments, riparian improvements, range and wildlife habitat improvements, UPCD projects – including Healthy Lands Initiative projects, seed collection, etc. Minor, if any, adjustments to current permitted livestock AUMs are made in the Proposed Plan. Prior voluntary relinquishments and/or retirements have been recognized.</p>
Wilderness Characteristics	<p>State of Utah: It is the policy of the State of Utah to oppose management of public lands as wilderness except where congress designates lands as wilderness. Under State policy and FLPMA's multiple-use mandate, BLM ascribed management prescriptions for non-WSA lands inventoried as possessing wilderness characteristics should take into account the long-term needs of future generations for renewable and non-renewable resources, including, but not limited to, recreation, range, timber, minerals, watershed, wildlife, and fish. Designation as VRM</p>	<p>BLM: The Proposed Plan identifies certain “non-WSA lands with wilderness characteristics” in order to protect, preserve, and maintain their wilderness characteristics. BLM recognizes that it cannot, through the planning process, designate these lands as WSAs nor is it possible to manage them in accordance with Interim Management Policy for Lands Under Wilderness Review (IMP, H-8550-1; BLM 1995). For example, there is no provision to meet the “non-impairment criteria”</p>

Resources	State of Utah Code 63j-4-401	BLM
	<p>Class I, closure to oil and gas leasing, withdrawal from mineral entry, and closure to motorized and mechanized use affords protections comparable to those associated with formal wilderness designation and should be avoided for non-WSA lands with wilderness characteristics. Non-WSA lands with wilderness characteristics should be managed in a manner consistent with the multiple-use, sustained yield standard that applies to BLM lands other than congressionally designated wilderness or WSAs.</p>	<p>mandated in IMP for WSA management. However, in following Section 201 of FLPMA, BLM has maintained its wilderness inventory and has determined that lands previously found not to possess wilderness characteristics during the FLPMA Section 603 inventory process in the late 1970's and early 1980's, now have been determined to possess them. The focus of management in the areas carried forward in the Proposed Plan is to primarily provide for an experience of solitude and primitive recreation. This is enhanced by maintaining the naturalness of the geographic areas. However, management prescriptions do not mirror those for WSAs or designated wilderness since these two management objectives are sufficiently dissimilar that imposing similar prescriptions would not allow BLM to meet the planning objectives outlined in the Draft RMP/Draft EIS. WSAs and designated wilderness are rights-of-way exclusion areas, closed to fluid mineral leasing by law, and do not allow for surface disturbing activities. In comparison, lands with wilderness characteristics have no set management by either law, rule, regulation, or policy. The Proposed Plan would allow for surface disturbing activities where and when they are compatible with enhancing management objectives identified in the Proposed Plan.</p> <p>In order to ensure that BLM's planning decisions regarding the management of wilderness characteristics are consistent with Utah law, potential adjustments may be made in the ROD to nomenclature. This editorial change would not affect management or goals and objectives.</p>
RS-2477 Assertions	<p>State of Utah: The State of Utah will defend its interest, and that of its political subdivisions, in rights-of-way accepted under the self-effectuating grant process set forth in Revised Statute 2477 (repealed by the Federal Land Policy and Management Act of 1976) and <u>SUWA v. BLM</u>, 425 F.3d 735 (10th Cir. 2005). The State of Utah expects and requests the BLM to fully consider all information concerning individual rights-of-way submitted to BLM. Further, the State of Utah expects and requests BLM's consideration of this information as part of the preparation and implementation of Resource Management or Management Framework Plans, and preparation or implementation of Transportation Plans as part of the ongoing inventory of resources on the public lands.</p>	<p>BLM: The Proposed Plan makes no commitments with respect to any valid existing rights, particularly those concerning RS-2477. Chapter 1 of this land use plan states that resolution of this issue is outside the purview and scope of public lands planning efforts and must be adjudicated by a court of law or other legal means. Therefore, nothing in this plan extinguishes any valid rights-of-way or alters, in any way, the legal rights of the State of Utah to assert RS-2477 rights or to challenge any use restrictions imposed by the RMP that they believe are inconsistent with their rights.</p>

Table 5-5. Carbon County Plan Decisions

Resources	Carbon County Plan Decision	Consistent
Air Quality	Not addressed in County Plan	N/A
Soil, Water, and Riparian	Infrastructure & Resources (Water Issues): The County will work with Forest Service & BLM to encourage land management practices that will reduce erosion in major watersheds.	Yes
Vegetation	Public Lands & Resources (Management of Exotic and Undesirable Weed Species): The County wants to develop a monitoring system to reduce the accidental introduction of alien weed species. They wish to encourage the speedy reclamation and re-vegetation of abandoned farmland, and look at ways to retain those areas in a productive agricultural condition. The County recognizes the threat of noxious and invasive species and wishes to improve monitoring and control efforts including reclamation activity.	Yes
Cultural Resources	Public Lands & Resources (Cultural and Paleontological Resources): The County wishes to preserve cultural resources in their current locations whenever possible, and give very careful consideration before altering, destroying, or removing these resources. The County maintains that cultural resources are community resources, and whenever possible they should be preserved in their current locations, and should receive very careful consideration before being altered, destroyed, or removed. They wish to pave the Nine Mile Canyon Road to increase visibility, protect the health of the visitor, and decrease the degradation of the rock art, and decrease damage to forage and agriculture products caused by dust.	Yes
Paleontology	Public Lands & Resources (Cultural and Paleontological Resources): The County wishes to preserve cultural resources in their current locations whenever possible, and give very careful consideration before altering, destroying, or removing these resources.	Yes
Visual	Public Lands & Resources (Scenic Values): The County feels that surface disturbance and visual impacts of all activities on public lands should be minimized to the greatest degree possible. When visual impacts are likely to result from proposed activities on public lands, the County will encourage public lands agencies to consider alternate sites, designs, or orientations. The County also feels that a variety of other factors should be considered before approving a proposal, including engineering consideration such as suitability of soils and degree of surface disturbance, and aesthetic qualities such as visibility and air quality. The County wishes to preserve scenic vistas whenever possible. Therefore, the County feels that surface disturbance and visual impacts of all activities on public lands should be minimized to the greatest degree possible. The County also feels that other factors should be considered before approving a proposal.	Yes
Special Status Species	The County wants to ensure that sensitive species do not become listed as threatened or endangered. The County supports the management of proposed and listed Threatened and Endangered plants and species in a manner which offers the best chance of recovery of the plant or species.	Yes
Fish and Wildlife	Public Lands & Resources: The County supports wildlife management in all public land use and resource development decisions. The County also encourages partnerships among County residents, the County, and	Yes

Resources	Carbon County Plan Decision	Consistent
	<p>federal and state agencies to improve wildlife and fish habitat.</p> <p>The County prioritizes the maintenance and improvement of habitat on public land.</p>	
Wild Horses and Burros	Carbon County wants to maintain the number of wild horses and burros as near as possible to BLM's appropriate management levels. For the Tavaputs AML; 100 head of wild horses would be the mean amount, with population reduction occurring when 125 head population was counted.	Yes
Fire and Fuels	The County wishes to Extinguish all fires on woodlands and forests that endanger natural wildlife habitat or human life and property. The County wishes to require that fire and bum management policies are in place on all forests and woodlands.	Yes
Non-WSA Lands with Wilderness Characteristics	See Wilderness	Yes
Forest and Woodlands	The County wants to maintain a continuous supply of timber and to protect water sheds and water quality through minimization of soil erosion and other deleterious effects from insect damage and catastrophic fires.	Yes
Livestock Grazing	<p>The County wishes to ensure the continuation and expansion of livestock grazing on federal lands.</p> <p>The County wishes to ensure that rangeland health, forage, and grazing stability occur on public lands.</p>	Yes
Recreation (including off-highway vehicle [OHV] use)	<p>Public Lands & Resources (Recreation & Tourism): The County supports active participation in all public land recreation decisions.</p> <p>The County supports developing recreation and tourism facilities and “partnerships” with agencies, other local governments, and special interest groups.</p> <p>The County supports development of a Trails Plan; which addresses expansion and maintenance trails system.</p> <p>The County supports better distribution and availability of recreation oriented information and materials such as maps, trail guides, and brochures.</p> <p>The County supports improved infrastructure and services for recreation activities.</p> <p>Public Lands & Resources (Recreation & Tourism): The County wants to provide multi-agency highway signs to point to the location of federal and state agency offices.</p> <p>The County wants to cooperate with federal & state agencies and determine sites where kiosks are most needed and would be most effective.</p> <p>The County wishes to improve Highway 124 for the purpose of making it a scenic and recreational route through the cities of East Carbon and Sunnyside and promoting access to Desolation Canyon Proposed Wilderness.</p> <p>The County has an objective to work toward the designation of the route to Desolation Canyon as a Proposed Wilderness as a Back Country Byway.</p> <p>The County will pursue money available for development of land adjacent to Wilderness Areas.</p> <p>The County wishes to improve opportunities in Nine-Mile Canyon by providing adequate facilities and infrastructure; by providing restrooms, picnic area, and camping areas; undertake road improvements; developing a plan that will include interpretive signs; developing a recognition program for groups or landowners who contribute; and working with College of Eastern Utah to establish work-for-credit programs and adopt-a-section</p>	Yes

Resources	Carbon County Plan Decision	Consistent
	<p>program.</p> <p>The County wishes to utilize the new Carbon County Roads & Recreation Special Service District and work toward installation of a toll booth system.</p> <p>The County wants provide adequate management and maintain access by increasing BLM presence and developing volunteer ranger program.</p> <p>The County wishes to implement fee stations and joint management arrangements.</p> <p>The County is completing a County-wide trails plan that will document existing trails and provides direction and priorities for maintenance and establishment of new trails and trail facilities. All outdoor recreational projects, including Nine-Mile Canyon, will coordinate their development efforts with the County Trails Plan.</p> <p>The County wishes to establish a recreation plan and trails system and foster cooperation with other entities and agencies.</p> <p>The County encourages the responsible, appropriate use of all-terrain and off highway vehicles; including identification of appropriate routes for OHV and ATV use.</p>	
Lands and Realty	<p>Public Lands & Resources (Consolidation of State School Trust Lands): The County strongly opposes any proposal that would advocate the exchange of federal lands in Carbon County for state school trust lands in other counties.</p> <p>The County encourages no net loss of private lands or tax base.</p>	No
Minerals and Energy Development	<p>Public Lands & Resources (Resource and Mineral Development): The County wishes to work with public lands minerals managers to encourage steady, long term production plans and avoid intensive short-term developments.</p> <p>The County will evaluate all public lands for qualities such as scenic beauty, wildlife and human habitat, and recreational uses. Based on this assessment, identify lands that the County would like to protect from further extractive or related development. Areas under initial consideration include: Nine-mile Canyon, particularly Sheep Canyon drainage and sensitive areas identified in the Carbon County Trails Plan.</p> <p>The County mandates that extractive industries to be in compliance with federal, state and County laws and regulations, including county notification of APD's on BLM and FS lands in order for the County to address water quality issues and impacts to county roads and emergency services under County Ordinance #378, while protecting multiple use concepts and rights to access. The County's wishes to ensure that no resource development activities take place on public lands unless those activities are 100% bonded for estimated reclamation costs.</p>	Yes
Special Designations: Wilderness Study Areas	<p>The County expects that all wilderness study or inventory areas identified in the County after 1991, be re-categorized as lands to be managed for multiple use and sustained yield, and to be open for oil, gas and mineral leasing, and other legal and pre-existing uses.</p> <p>The County supports the Congressional designation of approximately 13,000 acres of wilderness within the boundary of Carbon County, which complies with the 1964 Wilderness Act. It opposes the Red Rock Wilderness Bill. It supports the passage of any wilderness bill that reflects the wishes of the elected Commissioners of Utah.</p>	No
ACECs	<p>The County wishes to ensure that the use of ACEC designation is in accordance with FLPMA Section 1702(a) and the intent of Congress by: (1) ensuring that the phrase "special management attention" in the ACEC definition is</p>	No

Resources	Carbon County Plan Decision	Consistent
Wild and Scenic Rivers	<p>used as Congress intended, so that the ACEC designation as a tool is used only in a surgically limited and targeted manner, not as an attempt to create an administrative withdrawal of lands from multiple use. (2) Disallowing federal management layering which reduces or curtails multiple use by presumptive means. (3) Preventing ACEC designations or a combination of management tools together with ACEC designation that would violate Congressional intent or any previous agreements with the Secretary of the Interior by creating <i>de facto</i> wilderness.</p> <p>The County opposes all facets of Wild and Scenic River Designation within Carbon County</p>	No
Transportation	<p>Infrastructure & Resources (County Roads Priorities): The County will work with BLM and Nine-mile Canyon Coalition to resolve issues of access, management, types and intensity of use.</p> <p>When the appropriate time comes, the County will adjudicate its claims to R.S. 2477 Rights-of-Way. Conserve/preserve water for agricultural uses in the county.</p> <p>Public Lands & Resources (Public Lands Access): The county wishes to preserve access to those areas and is concerned that many traditional access routes, some of which are county roads, are being blocked by private landowners.</p> <p>Other roads are periodically gated and locked by land management agencies. The County wishes to see as many of these roads as possible reopened for public use to maintain or reestablish access to public lands.</p>	Yes
Hazardous Materials and Waste	Not addressed in County Plan	N/A
Socioeconomics	<p>Carbon County will continue to promote industry and our culture and lifestyle. It is our goal that we have a stable and productive work environment that would favor our main historic economic activities that have the greatest significance to our economy; coal production, gas exploration and production, livestock grazing, and recreation. Through economic development, Carbon County also endeavors to perpetuate new and diversified business opportunities while promoting continued natural and reasonable resource development balanced with maintaining the health and viability of our lands both private and public. We will continue implementing goals and strategies to protect the ability for ongoing generations to work, recreate and pursue continuing stable occupations providing the opportunity for our citizens to enjoy a standard of living compatible to the majority of the American people without leaving our area. (It is our opinion that this area is not the appropriate area for addressing the Sheriff's responsibilities. It would be better in Recreation, or to create a law enforcement section for consistency review.)</p> <p>Human Services & Education (Law Enforcement): The County position is to form a partnership between BLM and County Sheriff's office to increase presence and patrols in Nine Mile Canyon. BLM and County law enforcement agents will need to develop an increase presence in the canyon to deter further destruction of property.</p> <p>The County wishes to ensure that the Sheriff or deputies are the chief law enforcement officers on public lands.</p> <p>The County's position is that federal agencies shall perform their duties under the authority and direction of the County Sheriff as identified in an agreement or Memorandum of Understanding which outline funding, duties and responsibilities of all parties.</p> <p>The County encourages no net loss of private lands or tax base.</p>	No

Table 5-6. Emery County Plan Decisions

Resources	Emery County Plan Decision	Consistent
Air Quality	Not addressed in County plan	N/A
Soil, Water, and Riparian	The County desires to protect the quality and quantity of its water resources. It is concerned with the effects of industry, recreation, and residential development on water quality and will continue existing monitoring activities. It is the County's position that parties causing resource damage are responsible to perform and/or finance adequate and appropriate mitigation measures	Yes
Vegetation	The County supports land use practices which promote proper ground cover to prevent erosion. It will promote practices which will decrease the growth of noxious weeds, phreatophytes, and high consumptive vegetation, and will favor practices which increase erosion preventing ground cover.	Yes
Cultural Resources	The County views the preservation and perpetuation of its heritage and culture, coupled with the development of a nationally significant heritage area and its associated heritage and tourism industries, as one of the County's highest priorities for planning and implementation for the next decade. The County will pursue active partnerships with federal and state land management agencies in planning for such things as heritage site documentation, preservation, designation, site development and management, visitors and facilities management, access to heritage sites and districts, interpretation and education, fee collection and distribution, continuation of traditional and cultural uses, guided activities and business opportunities, and heritage promotion and marketing.	Yes
Paleontology	The County views the preservation and perpetuation of its heritage and culture, coupled with the development of a nationally significant heritage area and its associated heritage and tourism industries, as one of the County's highest priorities for planning and implementation for the next decade.	Yes
Visual	We, the people of Emery County, place high value on the lands of the San Rafael Swell, and it is our desire to preserve and protect these lands for future generations. We also place high value on preserving and protecting our communities and our local economy.	Yes
Special Status Species	The public lands of Emery County provide abundant natural resources which include wildlife, forested areas, water, forage, minerals, and beautiful scenery. The responsible use and protection of these resources help provide the quality of life sought by County residents, and benefit the County economically. The County supports federal and state land management plans that allow the responsible use and development of public land resources and the expansion of related industries.	Yes
Fish and Wildlife	The public lands of Emery County provide abundant natural resources which include wildlife, forested areas, water, forage, minerals, and beautiful scenery. The responsible use and protection of these resources help provide the quality of life sought by County residents, and benefit the County economically. The County supports federal and state land management plans that allow the responsible use and development of public land resources and the expansion of related industries.	Yes
Wild Horses and Burros	We, the people of Emery County, place high value on the lands of the San Rafael Swell, and it is our desire to preserve and protect these lands for future generations. We also place high value on preserving and protecting our communities and our local economy.	Yes

Resources	Emery County Plan Decision	Consistent
Fire and Fuels	We, the people of Emery County, place high value on the lands of the San Rafael Swell, and it is our desire to preserve and protect these lands for future generations. We also place high value on preserving and protecting our communities and our local economy.	Yes
Non-WSA Lands with Wilderness Characteristics	County opposes either or both of the following: (1) the baseline information (BLM's determination that the lands possess wilderness characteristics) and (2) management decisions to protect the wilderness characteristics of some of these lands?	No
Forest and Woodlands	Timber harvest, mining, and other surface development shall be controlled to the extent that the exposed ground shall be reseeded with grasses, forbs, and tree seedlings to aid the natural regrowth and protect the watershed. Open pit mining has not occurred on the County's watershed and does not appear eminent in the future. However, any like activities will be consistent with the watershed values stated herein. Any potential contamination of mountain water by sediment, chemicals, or waste, will be mitigated prior to allowing any industrial activity.	Yes
Livestock Grazing	The County supports domestic livestock grazing on the watersheds. Grazing can be used as a management tool to promote the health of a watershed. Proper grazing will rejuvenate grass growth and trample seeds for increased plant numbers. The County also recognizes the economic dependency that agriculture has on public land use, and the value it has in sustaining the rural lifestyle of the area.	Yes
Recreation (including off-highway vehicle use)	When evaluating potential recreational developments and investments related to public lands, the County will discuss and evaluate the following: the ability to provide essential services (law enforcement, emergency services, water and waste management, search and rescue); recreation impacts on traditional uses; opportunities for family-related activities; facility development and maintenance "partnerships" with agencies and special interest groups. The County seeks to promote developed tourism sites and events. Promotion of undeveloped sites will be limited to the Black Dragon, the Green River and selected areas south of I-70. The County realizes that tourism mitigation also implies visitor management and proposes the following actions to manage the activities of people using public lands by: directing access; designating camping areas; permitting access to certain areas; issuing a license to use the roads in the San Rafael Swell; requiring outfitters to obtain a transient business license; encouraging federal and state governments to permit certain tourist uses of public lands. The County will identify and protect sensitive natural resources and facilitate the development of a "low-impact, high-value" tourism industry in Emery County The County supports the concept of any motorized vehicle being used only on designated roadways in order to control erosion.	Yes
Lands and Realty	The County opposes any future proposal that would advocate the large scale exchange of federal lands for school trust lands throughout other counties unless local inputs and concerns can be resolved.	No
Minerals and Energy Development	The County requires cooperation from the industry and the various government entities in minimizing, mitigating, and compensating for the potential impacts of oil and gas development, including exploration, extraction, and transport.	Yes

Resources	Emery County Plan Decision	Consistent
	<p>The County also requires that a high priority be given to the reclamation of all potential disturbances (both surface and sub-surface) prior to the issuance of any permits and/or authorizations in the form of contractual and bondable guarantees.</p> <p>The County seeks reasonable compensation to local entities from oil and gas development in the form of mineral lease royalties, property, severance and other taxes, appropriate fees, construction and maintenance of related infrastructure and the acquisition and maintenance of related equipment, as well as related personnel costs.</p> <p>Timber harvest, mining, and other surface development shall be controlled to the extent that the exposed ground shall be reseeded with grasses, forbs, and tree seedlings to aid the natural regrowth and protect the watershed. Open pit mining has not occurred on the County's watershed and does not appear eminent in the future. However, any like activities will be consistent with the watershed values stated herein.</p> <p>Any potential contamination of mountain water by sediment, chemicals, or waste, will be mitigated prior to allowing any industrial activity.</p>	
Special Designations: Wilderness Study Areas ACECs Wild and Scenic Rivers	<p>Support congressional designation of 446,000 acres of wilderness within Emery County</p> <p>Consistency with direction in FLPMA to avoid de facto wilderness</p> <p>Opposes any designation that could result in an assertion of minimum water flow preempting upstream appropriation or reallocation of water rights</p>	<p>No</p> <p>Yes</p> <p>Yes</p>
Transportation	<p>The County wants to preserve and maintain public land access routes and cooperate with the various state and federal agencies and special interest groups regarding land use policies.</p> <p>Government agencies and users will recognize the County's right to assert its preemptive authority over all claimed roads with inherent rights to access and maintain said roads to safe applicable standards while allowing continued multiple use and development of our lands as originally granted by the Mining Act of 1866 and as specified by R.S. 2477 and in compliance of FLPMA.</p> <p>Continue to preserve, sustain, and improve all facets of our road network to accommodate future development and settlement.</p> <p>Sustain access across public lands while improving roads to acceptable safe standards.</p> <p>Continue to resist assertions by government and special interest groups seeking to control the access across public lands and lockup potential valuable resources.</p>	<p>Yes</p> <p>No</p> <p>Yes</p> <p>Yes</p> <p>No</p>
Hazardous Materials and Waste	Not addressed in plan	N/A
Socioeconomics	The County wishes to maintain and improve business expansion and retention, value-added agriculture, telecommunications, and small business assistance	Yes

5.5 PUBLIC PARTICIPATION

The public participation process for the RMP/EIS has been ongoing throughout the development of the RMP/EIS and will continue until the ROD. It includes a variety of efforts to identify and address public concerns and needs. In addition to formal public participation activities, informal contacts occur frequently with public land users, industry, and interested persons through meetings, field trips, telephone calls, or letters. All public participation applicable to the RMP/EIS has been documented and analyzed as part of the planning process and kept on file in the PFO.

5.5.1 Notice of Intent and Public Scoping

An NOI was published in the *Federal Register* on November 7, 2001, to formally announce that the BLM PFO was preparing an RMP and associated EIS. The notice invited participation by affected and interested agencies, organizations, and members of the public in determining the scope and significance of issues to be addressed in the planning alternatives and analyzed in the EIS. The notice also included information on the scoping meeting schedule and the opportunity for the public to provide input and help identify resource issues and concerns, management alternatives, and other information that could assist the PFO in determining future land use decisions.

Following the NOI publication, a number of commentors expressed the opinion that the scoping period was too brief and the geographic extent of meeting sites was too limiting. These comments were considered, and a second NOI was published on January 18, 2002, extending the public comment period. The 100-day scoping period ran from November 7, 2001 to February 15, 2002. Scoping notices included information on the PFO planning area, background information on the planning process, and preliminary planning issues and planning criteria. Public scoping meetings were held in five Utah communities and one Colorado community (Table 5-7). During the 6 meetings, more than 270 people registered their attendance. The scoping meetings were structured in an open-house format, with BLM specialists available to provide information or respond to questions on issues such as livestock grazing, mineral and energy development, and other resource areas. Comments from the public were collected during the meetings and throughout the scoping period through a variety of methods, including mail, fax, e-mail, and the project website.

Table 5-7. Public Scoping Meetings

Date	Location	Type
January 15, 2002	Salt Lake City, Utah	Public Scoping Meeting
January 16, 2002	Moab, Utah	Public Scoping Meeting
January 17, 2002	Grand Junction, Colorado	Public Scoping Meeting
January 29, 2002	Green River, Utah	Public Scoping Meeting
January 30, 2002	Castle Dale, Utah	Public Scoping Meeting
January 31, 2002	Price, Utah	Public Scoping Meeting

The responses received through the various methods totaled 10,300 and included 600 letters and 9,000 form letters. For the purpose of analysis, the comments were divided among 12 topics or categories. A majority of the comments from individuals and organizations concerned recreation followed by access and transportation categories. Access for recreation activities, OHV use, and dispersed camping were recurrent themes. Fewer comments were received on livestock grazing; wilderness and special

designations; oil, gas, and mining; wildlife/hunting; cultural and historic resources; air and water quality; economics; forestry; and general matters. The *Price RMP Scoping Report* (BLM 2002) contains a summary of the public scoping comments.

An NOI was published in the *Federal Register* on May 24, 2007, notifying the public that the BLM Vernal and Price Field Offices, Utah, were preparing a Supplemental Draft RMP/EIS to include additional information and analyses of wilderness characteristics on lands outside existing WSAs. There are multiple areas in the Price Field Office, outside of existing WSAs, found to have wilderness characteristics in previous inventories. The BLM's Land Use Planning Handbook (H-1601-1) provides guidance for consideration of non-WSA lands with wilderness characteristics in land use planning. The handbook provides that the BLM consider these lands and resource values in planning and prescribe measures to protect wilderness characteristics. These characteristics include appearance of naturalness, outstanding opportunities for solitude, or outstanding opportunities for primitive and unconfined recreation.

5.5.2 Planning Bulletins

Planning bulletins were developed to keep the public informed of the Price RMP/EIS planning process.

The first Price RMP/EIS planning bulletin, published in December 2001, included public scoping information, general background information on the project, and issues that the plan might address. This bulletin also provided the process for the public to comment.

The May 2002 Price RMP/EIS planning bulletin described the scoping meetings that took place in January and briefly summarized the main issues raised through scoping. It included the project website address, described the process of working with cooperating agencies, and provided information on alternatives development, impact analysis, and future public involvement opportunities.

The third Price RMP/EIS planning bulletin, issued in February 2003, discussed the Wild and Scenic River eligibility process. The bulletin included a list of preliminary determinations of eligible rivers on lands administered by the PFO and requested public input.

The fourth planning bulletin, released in July 2003, discussed the Price River Motorized Route Inventory and included a request for data to add to the accuracy of the route inventory.

5.5.3 Website

The Price RMP/EIS website (<http://www.blm.gov/ut/st/en/fo/price/planning.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.

5.5.4 Notice of Availability and Public Comment

BLM and EPA published the NOA for the Price Draft RMP/EIS for public review and comment in the *Federal Register* on July 16, 2004. This initiated the 90-day public comment period; however, public requests extended the public comment period for another 45 days, which concluded on November 29, 2004. The Draft RMP/EIS states that the BLM is revising its current land use plan and proposes several alternative ways of managing public lands within the PFO. The Draft EIS was designed to provide a comprehensive look at the impacts on natural and cultural resources from various planning alternatives. 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 Salt Lake City and Price, Utah.

Four public meetings were held in August 2004 to provide an opportunity to comment on the Price Draft RMP/EIS (Table 5-8). During the four meetings, more than 155 people registered their attendance. These public meetings were structured in an open-house format with BLM specialists available to provide information. The public was also provided with information on how to submit comments on the Draft RMP/EIS. During the Draft RMP/EIS public comment period, approximately 60,000 comment letters were received. The majority of these comment letters were form letters received by e-mail.

Table 5-8. Public Meetings

Date	Location	Type
August 24, 2004	Castle Dale, Utah	Public Meeting
August 25, 2004	Green River, Utah	Public Meeting
August 26, 2004	Price, Utah	Public Meeting
August 31, 2004	Salt Lake City, Utah	Public Meeting

A supplemental NOA was published in the *Federal Register* on December 13, 2005, soliciting public comments on ACECs contained in the Draft RMP/EIS. This NOA published supplemental information about each existing and potential ACEC as required in 43 CFR 1610.7-2. This initiated a 60-day public comment period. During the ACEC public comment period, approximately 7,000 comment letters were received. The majority of these letters were form letters received by e-mail.

BLM published the NOA for the Price Supplemental Information and Analysis to the Price Field Office Draft RMP/EIS for ACECs for public review and comment in the *Federal Register* on June 9, 2006. The supplemental information provided additional documentation regarding the disposition of ACECs nominated during scoping, provides a description of four additional potential ACECs, and analyzes any potential impacts related to the inclusion of these ACECs in Alternative C of the Price Draft RMP/EIS. This initiated the 90-day public comment period. During the Supplemental ACEC public comment period, approximately 25 comment letters were received.

BLM published the NOA for the Supplement to the Price Field Office Draft RMP/EIS for Non-WSA lands with Wilderness Characteristics for public review and comment in the *Federal Register* on September 14, 2007. The *Supplement to the Price Field Office Draft RMP/EIS for Non-WSA lands with Wilderness Characteristics* presented Alternative E which provided specific management actions to protect, preserve, and maintain the wilderness characteristics of non-WSA lands with wilderness characteristics. This new alternative ensured that: (1) adequate consideration was given to wilderness characteristics; (2) an adequate range of alternatives was considered for these lands; and (3) an adequate analysis was prepared from which to base future land use decisions. This initiated the 90-day public comment period. During the Supplemental Non-WSA lands with Wilderness Characteristics public comment period, approximately 14,000 comment letters were received; many were form letters or e-mails.

5.6 COMMENT ANALYSIS

5.6.1 Process and Methodology

During the Draft RMP/EIS and two Supplements to the Draft RMP/EIS public comment periods, a total of four different public comment periods, the PFO received written comments by mail, e-mail, through the website, or submitted at the public meetings. Of these, the BLM identified many to be form letters and others to be unique submissions. All comments were reviewed and considered, however comments were not counted as “votes”. Comments that presented new data or addressed the adequacy of the document, the alternatives, or the analysis are responded to in the Proposed RMP/Final EIS. Changes were made to the Preferred Alternative (Alternative D) presented in the Draft RMP/EIS as a result of comments and reflect consideration given to public comment, corrections and rewording for clarification. A summary of major changes between the Draft RMP/EIS and the Proposed RMP/Final EIS can be found in Chapter 1 and a detailed list of changes can be found in Appendix Q.

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.

For example, most of the electronic mail comments appeared to be sent as a result of alerts issued by the Southern Utah Wilderness Alliance and The Wilderness Society, containing identical “cam-paign-style” language and recommendations. Comments similar to each other have been combined and summarized and are responded to once. A list of all commentors for each of the four different public comment periods can be found in Table 5-9, Table 5-10, Table 5-11, and Table 5-12. Commentors can reference their name listed alphabetically by last name, or by the name of the organization or government entity represented.

A complete listing of all substantive comments and their response can be found on the enclosed CD. The CD includes two “.pdf” files for each of the four different comment periods. The comments and responses are organized by “commentor” in one file and by “category” in the other file.

Section 5.6.3 contains a summary of the major comments/responses received from the public; State and County comments/responses; and those major comments/responses that required a change in the alternatives as presented in the Draft RMP/EIS.

In addition to comments received during the formal public comment period, the PFO received additional submissions after the close of the comment period which BLM maintained in its files.

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

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

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

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

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

5.6.2 Public Comments

During the public comment period on the Draft RMP/EIS and the two Supplements, the BLM received more than 80,000 submissions at public meetings, by fax, e-mail, and regular mail from individuals members of the public, cooperating agencies, other federal agencies, Indian tribes, organizations, and businesses. The BLM responded to all substantive comments in writing and, where warranted, by making changes to the Draft RMP/EIS that would be reflected in the Proposed RMP/Final EIS. The BLM considered every comment in the content analysis process, whether it came repeatedly from many people with the same message(s) or from a single person raising a technical or personal point. In analyzing comments, the BLM emphasized the content of the comment rather than the number of times a comment was received. Respondents invested considerable time and effort to submit comments on the Draft RMP/EIS. Comments covered a wide spectrum of thoughts, opinions, ideas, and concerns. The most commonly addressed themes included: OHV route designation, specials designations (ACECs, WSRs and wilderness values), recreation, and minerals/energy development. Although each person's viewpoint was diligently considered, the threshold analysis involved determining whether a comment was substantive or nonsubstantive in nature because NEPA requires that BLM respond only to substantive comments, BLM relied on the CEQ's regulations to determine what constituted a substantive comment.

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

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

The NEPA handbook identifies the following types of substantive comments:

- **Comments on the Adequacy of the Analysis:** Comments that express a professional disagreement with the conclusions of the analysis or assert that the analysis is inadequate are substantive in nature but may 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.
- **Nonsubstantive comments** simply state a position in favor of, or against, an alternative or a management action proposed in an alternative; merely agree or disagree with BLM policy; provide information not directly related to issues or impact analyses, or otherwise express an unsupported personal preference or opinion. For additional clarification, types of nonsubstantive comments are as follows:
- **Expressions of Personal Preferences or Opinion:** Comments that express personal preferences or opinions on the proposals are nonsubstantive and thus do not require further agency action. This includes comments in favor of or against the proposed action or alternatives, comments that only agree or disagree with BLM policy, or comments that raise, debate, or question a point of fact or policy. However, such comments are summarized whenever possible and brought to the attention of the AO.

The BLM has reviewed and considered all non-substantive comments, but has not provided formal responses to such comments. The BLM identified nonsubstantive comments that generally supported or opposed certain aspects of the plan. Although personal preferences and opinions may be considered by the decision maker as it chooses the agency's final preferred action, they generally will not affect the analysis.

In addition to the categories of comments from the NEPA Handbook described above, a category 'Other' was added for this Proposed RMP/Final EIS. Requests for copies of the Draft RMP/EIS, requests to be added to the project mailing list, and comments that are outside the scope of the project are classified as "other" comments. The comments are considered nonsubstantive and generally do not require further agency action, although BLM responded to such requests for copies of the Draft RMP/EIS by providing such copies wherever possible.

The results of the content analysis were important to the development of the Proposed RMP/Final EIS. From the nearly 80,000 total submissions that BLM received on the Draft RMP/EIS and the two Supplements, it extracted about 4,100 individual substantive comments. As required by law, BLM has summarized these comments in this Proposed RMP/Final EIS and has presented them, along with a response, in the attached CD according to commentor or category.

5.6.3 Comments and Responses

Public Comments on the Draft RMP/EIS

The BLM and the EPA published the NOA for the Price Draft RMP/EIS for public review and comment in the *Federal Register* on July 16, 2004. This initiated the 90-day public comment period; however, public requests extended the public comment period for another 45 days, which concluded on November 29, 2004. A majority of the comments on the Draft RMP/EIS focused on the issue of multiple use or the need to balance opportunities for recreation and mineral and energy development while protecting the natural, wildlife, and cultural resources of the area. This conflict between concern for public access and economic viability and the concern for protecting natural resources is a recurrent theme. Comments favoring increased regulations generally recognize the need for access to and use of the public lands. Those opposed recognize the need for restrictions. The difference lies in the extent of restriction commentors believe to be necessary. The difference lies in the extent of restriction commentors accept to be necessary. The degree of acceptable restriction derives from whether commentors' values emphasize the land itself or the public right to use the land.

There are those who find it necessary to preserve public lands from what they view to be ecologically damaging activities, such as energy development and OHV use, and their view is that the manner in which this plan promotes management of these resources fails to protect lands that contain significant cultural, geologic, scenic, recreational, and plant and wildlife habitat from economic interests. These commentors found it unnecessary to open more land to resource extraction at the risk of degrading resources.

Many comments supported the preferred alternative in the Draft RMP/EIS as a method to manage public lands effectively with minimal environmental damage and serve legitimate human needs. This principle does not reflect lack of concern for the environment and disregard for potential damage from human activity; rather, these comments asserted that multiple use under the RMP should ensure oil and gas activities are managed for the benefit of the energy-consuming public. The following subsections detail a representative list of comments and questions that the public had concerning the Draft RMP/EIS and BLM's response to them. Table 5-9 is a list of all commentors on the Draft RMP/EIS.

Table 5-9. Commentors on the 2004 Draft RMP/EIS

<u>Organizations</u>		
• Adventure Bound River Expeditions	• Sarah Evershed	• Bethany Menkart
• Aircraft Owners and Pilots Association	• Eric Ewert	• David Merriam
• AKD Corp	• Steve Ewing	• Amanda Metz
• American Gas Association	• Julio Facelli	• Gary Meunier
• American Rivers, Inc.	• Kirk Fackrell	• Lori Michutka
• Anadarko Petroleum Corp.	• Jason Faith	• Kiley Mickelsen
• ARARA Conservation Committee	• Gaynol Fales	• Paul Mickelson
	• Matt Farmer	• Mike Milius

- Arch Coal and
Subsidiary Canyon Fuel
Com
- Archaeological Legacy
Institute
- Arizona Wilderness
Coalition
- ATVA
- Berco Resources
- Bill Barrett Corporation
- Bjork Lindley Little PC
- Blue Ribbon Coalition
- Bookcliff Rattlers
Motorcycle Club
- Bureau of Reclamation -
Provo Office
- Burlington Resources
Oil & Gas Company L
- Californians for Western
Wilderness
- Carbon County
- Carbon County
Recreation
- Carbon Emery
Motorcycles Association
- Castle Country King
Crawlers
- Castle Country OHV
Association
- City of Castle Dale
- Colorado River and Trail
Expeditions
- Dept Natural Resources
- Desert Survivors
- Dolar Energy, L.L.C.
- Dominion Exploration
and Production, Inc
- Duchesne County
Chamber of Commerce
- Duchesne County
Commission
- Dunes and Trails ATV
Club
- Economics Dpt.,
University of Montana
- Paul Farnsworth
- Priscilla Farrall
- Christine Farrell
- Bob Felter
- Jeremiah Ferguson
- Tom Ferguson
- Delynn Fielding
- Larry Filener
- Doreen Finley
- Nancy First
- Janine Fitzgerald
- Jerry Flesher
- Charles Fligel
- Bobbie Dee Flowers
- Julie Ford
- John Fotheringham
- Gene Foushee
- Stephanie Fowler
- Garth Frandsen
- Ed Friedman
- Jack and Peggy Friesen
- Darryl Fuller
- G. Fullmer
- Bryant Furness
- Nick Furness
- Pat Furness
- Ben G.
- Dennis Miller
- Jack Miller
- Lindsey Miller
- M. Stephen Miller
- Michele Miller
- Pam Miller
- Ray Miller
- Susan Miller
- Carole Milligan
- Bonnie Million
- Steve and Candy Milner
- Michael Milovich
- Mary Minton Davis
- James Mohr
- Amie Mollack
- James Moore
- Jeff Morse
- Rich Moser
- Rich Moser
- Anne Moss
- David Moss
- Robert Moss
- Leon Motte
- Julie Mountain
- Al Mowbray
- Reinhard Mueller
- John Mullarkey

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|--|-------------------------|-----------------------------|
| • Emery County Economic Development Council | • Natalie Gabel | • Brian Murdock |
| • Emery County Public Lands Department | • Paul and Laura Gajdos | • Eliza Murphy |
| • Emery County Weed and Mosquito Dept | • Glory Galbraith | • Tim Murphy |
| • EOG Resources, Inc. | • Michael Gannon | • Leon and Jean Nardi |
| • FAF Management | • David Garbett | • Mark and Stephanie Natt |
| • Findlay Wellsite Supervision | • Dale Gardner | • Andrew Nelson |
| • Flying J Oil & Gas | • Lynn Gargill | • Belinda Nelson |
| • Forest Ridge Trail Riders | • Susie Garretson | • Bonnie Nelson |
| • Friends Cmte On Unity W Nature | • Kyle Garrett | • Dan Nelson |
| • Friends of Nevada Wilderness | • Wesley Garrett | • Emily Nelson |
| • Gasco Energy Company | • Jan Garton | • Joy Nelson |
| • Gathering Waters Conservancy | • Gerald Gaston | • Otis and Lynne Newbold |
| • Glen Canyon Group, Utah Chapter Sierra C | • Aaron Gaudin | • Scott Newman |
| • Grant From William and Flora Hewlett Fou | • Marla Gault | • Joe Newton |
| • Great Basin Institute | • Carmen Giancana | • Gary Nichols |
| • Great Old Broads for Wilderness | • Annie Gibbons | • Larry and Kristen Nilssen |
| • Green River Economic Action Team | • J. Gibson | • Lawrence Nilssen |
| • Heart Warriors Confederacy UK | • Mark Giese | • John and Laura Ninnemann |
| • High Sierra Motorcycle Club | • Seldon Gifford | • Ruxton Noble |
| • Howard County Bird Club | • Kent Gilbert | • Shauna Norrbom |
| • Huntington Cleveland Irrigation Company | • Mike Gilliland | • David Northcutt |
| • Independent Petroleum Association of Mountain States (IPAMS) | • Richard Gilman | • Clay Northrop |
| • Kelsey Publishing | • Joe Ginsburg | • Robert Norton |
| • Matchbook Maps LLC | • Patricia Glackin | • John Nutting |
| • MDE Engineers, Inc. | • Alexis Goble | • Linda O Brien |
| • Moki Mac River Expeditions, Inc. | • Rick Goldstein | • Maxine O Connell |

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|--|--------------------|---------------------------|
| • Montana Aeronautics Division, Department | • Andrea Gough | • Evann O Donnell |
| • Montana Pilots Association | • John Gould | • Mike O Steen |
| • Mountain Flying Videos | • Mainly Grace | • Richard Obrien |
| • National Outdoor Leadership School | • Dale Grange | • Allyson Oconnor |
| • New England Trail Rider Association | • Leslie Gray | • Chris Olsen |
| • New Yorkers For Utah Wilderness | • Donald Greenwood | • Craig Olsen |
| • Nichols Expeditions | • Lucy Greer | • Michael Olsen |
| • North American XJ Association, Intermountain | • David Grey | • Ruth Olsen |
| • Office of the Attorney General | • Roland Griffith | • Lynn Oneil |
| • Outdoor Industry Association | • Jonathan Groene | • Chris Orndorff |
| • Pacificorp | • Howard Gross | • Nancy Orr |
| • Pocatello Trail Machine Association | • Ravi Grover | • William Orth |
| • Prepaid Legal | • Judith Gulden | • Dennis Ostermiller |
| • Public Lands Advocacy | • Gary Gundlach | • Vicki and Mark Overfelt |
| • Public Lands Counsel, National Trust For | • Ige Gustavson | • Don Owens |
| • Redtail Aviation | • Margene Hackney | • Stephen Pace |
| • Ride With Respect | • Jack Hadden | • Linda Padula |
| • Robert L. Bayless, Producer LLC | • Amy Hadden Marsh | • Michael Parker |
| • Rubicon Trail Foundation | • Dale Hadley | • Reece Parker |
| • Sage Riders Motorcycle Club | • Maxine Haggerty | • Robin Pavesi |
| • San Rafael Ranch | • Roger Haglund | • Michael Pendleton |
| • Scientific Geochemical Services | • Robert Hale | • Missy Perkes |
| • SE Utah Assoc of Local Governments | • Marty Hall | • Chris Perri |
| • Sheri Griffith Expeditions | • Harvey Halpern | • William Perritt |
| • Snake River Trail Machine Riders Association | • Chad Hamblin | • Dirk Peterjohn |
| • Southeastern OHV Club | • Clint Hamilton | • Rachel Peters |

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|---|------------------------|----------------------|
| • Southern Utah Wilderness Alliance | • Bruce Hammon | • Wayne Peters |
| • SPEAR | • Keith Hammond | • Kent Petersen |
| • State Of Utah | • David Hanna | • Arthur Peterson |
| • State of Utah, Office of the Attorney General | • Alma Hansen | • Tim Peterson |
| • Stone Energy Corporation | • Lourey Hansen | • David Petty |
| • Tavaputs Ranch | • Mary and Judy Hansen | • Tom Pfaff |
| • The Nature Conservancy of Utah | • Russell Hansen | • Melissa Pilkington |
| • The Wilderness Society | • Steven Hansen | • Chris Plumb |
| • Twin Cities Trail Riders | • Virginia Hansis | • Kathleen Pollett |
| • U.S. Environmental Protection Agency | • Evan Hanson | • Barb Pollyea |
| • U.S. Fish and Wildlife Service | • Penelope Hanson | • Lisa Poppleton |
| • Uintah County | • Michael Haraldson | • Shawn Porter |
| • UT/AZ ATV Club | • Kara Harbert | • John Potter |
| • Utah Back Country Pilots Association | • Harry Harden | • Susan Potts |
| • Utah Cattlemens Association | • Margarite Hargrave | • Joan Powell |
| • Utah Division of Aeronautics | • Steve Harless | • David Pratt |
| • Utah Farm Bureau Federation | • David Harrison | • Tracey Price |
| • Utah Mining Association | • Amy Hartline | • Rebecca Procter |
| • Utah Rivers Council | • Brit Harvey | • Michael Quinlan |
| • Utah Shared Access Alliance | • Paul Hauser | • Rosemarie Quintal |
| • Warriors Society | • Robert Hawkins | • Larry Rader |
| • Wasatch Mountain Club | • Linda Haynes | • Michael Radkowsky |
| • West Ridge Resources, Inc. | • Mike Headrick | • Bill Rainbolt |
| • West Winds Truck Stop | • Joan Heaps | • Michael Ralphs |
| • Westport Oil & Gas | • Hannah Hebertson | • Diane Rambo |
| • White Mountain Open Trails Assoc | • Nicholas Hebertson | • April Rampton |
| • WSATVA | • Peter Hebertson | • Jonathan Ramsey |
| • XTO Energy | • Bill Heffner | • Brad Rasmussen |
| • 'Zu Zoo, Inc. | • Lorraine Heh | • Brian Rau |

Individuals

- Karen Achor
- Ann Adams
- Kent Adams
- Perry Adams
- Art Addie
- David Addison
- Lori Adkison
- Eric Adman
- Will Alexlinde
- Wade Allinson
- Keith Allred
- Linda Alsop
- Amy Anderson
- Gayle Anderson
- Milan Anderson
- Sheryl Anderson
- Catherine Andrulis
- Ron Apfelbaum
- Rose Marie Araya
- Louis Arevalo
- Iris Arno
- Dick Artley
- Robert Askerlund
- Ed Askew
- Ed Askew
- Danny Astill
- Anamarie Aurielle
- Marty Auriemma
- Colleen Back
- Lee Badger
- Byron Baird
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- Kathryn Baker
- Pamela Baker
- Eric Balken
- Jeanne and Rich Bando
- Layne Barber
- Steven Barger
- Matthew Heimburger
- Josh Heino
- Gernot and Ava Heinrichsdorff
- Dave Helgeson
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- Mary Jean Hendrie
- Paul Henry
- Peter Henry
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- Patrick Huber
- Rainer Huck
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- William Hughes
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- Denim Reed
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- Lyle Jones
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- George Cecil
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- Dave Christman
- Kari Christman
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- Zachary Clark
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- Tom Kreuser
- William Krompel
- Thomas Kronke
- Mary Kubiak
- Tom Kuo
- Bill and Justine Kusner
- Robert Labree
- Alicia Lafever
- Larry Laffoon
- Jason Laflamme
- R. Wade Lambert
- Wade Lambert
- Burt Lamborn
- De Vee Lange
- Don Lansberry
- Clovis Lark
- Gail Larrick
- Brett Larsen
- Lane Lasrich
- Karen Latvala
- Miki Laws
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- Sandra Taylor
- Trent Taylor
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- Dusty Thomas
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- Robert Tyler
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- Richard Ulrich

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- Peggy Collins
- Pat Condron
- Donna Coomer
- Lynn Coray
- Deanna Corbitt
- Keith Cordingley
- Violet and William Corkle
- Michael Coronella
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- Adam Cortis
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- Scott Coykendall
- Michael Coyle
- Dave Cozzens
- Dorothy Crandall
- Wes Craven
- Diane Creighton
- Philip Croll
- Chris Crumal
- Rich and Debra Csenge
- Loren Cullum
- James Culver
- Nada Culver
- Charles Culwell
- Diane Curewitz
- Cliff Curry
- Michael Cussins
- Eric Dahl
- Priscilla Damon
- Kathleen Dantonio
- John Dargis
- Lois Darnell
- Clayton Daughenbaugh
- Merrick Davidson
- Brett Davis
- Clark Layton
- Cynthia Leigh
- Jerry Lemieux
- Virginia Lemine
- Kenny Leo
- Angela and Karl Leonard and Odom
- Tom Lepry
- Abe Levy
- Pat Levy
- Ann Libengood
- Lloyd Liebetrau
- Toni Liechty
- David Lien
- Dan Lilja
- Sandra Lillie
- Marcia Lincoln
- Rebekah Lindberg
- Randy Lindsey
- Donald Lipmanson
- The Lisenbee
- Christopher Lish
- Maria Little
- Sarah Little
- Dale Livingston
- Heather Livingston
- Steven Lloyd
- Anne Lobdell
- John Lohse
- Randy Long
- John Longwell
- Mike Looney
- Brick Loring
- Perry Loughridge
- Charles Love
- Larry Luckinbell
- David Ludlam
- Rick Luttmann
- Steve Lwekes
- Ben Mabbutt
- Jackson Underwood
- Tom Unger
- Jon U-Ren
- Jerry Vaculin
- Tom Van Diepen
- Taylor Van Horne
- Greg Van Wagoner
- Marilyn Van Zandt
- Michael Vandeman
- Gerry Vanderbeek
- Frank Vaydik
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- Thomas Wark
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- David Warren
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- Joseph Weixelman
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- Lee Wentz

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- Jeff Davis
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- Paula Davis
- Michael Decker
- Richard Deegan
- Carol Defrancia
- Robert Degroot
- Patricia Dement
- Mr and Mrs James Denison
- Glynn Dennis
- Jadene Denniston
- Brock Dethier
- Kasey Dethlifs
- Lee Dexheimer
- Dawna Dinkins
- David Dodson
- Trish Doherty
- Elizabeth Donaldson
- Tara Downer
- Deeann Downing
- Derek Dowsett
- Denise Dragoo
- Mathew Draper
- Darcy Dugan
- John Dugan
- Brenda Dugmore
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- Lee Duncan
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- Theresa Dunwoods
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- Pete and Chris Eakle
- Vince Eccles
- Carolyn Edelmann
- Rod Maclellann
- Logan Macmillan
- Luan Fauteck Makes Marks
- Diane Mandler
- Amanda Mangold
- G.C. Manley
- Anthony Mann
- Chuck Manning
- Robert Manning
- Karen Mara
- John Marflitt
- Gus Marinos
- Ty Markham
- Michael Marsolek
- Robert Martin
- Dorena Martineau
- Cassidy Martinez
- Mike Maskalans
- Susie Mason
- Jim Matheson
- Michael Mathiesen
- Jaxon Matthews
- Mycah Mattox
- Kenneth Mattus
- Jim Maucker
- Kelly Maxfield
- John Maxwell
- Jim Mays
- Bonnie McAllester
- David McAllister
- Roberta McAlpine
- Patricia McCabe
- Michael McCandless
- Meredythe McCarthy
- Ben and Karen McClinton and Rosenbaum
- Rayo McCollough
- Kate West
- Tom Wheatley
- Jeanne Wheeler
- Virginia Wheeler
- A. E. White
- Ann White
- Patrick Whiting
- Bonnie Whitney
- Prudy Widlak
- Ross Wilberg
- Craig Wiley
- Richard Wiley
- John Will
- Mark and Terry Williams
- Steve Williams
- Sara Willis
- Howard Wilshire
- Carla Wilson
- Christopher Wilson
- Heggie Wilson
- Kent Wilson
- Scott Wilson
- Jeff Winegar
- Amy Winter
- John Wise
- Larry Witt
- John Witte
- Eleanor Wolf
- Michael Wolfe
- James Wood
- Jason Wooden
- Pattie Woods
- Sarah Woolsey
- Crista Worthy
- Clay Wright
- Jaki Wright

- Jim Edelson
- Richard Edwards
- Thomas Egan
- Matthew Ehrman
- Scott Eidson
- Camilia El-Bardisy
- Larry Ellertson
- David Elliott
- Larry Ellison
- Tom Emanuel
- Lorna Emdy
- Brunie Emmanuel
- Robert Enriquez
- Kevin Erwin
- Jim Essler
- Barbara Eubanks
- Deborah Evans
- Michael Evans
- Breanne McConkie
- Katherine & Michael McCoy
- Jon McEvers
- Kurt McFarlane
- Carolyn McGaughey
- Martin McGregor
- Scott McKay
- Colleen McKeage
- John McKenna
- Damon McLaughlin
- Lila McPharlin
- David McQueary
- Richard McSwain
- James McVey
- Kathleen Means
- Julie Medbery
- Rosemary Meier
- Garrett Meigs
- Karen Wright
- Marilyn Wright
- Sarah Wright
- Gary Wulfenstein
- Bryan Wyberg
- Carmel Yaigur
- Lawrence Young
- Don Youngdahl
- Lanie Youngman
- Tom and Ann Yuill
- Philip Zacharczyk
- Bradley Zane
- Andrew Zeiler
- Robert Zucchi
- E.B. Zukoski
- Gary Zvitt

Summary of Major Comments, Concerns, and Issues

The most commonly addressed themes included: OHV route designation, specials designations (ACECs, WSRs and wilderness values), recreation, and minerals/energy development. The following general comments and responses (GCR) represent a cross section of the comments received. These GCRs answer many public comments and are referred to in the response by GCR number. A complete listing can be found on the enclosed CD.

GCR 1: *This plan does not take into consideration the needs of all public lands users. Whatever happened to the idea of multiple use? Too many or too few areas are closed for OHV use, camping, recreating and other public uses. All areas should be open for public use and enjoyment.*

Response: The Federal Land Policy and Management Act (FLPMA) requires RMPs to be “multiple-use plans”. The term “multiple use” as defined in (FLPMA) means “the management of the public lands and their various resource values so that they are utilized in the combination that will best meet the present and future needs of the American people.” This direction indicates that not all uses need to be accommodated in all areas or at the same time. The Proposed RMP/Final EIS evaluates a range of alternatives in detail to assure a balanced approach that allows BLM to protect the resources and resource uses is considered. The management actions in the Proposed RMP are designed to ensure that certain resource values such as wilderness characteristics and riparian areas are protected while allowing opportunities for motorized and non-motorized recreation, mineral exploration and development and other resource uses.

GCR 2: *BLM has failed to meet the requirements of NEPA by not providing a reasonable range of alternatives.*

Response: CEQ regulations for the implementation of NEPA (40 CFR 1502.1) require BLM to consider reasonable alternatives, which would avoid or minimize adverse impacts or enhance the quality of the human environment, based on the nature of the proposal and facts in the case (CEQ 40 Most Asked Questions 1b.). While there are many possible management prescriptions or actions, the BLM used the scoping process to identify a reasonable range alternatives that address the issues, concerns, and alternatives identified by the public.

BLM began development of the range of alternatives early in the RMP process through internal and public scoping (January 2002) and coordination with cooperating agencies. Each alternative, except for the no-action alternative, represents an alternative means of satisfying the identified purpose and need, and of resolving issues. In response to public comment and case law BLM analyzed a sixth alternative, Alternative E, in the Supplement to the Draft RMP/Draft EIS. Alternative E would manage the public lands administered by the Price Field Office with an emphasis on protection of non-WSA lands with wilderness characteristics. The Proposed RMP is a seventh alternative which incorporates changes to Alternative D which is identified as the preferred alternative in the Draft RMP/EIS. As stated by the Council on Environmental Quality (CEQ-40 Most Asked Questions, 46 Fed. Reg. 18026, March 23, 1981 as amended) when there are potentially a very large number of alternatives, only a reasonable number of examples, covering the full spectrum of alternatives, must be analyzed and compared in the EIS.

For the Final RMP BLM can choose management actions from within the range of the alternatives presented in the DRMP/EIS and can create a management plan that is effective in addressing the current conditions in the planning area based on FLPMA's multiple-use mandate.

The term “multiple use” as defined in FLPMA means “the management of the public lands and their various resource values so that they are used in the combination that will best meet the present and future needs of the American people.” This direction indicates that not all uses need to be accommodated in all areas. The Draft and Final RMP/EISs include a detailed evaluation of a full range of alternatives to ensure that a balanced approach including protection of resource values and sensitive resources as well as opportunities for resource use and production is considered.

GCR 3: *The Draft RMP/EIS does not provide specific actions to protect water quality and riparian/wetland areas.*

Response: Specific actions designed to protect and enhance riparian and wetland areas have been adopted and are stated in Chapter 2 of the Draft RMP/EIS and Proposed RMP/FEIS. As discussed in Section 2.16 of the Draft RMP/EIS and 2.3 of the Proposed RMP/Final EIS, under all alternatives BLM would manage uses to minimize and mitigate damage to soils, including critical soils and biological soil crusts; prevent excessive soil erosion, maintain or restore the chemical, physical, and biological integrity of the area's waters; improve streams listed as water quality limited and prevent listing of additional streams under the Clean Water Act, Section 303(d);

GCR 4: *The Draft RMP/EIS does not provide sufficient protection for endangered or sensitive species or does not provide enough protection for special status species.*

Response: Section 2.3 of the Proposed Plan/Final EIS lists the goals and objectives for management of Special Status Species.

GCR 5: *The Draft RMP/EIS does not provide sufficient protection for sensitive plant species.*

Response: See GCR 4 regarding protection of special status species. BLM's Standards for Rangeland Health provide the guidance for preparation of land use plans and are the basis for development of planning area-specific management objectives (Utah BLM Standard 3, “Desired species including native, threatened, endangered, and Special Status Species, are maintained at a level appropriate for the site and

species involved”). This is specifically intended to provide healthy habitats for rare plants. Utah BLM Sensitive Species are protected to not cause undue harm or the need to list the species. “Avoidance” of surface disturbing activities is used to prevent any destruction of the species unless no other feasible alternative is possible, and then the Authorized Officer may apply mitigation. Protection measures are also implanted in coordination with USFWS and UDWR from recovery plans and conservation agreements. BLM is responsible for ensuring that management actions are consistent with the conservation needs of the species and that management does not contribute to the need to list the species. Detailed species-specific information will be included as part of the completed biological assessment, which will be incorporated by reference. Information contained in the affected environment (Chapter 3) and impact analysis (Chapter 4) is compatible with the conservation measures identified by the US Fish and Wildlife Service in response to the Biological Assessment. BLM has conducted the ESA Section 7 consultation process concurrently with preparation of the EIS. The Committed Conservation Measures and affect findings from the BA are provided in Appendix D, Proposed RMP/Final EIS. BLM will complete consultation with the USFWS before the ROD and Final RMP are issued. Additional mitigation requirements resulting from the Section 7 process will be included in the ROD and implemented at the project activity level.

GCR 6: *The Draft RMP/EIS does not provide access for hunting and game retrieval. The BLM should not control wildlife populations. BLM must recognize and support the role of the Utah Division of Wildlife Resources (UDWR) in managing wildlife and fisheries populations and in regulating hunting and fishing.*

Response: BLM manages habitat rather than wildlife populations. Management of federally listed, proposed, or candidate species or suitable habitat for the same species is under the Jurisdiction of the USFWS. Hunting of upland wildlife populations including big game, small game and furbearers is under the jurisdiction of the Utah Division of Wildlife Resources (UDWR). USFWS and UDWR are responsible for determining game management goals and target populations. Long-term goals for habitat are defined by BLM through the Standards for Rangeland Health and Proper Functioning Conditions for streams, wetlands, and riparian. Section 2.3 of the Proposed RMP/Final EIS identifies BLM support for hunting as part of the goals and objectives for all alternatives. The impact of road closures on hunting access is identified in Section 4.3.3 of the Proposed RMP/Final EIS. Impacts of decisions on wildlife and habitats are analyzed in Section 4.2.8.

GCR 7: *This plan does not provide for management of wildlife, special status species, or management for wildlife and special status species is too restrictive.*

Response: See GCR 4. Management of federally listed threatened and endangered species, designated critical habitat, and species and habitat proposed for listing, are directed by the Endangered Species Act. Under BLM Manual 6840, BLM is required to manage habitat for candidate species for federal listing, BLM sensitive species, and state-listed species in a manner that will ensure that all actions authorized, funded, or carried out by the BLM do not contribute to the need for the species to become listed. Committed mitigation measures developed in cooperation with FWS are detailed in Appendix D, Proposed RMP/Final EIS.

GCR 8: *The BLM must be clear in regard to game management goals and management of game populations, especially with respect to how they affect range management, proper functioning condition. Some commented on the need for mitigation measures for impacts from wildlife management.*

Response: See GCR 6. Chapter 4 of the Proposed RMP/Final EIS analyzes the impacts of wildlife management on other resources and uses and Appendix G presents the exception, modification and waiver criteria that could be applied to mitigate the impacts of wildlife management on other resources and uses.

GCR 9: *The Draft RMP/EIS does not adequately describe BLM's cultural resource protection procedures or adequately analyze the impacts of development on cultural and/or historic resources.*

Response: BLM is consulting with the State Historic Preservation Officer per the National Historic Preservation Act relating to the management decisions in the Proposed RMP/Final EIS (see Appendix E). The alternatives provide appropriate and adequate protection and use of the various resources in the planning area. When making land use plan decisions, BLM complies with all laws, policy, and regulation, which do not require all cultural resources to be preserved nor that all impacts on cultural resources be mitigated on a site-by-site basis. The cumulative impacts analysis has been revised to include more specific impacts on cultural resources.

GCR 10: *Trails, OHV routes, transportation routes, and roads should be left open for access and continued enjoyment of public lands, such as the San Rafael Swell. Closures concentrate people rather than dispersing them, which affects remoteness and seclusion or more OHV/ORV restrictions are needed for the protection of WSAs and other resources and uses.*

Response: BLM has the authority to close routes that cause resource damage or no longer serve any purpose. Under the Proposed RMP redundant routes (multiple routes going to the same place) or routes that appear to serve no purpose are not being considered for designation. Potential conflicts between OHV and non-motorized uses have been taken into consideration in the route designation process. Cross country travel by motorized vehicles is not allowed under any of the proposed alternatives, except the No Action Alternative. No "open areas" have been identified in the Proposed RMP, but cross country OHV travel would be considered for areas under Recreation and Public Purposes Act (R&PP) leases adjacent to or near incorporated towns in previously disturbed areas. Recreational demands and opportunities as well as management of current trails have been carefully analyzed in this document and in the San Rafael Route Designation Plan. The Proposed RMP is designed to balance protection of natural resources and other resource uses while allowing for public access and transportation through the area. Travel management activity planning would include public involvement and analyze impacts at the site-specific level. Travel management planning is dynamic and is anticipated to change as resource demands and uses change. The Proposed RMP does not contemplate designating all existing routes. The BLM, with assistance of its cooperators (including Carbon and Emery Counties) has evaluated these routes against a standard set of criteria to consider resource impacts, safety considerations, landscape settings and recreational opportunities. These criteria include cultural resources, watershed, special status species, wildlife, and other uses. A travel management plan that would be prepared to implement the RMP would address signing and enforcement and could address changes in route designations if appropriate. The Draft RMP/EIS and Proposed RMP/Final EIS analyze a range of alternatives to assure that a balanced approach that allows BLM to protect the resources and resource users is considered. In addition, WSAs are being managed to preserve their wilderness values in accordance with BLM's Manual H-8550-1 titled "Interim Management Policy and Guidelines for Lands Under Wilderness Review" which allows vehicle use to continue on existing ways so long as wilderness values are not impaired. Further, with exception of Alternative E, none of the alternatives would change the San Rafael Motorized Route Designation plan of February 2003. The criteria developed in that plan have been applied to the remainder of the Price planning area.

GCR 11: *RS 2477 assertions should or should not be recognized and resolved in the RMP. The RS 2477 language should be consistent throughout the RMP/EIS.*

Response: BLM does not have the authority to resolve RS 2477 right-of-way assertions in the Proposed RMP/FEIS. Such assertions can be settled administratively on a case-by-case basis or as confirmed through other legal means (see Chapter 1.6, Planning Criteria). The RS 2477 language in the Proposed RMP/Final EIS has been written to eliminate inconsistencies.

GCR 12: *The network of user-created ORV routes in the Price district threatens to impair wilderness values. The RMP should minimize motorized use in the Price RMP planning area and provide clear and effective enforcement policies to prevent motorized intrusion into non-motorized travel areas. It should prohibit ORV use in wilderness study areas, BLM-inventoried wilderness lands, areas proposed for wilderness designation under the Redrock Wilderness Act, critical wildlife habitat, riparian areas, wetlands, and other fragile ecosystems. BLM should establish a balance between motorized and non-motorized travel; including an effective trail enforcement plan. The Castle Country Heritage Plan is a balanced approach.*

Response: See GCR 10. BLM has the authority to close routes that cause resource damage or no longer serve a purpose. Under the Proposed RMP, redundant routes (multiple routes going to the same place) or routes that appear to serve no purpose designation. Potential conflicts between motorized and non-motorized uses have been taken into consideration in the route designation process. Recreational demands and opportunities as well as management of current trails are analyzed in this Proposed RMP/Final EIS. The recreational motorized route designations in the Proposed RMP are designed to balance protection of natural resources and uses while allowing for public access and transportation through the area. BLM, with the assistance of its cooperators (including Carbon and Emery counties), has evaluated these routes against a standard set of criteria to consider resource impacts, safety considerations, landscape settings, and recreational opportunities. These criteria include cultural resources, watershed, Special Status Species, wildlife, and other uses. During activity level planning or as resource conditions warrant, route designations may be changed. Open areas will be considered on a case-by-case basis under the Recreation and Public Purposes Act (R&PP) for previously disturbed areas near communities. Several trail systems are being established for OHV use. Most routes designated for motorized use do not include vehicle type restrictions. Motorcycle routes include the Chimney Rock/Summerville Trail System, Temple Mountain Motorcycle Trails, and Waterfall Trail. Routes for vehicles 52 inches or less in width include portions of the Behind the Reef Route and portions of the Chimney Rock/Summerville Trail System. Also see GCRs 35, , and 144.

GCR 13: *The EIS should analyze impacts to specific resources and uses such as the impact of dust on cultural resources and recreation in Nine Mile Canyon and the, disturbance of vegetation by oil and gas development, OHVs and other activities.*

Response: The analyses of impacts to specific resources and uses resulting from management of other resources and uses have been expanded between the Draft RMP/EIS and the Proposed RMP/Final EIS and are discussed in Chapter 4, Environmental Consequences. Specific comments are addressed on the Compact Disc that accompanies this Proposed RMP/Final EIS

GCR 14: *The preferred alternative should ensure that opportunities for non-motorized recreation would not be degraded by other resources uses such as OHV use and oil and gas development. The BLM should provide for non-motorized recreation and preservation so hikers do not have to listen to noise created by vehicles and mineral exploration and development*

Response: See GCR 1. The Proposed RMP/Final EIS evaluates a range of alternatives in detail to assure that a balanced approach that provides opportunities for non-motorized recreation while allowing appropriate levels of motorized recreation and mineral exploration and production is considered. Impacts on recreation from other resource management decisions and actions are addressed in Section 4.3.3 of the Proposed RMP/Final EIS.

GCR 15: *OHV use and recreation in general would not be sufficiently regulated by the BLM under the preferred alternative.*

Response: See GCR 12. The DEIS evaluated a range of alternatives in detail to assure a balanced approach that allows opportunities for non-motorized and motorized recreational uses as well as resource

extraction and use is considered. The management actions in the Proposed RMP are designed to offer management flexibility to ensure that resource values and uses are protected while providing a diversity of recreation opportunities for user groups and individuals. Some portions of the planning area would be closed to OHV use while in other areas use would be limited to designated roads and trails. Camping would also be regulated with respect to water locations and areas could be closed to camping if resource damage occurs. Special recreation use permits within the planning area would be issued only when consistent with plan objectives. Signing and law enforcement will be considered as part of a Travel Management Plan following completion of the RMP.

GCR 16: *BLM should or should not, require oil and gas companies to use directional drilling throughout the planning area.*

Response: Directional drilling is and under the Proposed RMP would be considered where possible. It is one of many mitigation measures that have been used successfully in the planning area. However, directional drilling is not possible for all wells given geology, topography and certain technical issues. The lessee (operator) in consultation with the BLM ultimately decides the method of drilling based on site specific conditions and the objectives for drilling. If conditions allow, BLM would require directional drilling after site-specific analysis for approval of APDs.

GCR 17: *BLM should recognize valid existing rights and not impose additional restrictions upon valid and existing leases where operators currently comply with existing laws protecting water, air, cultural and other resources.*

Response: Valid existing must be recognized by BLM and do not require specific planning decisions to implement. As noted in Chapter 1 under Planning Criteria and as outlined in the BLM's Land Use Planning Manual (Section 1601.06G), all decisions made in land use plans and subsequent implementation decisions are subject to valid existing rights. The BLM will work with and subject to the agreement of holders of valid existing rights to modify proposed actions or activities to reduce the effect of the actions or activities on resource values and uses. These modifications may be necessary to maintain the choice of alternatives being considered during land use plan development and implementation, and may include appropriate stipulations, relocations, redesigns, or delay of proposed actions.

GCR 18: *The Draft RMP/EIS does not provide for an adequate level of oil and gas development and does not provide for an adequate balance with other resource uses.*

Response: See GCR 1. BLM's Land Use Planning Handbook, H-1601-1, requires consideration of many factors in the development of alternatives (i.e. meet the purpose and need for the action; meet the goals and objectives for the plan; can be feasibly carried out based on cost, logistics, technology, and social and environmental factors; represents a different land use plan that addresses and/or resolves the planning issues; decisions may be common to some or all of the alternatives; components of each individual alternative must be complementary; and developed in an open, collaborative manner to the extent possible). With cooperators assistance and public input, BLM has met the handbook requirements. The alternatives analyzed in detail would provide for a broad range of oil and gas leasing and subsequent development.

GCR 19: *Designating virtually every identified existing route and trail as a motorized route is not a prudent approach to dealing with motorized recreation. Allow for a reasonable balance between motorized and non-motorized travel -Include an effective trail enforcement plan. -Completely prohibit all cross-country motorized travel. Designate and clearly sign motorized routes, but only where conflicts with other users or resource values do not exist. We need to keep all of it open to ATV's. This land belongs to everyone and it should be left open to multiple use. The BLM must accurately disclose all changes that each alternative may make to the San Rafael Route Designation Plan. All of the popular OHV Trail Systems must remain open. The no action alternative shows that there are presently many large areas*

open to OHV use off designated trails. In none of the other alternatives are any of these open areas present. This is unacceptable and does not represent a full range of alternatives considering the present uses. This new management plan appears to close significant amounts of established roads and trails. Please do not leave out established OHV trails on the OHV Route Designation Maps.

Response: See GCRs 1, 10, and 12. The DEIS evaluated a range of alternatives in detail to assure a balanced approach that allows opportunities for non-motorized and motorized recreational uses as well as resource extraction and use is considered. The management actions in the Proposed RMP are designed to offer management flexibility to ensure that resource values and uses are protected while providing a diversity of recreation opportunities for user groups and individuals. The outcome of the final RMP and ROD will be a network of routes designated for motorized use that will be mapped, signed, and enforced. This map will be published and made available for public display and use. The marking of trails on-the-ground and enforcement will be part of implementation planned to begin after the ROD; however, issues related to site-specific planning decisions are being deferred to activity level planning and implementation, which will be completed after the completion of this plan. The Proposed RMP does not contemplate designating all existing routes. The BLM, with assistance of its cooperators (including Carbon and Emery Counties), has evaluated these routes against a standard set of criteria to consider resource impacts, safety considerations, landscape settings and recreational opportunities. These criteria include cultural resources, watershed, special status species, wildlife, and other uses. BLM has the authority to close routes that cause resource damage or that are redundant (multiple routes going to the same place). Potential conflicts between OHV and non-motorized uses have been taken into consideration in the route designation process. No “Open Areas” have been identified. Cross-country travel by motorized vehicles will not be allowed in the proposed plan. A multiple use travel plan that would include designating hiking or horse routes is not part of this phase of planning but will come later at the activity planning level. With the exception of Alternative E, all alternatives would carry routes covered by the San Rafael Motorized Route Designation plan of February 2003 forward into the RMP without modification.

GCR 20: *Alternatives do not state what will be closed and what will be open to OHV use. The maps are inadequate, incorrect, or difficult to read; specifically the Summerville/Chimney Rock and Humbug trail system, and Arapeen connector routes are not shown. Route information provided during scoping was not presented on the maps.*

Response: The Summerville/Chimney Rock Trail System, which was mentioned in the text of the Draft RMP, but inadvertently left off the preferred alternative map, are included in the proposed plan and map. Routes covered by the San Rafael Motorized Route Designation Plan (SRMRDP) of February 2003 were not shown on the DEIS maps. Additional review, in coordination with cooperating agencies, was given that resulted in the proposed route network. Additional reviews will occur as activity level planning is conducted. Route designations are shown on Maps 2-71 through 2-74 and Map 2-68 in the Proposed RMP/Final EIS.

GCR 21: *The BLM should continue to provide for the “casual use” of backcountry airstrips.*

Response: In 43 CFR 2800, casual use is defined as: “...activities ordinarily resulting in no or negligible disturbance of the public lands, resources, or improvements (e.g., surveying, marking routes, and collecting data to use to prepare grant applications).” The BLM recognizes that small aircraft, responsibly handled, cause minimal if any impacts to the resources or public lands in general, but it is not appropriate to try to list all of the uses that would fall under this definition. The Proposed RMP would not close any airstrip. Any future closure of existing backcountry airstrips would be done only on a case-by-case basis and would adhere to Section 345 of Public Law 106-914, which states that the Department of Interior cannot permanently close aircraft landing strips, officially recognized by State or Federal aviation officials, without public notice, consultation with cognizant State and Federal aviation officials and the consent of the Federal Aviation Administration. Landing strips damaging soil and water resources or

impeding agency compliance with existing laws and/or regulations may be closed following appropriate public notice, consultation and consent. Short-term closures are not affected by this provision. With regard to other airstrips mentioned in the comments, the following information is from the Utah Back Country Pilots Association website.

GCR 22: *The Draft RMP/EIS does not adequately protect Wilderness Study Areas (WSAs) or management of WSAs is too restrictive.*

Response: As described in Chapter 1, Section 1.6 of the Draft RMP/DEIS under the title “Planning Issues” WSAs are managed in accordance with the Interim Management Policy for Lands Under Wilderness Review (IMP, H-8550-1; BLM 1995). The WSAs are statutorily required, pursuant to FLPMA Section 603(c), to be managed to protect their suitability for Congressional designation. Applying a visual resource management objective of Class I and managing the WSA as either limited to designated ways or closed to OHVs are the only two decisions that this land use planning effort has authority to make. All other decisions for the management of WSAs are outside the scope of this RMP/EIS process.

GCR 23: *The Draft RMP/EIS should incorporate an invasive weed management program.*

Response: Under Section 2.7.3.1 of the Draft RMP/EIS and 2.3 of the Proposed RMP/Final EIS, Noxious/Invasive Weed Management, BLM would “work with Carbon and Emery counties to prevent the introduction or spread of noxious weeds and invasive species by applying mitigation measures, including monitoring and treatment.” Control of noxious weeds and the use of certified weed-free hay in grazing practices is addressed under Guideline 9 of the Standards for Rangeland Health and Guidelines for Grazing Management for BLM Lands in Utah and in Appendix 10 of the Draft RMP/EIS. Section 2.5.1 refers to access for the general public, whereas noxious and invasive plant prevention and control can be completed with administrative access including areas that the general public cannot access with motorized vehicles. The wording in Section 2.7.3.1 and 2.3 does not restrict management of invasive species not listed on state and county noxious and invasive weed lists, but uses these official lists as examples. The details associated with the cooperative agreements under this section will be discussed between BLM and each agency, which can include invasive species and disease organisms not on the official lists, if each party to the agreement deems the measures feasible and appropriate.

GCR 24: *The Draft RMP/EIS should incorporate noxious weed management.*

Response: See GCR 24. Under Section 2.7.3.1 of the Draft RMP/EIS and 2.3 of the Proposed RMP/Final EIS, Noxious/Invasive Weed Management, in BLM would “work with Carbon and Emery counties to prevent the introduction or spread of noxious weeds and invasive species by applying mitigation measures, including monitoring and treatment.” Control of noxious weeds and the use of certified weed-free hay in grazing practices are addressed under Guideline 9 of the Standards for Rangeland Health and Guidelines for Grazing Management for BLM Lands in Utah and in Appendix 10 of the Draft RMP/EIS. Section 2.5.1 refers to access for the general public, whereas noxious and invasive plant prevention and control can be completed with administrative access including areas that the general public cannot access with motorized vehicles. The wording in Section 2.7.3.1 and 2.3 does not restrict management of invasive species not listed on state and county noxious and invasive weed lists, but uses these official lists as examples. The details associated with the cooperative agreements under this section will be discussed between BLM and each agency, which can include invasive species and disease organisms not on the official lists, if each party to the agreement deems the measures feasible and appropriate.

GCR 25: *The Draft RMP/EIS needs to clearly identify and explain the suitability evaluations for each Wild and Scenic River segment.*

Response: The WSR Study Process, including suitability considerations for each eligible stream, is explained in detail in Appendix C of the Proposed RMP/Final EIS and has been revised since the Draft RMP/EIS.

GCR 26: The BLM does not have the authority to perform interim protective management of proposed Wild and Scenic River segments that are not yet approved by Congress.

Response: FLPMA gives BLM broad authority to manage the public lands, including management of eligible and suitable river segments. For eligible rivers, BLM's policy is to protect certain values identified in the eligibility determination process to ensure that a decision on suitability can be made. To accomplish this objective, BLM must manage to protect the free-flowing character, tentative classifications, and identified outstandingly remarkable values of eligible rivers according to the prescriptions and directions of the current, applicable land use plan per BLM Manual Section 8351.32C which states that BLM managers shall: "Manage any eligible or designated WSR so as to protect and enhance (if possible) and not degrade any identified outstandingly remarkable river values." Therefore, BLM is obligated to avoid or otherwise mitigate any adverse affects to these values in the interim until Congress has an opportunity to act on potential designations. The BLM Manual further states that should a determination on suitability not be made during the planning process, "the RMP must prescribe protective management measures to ensure protection shall be afforded the river and adjacent public land area pending the suitability determination" (Section 8351.33A).

GCR 27: The BLM eligibility determination excluded some river segments that should have been found eligible.

Response: The BLM PFO used the 1997 publication A Citizen's Proposal to Protect the Wild Rivers of Utah by the Utah Rivers Council during the evaluation of rivers potentially eligible to become congressionally designated Wild and Scenic Rivers. This information aided in the identification of outstandingly remarkable values for various streams that BLM identified as eligible. In some cases, however, an interdisciplinary team of resource specialists disagreed with the information or, more often, the significance of the information. In these cases, a rationale is provided in Table C-3 of Appendix C in the Proposed RMP/Final EIS.

GCR 28: BLM's Wild and Scenic River tentative classification determinations are not accurate.

Response: The tentative classifications established through inventory for an eligible river are considered in at least one alternative. However, because a river's tentative classification provides a framework for the management prescriptions applied within the river area, some flexibility is allowed to consider a range of tentative classifications in the alternatives. BLM's Wild and Scenic River Manual (Section 8351.33C.) states, "Additional alternatives may be formulated for any combination of designations and/or classifications. Whenever an eligible river segment has been tentatively classified, e.g. as a wild river area, other appropriate alternatives may provide for designation at another classification level (scenic or recreational)." Reasons for considering alternative tentative classifications include resolution of conflicts with other management objectives (whether BLM's or those of another official entity), continuity of management prescriptions, or other management considerations. Regarding protection of the San Rafael River's outstandingly remarkable scenic value, the majority of the river area, including that portion adjacent to the Wedge, is VRM Class I the Proposed RMP.

GCR 29: The Price RMP must be consistent with State and Local Plans.

Response: The BLM is aware that there are specific County and State plan decisions relevant to aspects of public land management that are discrete from, and independent of, Federal law. However, the BLM is bound by Federal law. The FLPMA requires that the development of an RMP for public lands must be coordinated and consistent with County plans, to the maximum extent possible by law, and

inconsistencies between Federal and non-Federal government plans be resolved to the extent practical (FLPMA, Title II Sec. 202 (c)(9)). As a consequence, where State and local plans conflict with Federal law there will be an inconsistency that cannot be resolved or reconciled.

Thus, while County and Federal planning processes, under FLPMA, are required to be as integrated and consistent as practical, the Federal agency planning process is not bound by or subject to County plans, planning processes, or planning stipulations. The BLM has identified planning conflicts in the Proposed RMP/Final EIS, so that the State and local governments may have a complete understanding of the impacts of the Proposed RMP on State and local management options. A consistency review of the Proposed RMP with the State and County Master Plans is included in Chapter 5.

GCR 30: *The Draft RMP/EIS fails to comply with laws that require BLM to protect lands that contain significant cultural, geologic, scenic, recreational, and plant and wildlife habitat as ACECs.*

Response: In compliance with 43 USC 1712(c) 2 and 1702(a), the BLM reviewed all nominated ACECs as specified in BLM Manual Section 1613-1. Nominations were evaluated based on relevance and importance criteria in 43 CFR 1610.7-2 and BLM Manual 1613-1-11 and 12. Areas that met both importance and relevance criteria were considered as potential ACECs in the Draft RMP/EIS alternatives and the ACEC supplement June 2006. A summary of these ACECs is located in Appendix L of the Proposed RMP/Final EIS. Nominated ACECs that failed to meet both relevance and importance criteria were not considered in the Draft RMP/EIS or Proposed RMP/Final EIS alternatives. The BLM identified special management for potential ACECs, as directed by BLM Manual 1613-1 section 12, to protect and prevent irreparable damage to the relevant and important values. The different relevant and important values in the various potential ACECs require specific management decisions to address the various threats. The management decisions in each ACEC were designed to protect the relevant and important values. The impact to relevant and important values from identified management associated with each ACEC is noted in Chapter 4 of the Proposed RMP/Final EIS.

GCR 31: *Would the Chimney Rock/Summerville/Humbug Trail system remain open under Alternative D? It was not shown on the maps.*

Response: While the Chimney Rock/Summerville/Humbug Trail system was shown on Map 2-54 it was inadvertently left out of the Preferred Alternative Map 2-56 of the Draft RMP/EIS. The Proposed RMP/Final EIS includes the Chimney Rock/Summerville/Humbug Trail system in all appropriate alternatives. There are approximately 670 miles of designated routes from the San Rafael motorized route designated of 2003. The Price River area has approximately 606 miles of routes designated. The designated routes in the Proposed RMP include routes for full sized vehicles, OHV's and Motorcycles. Designated routes linked to the Arapeen Trail System that were not in the Draft RMP/EIS have been added to Proposed RMP. Also GCR 20.

GCR 32: *The maps in the Draft RMP/EIS are not accurate and are too small to be of any use.*

Response: Map content in the RMP has been completed from BLM standard datasets and presented with the most clarity possible. Each map was designed to display specific information, resulting in selection of a scale and legend to accommodate the individual requirements of the text. The text of the Proposed RMP/Final EIS provides clarification of maps and specific comments were reviewed for each map to determine whether changes should be made. The 8 1/2" by 11" format for the maps in the RMP sometimes creates a problem when detail rather than precision is needed for review, however more detailed information can be obtained from BLM data sets and shape files.

GCR 33: *The BLM must manage livestock according to law. BLM must protect areas from livestock and keep livestock from sensitive areas.*

Response: Livestock grazing is a valid use of the public lands and provides for sustained grazing use through management decisions in compliance with law, regulation and policy. This includes designating which public lands are and are not available for livestock grazing, pursuant to 43 CFR 4130.2(a). The Proposed RMP addresses the permitted use on those allotments that are available for livestock grazing per BLM handbook 1601, Appendix C, page 14. In compliance with laws, regulation and policy, grazing permits are subject to review and evaluation before the permits are renewed. If necessary to maintain rangeland health, adjustments are made to the level of grazing use based on monitoring data and sound best science methods. In addition, annual adjustments are made to the grazing use based on current range conditions and forage production amounts, including adjustments during periods of range depletion due to “severe drought or other natural causes” (43 USC 315b). Monitoring data is systematically collected to determine if a statistically significant change of the resources has occurred. The data is collected and evaluated using best science methods to make any necessary changes in management practices or authorized livestock forage level. Regular monitoring and adjustments be done as necessary to ensure that healthy sustainable rangeland ecosystems are maintained.

GCR 34: *Motor boats should not be excluded on the Green River through Desolation Canyon*

Response: The alternatives in the Proposed RMP/Final EIS would maintain existing management regarding the use of motors, particularly two stroke motors, on Desolation Canyon. The issue of motor use can most appropriately be dealt with at the activity plan level and BLM will defer a decision on this issue to activity planning. In that venue, the BLM can look at additional alternatives such as allowing motors with limitations on noise and visible exhaust plumes. This will also provide an opportunity for more effective dialogue with affected users.

GCR 35: *The BLM should adopt the Castle Country Heritage Plan for management of wilderness and OHVs.*

Response: See GCR 12. A brief discussion of how the Castle Country Heritage Plan was considered in the planning process can be found in Chapter 2 of the Proposed RMP/Final EIS, Alternatives and Management Options Considered but Eliminated from Detailed Analysis.

GCR 36: *The BLM should manage all areas within the Redrock Wilderness Bill as WSAs.*

Response: The BLM released the Supplement to the PFO Draft RMP/EIS for Non-WSA Lands with wilderness characteristics in September 2007. This supplement evaluated all lands nominated as having wilderness characteristics (including all lands within the Redrock Wilderness Bill) and analyzed Alternative E which would protect these areas. WSAs will be managed according the wilderness IMP until Congress either designates them as wilderness or releases them for uses other than wilderness.

GCR 37: *Proper BLM management can be accomplished without layering levels of restrictions.*

Response: “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 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.

GCR 38: *The Draft RMP/EIS should have addressed management of valid existing ROWs. The RMP/EIS should not preclude the potential for energy development, future ROWs and utility corridors.*

Response: BLM recognizes valid existing ROWs. The PFO obtained an updated transmission line file in March 2005. Utility corridors in all alternatives have been updated to include the lower voltage lines and the improved power line locations. All existing utilities in the PFO have not been added to the Utility Corridors Map. In the case of Nine Mile Canyon, proposed alternative routes have been included in the Utility Corridor map

GCR 39: *The Draft RMP/EIS must be consistent with county plans related to RS 2477.*

Response: The Proposed RMP/Final EIS does not address RS 2477 ROW assertions. Such assertions will be settled administratively on a case-by-case basis or as confirmed through other legal means. See Chapter 1.6, Planning Criteria. See GCR 11.

GCR 40: *Mitigation measures for protection of wildlife are not adequate.*

Response: The Proposed RMP/Final EIS outlines general mitigation measures for wildlife habitat. Specific mitigation measures are also built into each management alternative (e.g., seasonal restrictions on big game crucial habitat) in order to ensure continued viability of wildlife species and habitat (see Appendix G of the Proposed RMP/Final EIS). Project level decisions would require additional site specific consultation and/or coordination and specific mitigation measures.

GCR 41: *Appendix 8 and 16 are confusing and contradictory.*

Response: The Appendix 8 and 16 of the Draft RMP/EIS are combined into Appendix G in the Proposed RMP/Final EIS to eliminate any contradictions. Appendix G also includes criteria for exceptions, waivers and modifications.

GCR 42: *The application of seasonal closures to oil/gas leasing is inconsistent and confusing.*

Response: Species-specific seasonal closures including exceptions, waivers, and modifications are included in Appendix G and would apply to all surface disturbing activities. Seasonal stipulations would not apply to valid existing oil and gas leases, maintenance, and servicing activities unless the stipulations are a part of the lease. Project level decisions would require additional and site-specific consultation and coordination and mitigation measures.

GCR 43: *Mitigation measures that BLM proposes to protect wildlife should be based on sound science.*

Response: Mitigation measures for wildlife are generally based on the expertise of wildlife specialists at BLM, Universities and wildlife agencies such as the Utah Division of Wildlife and the U.S. Fish and Wildlife Service. Mitigation is generally based on the results of monitoring and studies. Future monitoring would help to confirm or refute the effectiveness of mitigation measures. BLM IM No. 2005-069 discusses compensatory mitigation. When offsite mitigation is considered a design feature of the applicant's submission, BLM NEPA analysis would (1) evaluate the need for offsite mitigation; (2) consider the effectiveness of offsite mitigation in reducing, resolving, or eliminating impacts of the proposed project(s); and (3) comparatively analyze the proposal with and without the offsite mitigation. When applying offsite mitigation, it would be implemented in a timely manner and generally for the same or similarly affected species or habitats (e.g., sagebrush/grassland for sagebrush/grassland).

GCR 44: *The application of seasonal closures to oil/gas leasing is inconsistent and confusing.*

Response: Species-specific seasonal closures including exceptions, waivers, and modifications are included in Appendix G and apply to all surface disturbing activities. Seasonal stipulations would not apply to valid existing oil and gas leases, maintenance, and servicing activities unless the stipulations are a part of the lease. Project level decisions would require additional and site-specific analysis, mitigations and consultation and coordination.

GCR 45: *More or less oil and gas exploration is needed. Stipulations should be relaxed to allow more oil and gas exploration or should be more restrictive to protect other resources.*

Response: The EIS evaluates several alternatives in detail to assure that a balanced approach that will ensure protection of resource values while allowing opportunities for mineral exploration and production is considered. The management actions in the Proposed RMP are designed to offer management flexibility to protect resource values and uses while allowing for acceptable levels of mineral and energy development.

GCR 46: *The BLM cannot turn over management of the public lands to cooperating agencies.*

Response: Section 1.10 of the Draft RMP/EIS stated, "...where it is found mutually advantageous, BLM would enter into cooperative agreements or memorandums of understanding with federal, state, local, tribal, and private entities to manage lands or programs consistent with the goals and objectives of this RMP." This wording does not indicate that management of public lands would be relinquished or turned over to other entities, but indicates that BLM would cooperate with these entities in the management of the public lands. The authority to enter into such agreements is Section 307(b) of the Federal Land Policy and Management Act (FLPMA) which state that "Subject to the provisions of applicable law, the Secretary may enter into contracts and cooperative agreements involving the management, protection, development, and sale of public lands."

GCR 47: *The Animal Damage Control MOUs between BLM and APHIS should not be modified through this land use plan.*

Response: The BLM agrees with USDA-APHIS/Wildlife Services that the existing Master Memorandum of Understanding between APHIS and BLM at the national level, signed on March 21, 1995, as well as the statewide MOU signed in July 1996, authorize APHIS/WS to conduct animal damage control activities on public lands in Utah, pursuant to guidelines and policies agreed to in the aforementioned MOU's. Because no addendum to the statewide MOU is anticipated relative to conducting predator control activities within the Price Field Office planning area, and because predator control activities were not identified as a scoping issue for the RMP revision, predator control decisions from the previous land use plans should have been carried forward under the "Actions Common to All Alternatives" section of the Draft RMP/EIS. The Proposed RMP/Final EIS does not provide a range of alternatives for predator control, but defers to the existing national and statewide MOU's as revised, for direction in carrying out this program.

GCR 48: *The Reasonably Foreseeable Development Scenario (RFD) limits the number of wells that BLM can authorize without amending the RMP.*

Response: The BLM has revised the Reasonably Foreseeable Development (RFD) scenario based upon public comment. The revised RFD is Appendix M of the Proposed RMP/Final EIS. The RFD scenario is an analytical model, which estimates oil and gas activity that could potentially occur. The RFD scenario is a reasonable technical and scientific approximation of anticipated oil and gas activity based on the best available information, including the potential for oil and gas resource occurrence, past and present oil and gas activity in conjunction with other significant factors such as economics, technology, and physical limitations on access, existing or anticipated infrastructure, and transportation.

GCR 49: *The Price RMP/DEIS does not adequately address the laws of mineral development nor does it adequately support restrictions on mineral development.*

Response: BLM has supplemented Chapter 4 to improve the Energy Policy and Conservation Act of 2005 (EPCA) analysis by addressing the impacts from leasing restrictions and to address the potential loss of oil and gas resources due to these restrictions. In addition, the analysis includes the impacts of restrictions on the drilling season. The restrictions of the Proposed RMP will become stipulations for future leasing (see Appendix G. Stipulations for Surface Disturbing Activities). Concerns regarding number of wells, compliance with IM 2004-089, mineral potential occurrence map, use of USGS data in the Mineral Potential Report, and reclamation as a mitigation measure are discussed in the Appendix M of the Proposed RMP/Final EIS.

GCR 50: *The ROS inventory is flawed. The SRMA management goals and objectives aren't well defined and activity plans have not been prepared. Additional designations such as "high-use areas" and ACECs overlap and provide different and sometimes inconsistent management.*

Response: The ROS inventory was updated and corrected as a result of public comment and meetings with cooperators (Carbon and Emery Counties). Mapping errors have also been corrected. The text of the document has also been revised to remove the term, "High Use Zone," and replace it with the more correct, "Recreation Management Zone." SRMA goals are defined in the Proposed RMP and activity plans exist for all SRMAs with the exception of the San Rafael.

GCR 51: *The BLM did not use the correct data when developing the mineral potential report and the RFD.*

Response: The RFD has been revised based on public comment. Concerns regarding compliance with IM 2004-89 are discussed in the revised RFD, Appendix M.

GCR 52: *BLM has not effectively met the requirements of the Energy Policy and Conservation Act (EPCA) in developing the RFD.*

Response: BLM has supplemented Chapter 4 to improve the EPCA analysis by addressing the impacts from leasing restrictions and to address the potential loss of oil and gas production due to these restrictions. In addition, the analysis includes the impacts of restrictions on the drilling season. The restrictions of the RMP will become stipulations for future leasing (see Appendix G. Stipulations for Surface Disturbing Activities). Concerns regarding number of wells, compliance with IM 2004-089, mineral potential occurrence maps, use of USGS data in the Mineral Potential Report, and reclamation as a mitigation measure are discussed in the revised RFD, Appendix M.

GCR 53: *The BLM has failed to develop and use an accurate RFD in the Price RMP/DEIS.*

Response: The RFD has been revised based on public comment and concerns regarding compliance with IM 2004-89. The RFD for the Proposed RMP/Final EIS is presented in Appendix M.

GCR 54: *The impact analysis in the Price RMP/EIS does not explain how mitigation measures help BLM meet their multiple use mandate and protect resources.*

Response: BLM requires onsite mitigation of impacts using best management practices. The analysis in Chapter 4 of the Proposed RMP/Final EIS is based on the assumption that the mitigation would be applied, therefore, the effectiveness of the mitigation is considered in the analysis.

GCR 55: *The Draft RMP/EIS does not provide for sufficient management and protection of the greater sage grouse.*

Response: Several documents were published relative to greater sage-grouse and their habitat, after the Draft RMP/EIS was released for public comment. In June 2004, the Western Association of Fish and Wildlife Agencies (WAFWA) released the Conservation Assessment of Greater Sage-grouse and Sagebrush. The Proposed RMP/Final EIS complies with the greater sage-grouse and sagebrush habitat strategies, and applies suggested conservation measures to reduce the threats to not only greater sage-grouse populations and their habitats, but also to other sagebrush obligate species. In addition, the Proposed RMP includes goals, objectives and actions that would maintain or enhance the quality of existing sagebrush habitat, and provide for rehabilitation or restoration of degraded or historic sagebrush rangelands. See the Wildlife section of Chapter 2 in the Proposed RMP/Final EIS.

GCR 56: *This plan does not take into consideration the needs of all public lands users. Whatever happened to the idea of multiple use?*

Response: See GCR 1. The Federal Land Policy and Management Act (FLPMA) requires RMPs to be “multiple-use plans”. The term “multiple use” as defined in (FLPMA) means “the management of the public lands and their various resource values so that they are utilized in the combination that will best meet the present and future needs of the American people.” This direction indicates that not all uses need to be accommodated in all areas or at the same time. The Proposed RMP/Final EIS evaluates a range of alternatives in detail to assure a balanced approach that allows BLM to protect the resources and resource uses is considered. The management actions in the Proposed RMP are designed to ensure that certain resource values such as wilderness characteristics and riparian areas are protected while allowing opportunities for motorized and non-motorized recreation, mineral exploration and development and other resource uses.

GCR 57: *The Fish and Wildlife Section is poorly written.*

Response: The Proposed RMP/Final EIS was edited to clarify and improve the usability of the document.

GCR 58: *The Special Status Species Section is poorly written.*

Response: The Proposed RMP/Final EIS was edited to clarify and improve the usability of the document.

GCR 59: *The BLM needs to provide for additional protection of raptors.*

Response: Appendix F of the Proposed RMP/Final EIS presents the August 2006 version of the Raptor Guidelines.

GCR 60: *The BLM needs to apply the current raptor guidelines*

Response: Appendix F of the Proposed RMP/Final EIS presents the August 2006 version of the Raptor Guidelines.

GCR 61: *The Draft RMP/EIS needs to clarify what the sensitive species list is and how it is used.*

Response: The Proposed RMP/Final EIS Chapter 3 has been revised to explain why BLM uses The State Director’s Sensitive Species List.

GCR 62: *The Draft RMP/EIS does not provide adequate information on special status species for the USFWS to conduct Section 7 consultation.*

Response: Chapter 3 contains a discussion of each of the listed and non-listed plant and animal species that occur within the Price planning area. The USFWS has accepted the Biological Assessment (BA) for the Price RMP and will prepare a Biological Opinion based on the BA. The RMP is a broad-scale planning document and the information contained within the affected environment and impact analysis of the EIS is of comparable scale. Additional detailed information on specific species will be developed at

the site specific project stage. BLM will conduct additional Section 7 consultation on specific projects as they are reviewed. Any additional conservation measures resulting from the Section 7 process will be included as a part of the committed mitigation for these projects. Appendix D of the Proposed RMP/Final EIS presents the conservation measures that BLM would apply to protect special status species.

GCR 63: *The Draft RMP/EIS should have provided site specific information on the location of Special Status Species and their habitats.*

Response: General Maps of wildlife and fisheries habitats may be provided to the public for review and information. However, threatened or endangered plant species locations and habitats would not be provided to the public due to threats to plant populations through collection. Likewise, information regarding specific locations of sage-grouse leks or exact raptor nest locations may not be provided to the public.

GCR 64: *The Draft RMP/EIS did not demonstrate any coordination between BLM and the USFWS on Recovery Plans*

Response: Actions involving listed threatened and endangered species including implementation of recovery plans, conservation measures are discussed in Chapter 2 of the EIS. As part of the EIS development process, Section 7 consultation with FWS is underway. The BLM Committed Conservation Measures (Chapter 5 of the BA) are presented in Appendix D, Proposed RMP/Final EIS. BLM will incorporate final conservation measures into the ROD as committed mitigation for the RMP. Conservation plans for non-listed special status species also contain conservation measures. These will be implemented on individual projects as determined necessary.

GCR 65: *The Draft RMP/EIS should include site specific management plans to protect Special Status Species.*

Response: The RMP is a broad based planning document that addresses general management objectives for listed and special status plants and animals. The RMP is not the avenue to address development and implementation of site-specific resource needs for these species. As future activity plans and proposed projects are undertaken the most recent recovery and conservation plans as well as site-specific data and “best science” will be incorporated into management practices for special status species.

GCR 66: *The Animal Damage Control MOUs between BLM and APHIS should not be modified through this land use plan.*

Response: See GCR 50. The BLM agrees with USDA-APHIS/Wildlife Services that the existing Master Memorandum of Understanding between APHIS and BLM at the national level, signed on March 21, 1995, as well as the statewide MOU signed in July 1996, authorizes APHIS/WS to conduct animal damage control activities on public lands in Utah, pursuant to guidelines and policies agreed to in the aforementioned MOU’s will not be modified through the RMP revision process.

GCR 67: *The Draft RMP/EIS does not provide for adequate protection of riparian areas and water resources.*

Response: Water resources would be protected by maintaining or restoring overall watershed health and reducing erosion, stream sedimentation and salinization. Water resources would also be protected in community watersheds and sources of culinary water. Decisions in the Proposed RMP/Final EIS concentrate on maintaining or restoring the chemical, physical and biological integrity of the area's water. The riparian areas would be maintained, protected or restored to a proper functioning condition. See Table 2-2 in the Proposed RMP/Final EIS for a description of the actions that would be taken to protect water resources and riparian areas and Section 4.2.2 for the analysis of potential impacts to water resources and riparian areas.

GCR 68: *The 660 foot buffer zone around springs is excessive.*

Response: BLM has authority to require a 660 foot buffer zone of no surface disturbance or occupancy around springs. The criteria is further outlined and described in the following laws and executive orders: 1. Taylor Grazing Act of 1934, as amended, 49 USC 315: Stat.1269 (1970)a. authorizes the Secretary to continue the study of erosion and flood control and to perform such work as may be necessary to amply protect and rehabilitate such areas. 2. Federal Land Policy and Management Act (FLPMA) of 1976 (43 USC 1701 et seq.; 90 Stat. 2743; P.L. 94-579) a. requires that the public lands be managed in a manner that will protect the quality of ecological, environmental water resources, and that, where appropriate, will preserve and protect certain public lands in their natural conditions; that will provide food and habitat for fish and wildlife and domestic animals. b. Requires the compliance with State and Federal water pollution standards. 3. Water Quality Act of 1987, as amended from the Federal Water Pollution Control Act (Clean Water Act) of 1977 (33 USC 1251 et seq.; 91 Stat. 1566-1611; P.L. 95-217) a. The objective of this act is to restore and maintain the chemical, physical, and biological integrity of the Nation's water at a level of quality which provides protection for fish, shellfish, wildlife, and recreational use. b. Requires permits for certain activities in navigable waters. c. Requires States to assess their rivers, streams, and lakes and to develop nonpoint source management programs to control and reduce specific nonpoint sources of pollution. Requires Federal agency consistency with state management programs. 7. Emergency Wetlands Resources Act of 1986 (16 USC 3901). a. This act promotes the conservation of wetlands in the United States by intensifying cooperative efforts between public and private sectors to protect the wetland resource of the Nation through land acquisition, easements, and other methods. 8. Executive Order 11988 of 1977 (Floodplain Management as amended by Executive Order 12148). Each Federal agency is to take action to avoid, to the extent possible, the long- and short-term adverse impacts associated with the occupancy and modification of floodplains. Agencies are further required to avoid direct or indirect support of floodplain development whenever there is a practicable alternative. Each agency shall provide leadership and shall take action to restore and preserve the natural and beneficial values served by floodplains in carrying out its responsibilities for acquiring, managing and disposing of Federal lands and facilities. 9. Executive Order 11990, may 24, 1977 (Protection of Wetlands). This EO directs Federal agencies to take action to minimize the destruction, loss, or degradation of wetlands and to preserve and enhance the natural and beneficial value of wetlands in carrying out programs affecting land use. All federally initiated, financed, or permitted construction projects in wetlands must include all practical measures to minimize adverse impacts. This requires that all leases, rights-of- ways, easements, and disposals involving Federal wetlands must contain restrictions to uses by the grantees which are consistent with Federal, State, and local wetland regulations.

GCR 69: *How does livestock grazing, or human activity affect water quality*

Response: Any large or pervasive disturbance in a riparian zone will affect water quality regardless of whether the disturbance was caused by humans, fire, grazing, or any other cause. The impact of grazing on the environment is documented relating to specific areas within the PFO. Properly managed livestock grazing areas do meet the Rangeland Health Standards and Guidelines. Several factors are used to determine proper management of an area including season of use, kind of livestock, livestock numbers, watering locations, other resource uses, and manageability of the livestock, terrain, and remoteness

GCR 70: *The BLM should not provide buffer zones around natural springs, intermittent streams, and riparian areas.*

Response: BLM policy recognizes the importance of riparian/wetland values. Riparian/wetland management developed in RMPs and activity plans should initiate management to maintain, restore, improve or expand riparian/wetlands. The purpose of the buffer zone is to maintain, restore, improve or expand the existing riparian wetlands. The current BLM policy would be followed when determining

exceptions to the restriction. Intermittent streams usually contain riparian obligate species due to the persistence of water in the drainage.

GCR 71: *The coal occurrence potential map was not included in the Draft RMP/EIS.*

Response: Coal occurrence is shown on Map 3-25 of the Proposed RMP/Final EIS.

GCR 72: *The soil, water and riparian impacts need to be clarified.*

Response: The Proposed RMP/Final EIS has been written and edited to clarify the impacts. See Section 4.2.2 of the Proposed RMP/Final EIS.

GCR 73: *The Draft RMP/EIS failed to analyze the impacts from wild and scenic river designation on water volume in rivers and streams, water flows, and human consumption.*

Response: Water quality and water rights are the purview of the State of Utah. The BLM has worked with all co-operators to ensure that any effects of decisions regarding Wild and Scenic Rivers are considered. Barring congressional action, there is no effect on water rights or in-stream flows related to suitability findings made in a land use plan decision, barring congressional action. Even if Congress were to designate rivers into the National Wild and Scenic Rivers System, any such designation would have no affect on existing, water rights. Section 13 (b) of the Wild and Scenic River Act states that jurisdiction over waters is determined by established principles of law. In Utah, the state has jurisdiction over water. Although the Wild and Scenic Rivers Act implies a federal reserved water right for designated rivers, it doesn't require or specify any amount, and instead establishes that only the minimum amount for purposes of the Act can be acquired. Because the State of Utah has jurisdiction over water, BLM would be required to adjudicate the right as would any other entity, by application through state processes. Thus, for congressionally designated rivers, BLM may assert a federal reserved water right for appurtenant and unappropriated water with a priority date as of the date of designation (junior to all existing rights), but only in the minimum amount necessary to fulfill the primary purpose of the reservation. In practice, however, federal reserved water rights have not always been claimed if alternative means of ensuring sufficient flows are adequate to sustain the outstandingly remarkable values. The BLM works to maintain healthy vegetation and soil conditions, which in turn help in the retention and filtering of water resources. The uses of the water are made possible by the delivery of clean water. Protection of rivers and streams would maintain water quality and the value of the water for its designated use.

GCR 74: *How will BLM protect water quality and riparian resources in sensitive areas?*

Response: Appendix 20 of the Draft RMP/EIS addressed the issues of surface occupancy concerning wetlands, floodplains, and riparian areas, which are generally protected by EPA regulations and administered by the U.S. Army Corps of Engineers through Section 404 permitting under the Clean Water Act and further protected by Executive Orders 11990 and 11988 and BLM policies to preserve and protect wetlands. Under all alternatives, most lands along the Green River would be closed to leasing. The areas not closed are NSO or subject to major constraints. These restrictions cover a much larger area than the withdrawal from hard rock mining. VRM and classifications would overlay the entire river corridor under all alternatives. The Desolation Canyon National Historic Landmark provides a one-mile buffer for the river.

GCR 75: *The mineral and energy information is not accurate and needs to be updated.*

Response: Information in the Proposed RMP/Final EIS has been updated and reviewed for accuracy. The RFD scenario has also been revised. See Sections 3.3.5, 4.3.5, Appendix M and Maps 3-18 through 3-27 of the Proposed RMP/Final EIS.

GCR 76: *The Draft RMP/EIS did not analyze the impact to water quality, supply and pollution for interstate water resources.*

Response: The Clean Water Act was enacted to provide a blueprint for restoring and protecting the nation's precious water resources. The act has been amended to use the watershed as a means to further ensure the future cleanliness of those waters. State and federal law (specifically the Clean Water Act as administered in Utah by the Division of Water Quality and 43 CFR 4180 which addresses watershed and rangeland health) protects water quality within the State of Utah and the waters leaving the State. Further, the Bureau of Reclamation is working with the U.S. Department of Agriculture and the BLM in the Colorado River Basin Salinity Control Program to build many salinity control projects on the Colorado River and its tributaries. The decisions common to all alternatives show that water resources would be protected by maintaining or restoring overall watershed health, reducing erosion, stream sedimentation and salinization. The programs' overall goal is to reduce the amount of salinity in the river water. Water resources would also be protected in community watershed and sources of culinary water. Decisions in the RMP concentrate on maintaining or restoring the chemical, physical and biological integrity of the area's water. The riparian areas would be maintained, protected or restored to a proper functioning condition. The Price Field Office uses standard operating procedures and best management practices to prevent unwanted pollutants from escaping project areas. These laws and programs among others are intended to enhance and protect our nation's waters and the resources that depend on those waters.

GCR 77: *The coal report (Appendix 25) contains errors and needs to be updated.*

Response: The coal report in the Draft RMP/EIS has not been included in its entirety the Proposed RMP/Final EIS. However, pertinent information from the coal report has been updated and incorporated into the Proposed RMP/Final EIS.

GCR 78: *Too many OHV routes or not enough OHV routes are open to unlicensed vehicles.*

Response: Currently only State roads are restricted to licensed vehicles. Additional reviews will occur as activity level planning is conducted. Maps 2-71 through 2-74 and Map 2-68 of the Proposed RMP/Final EIS show the route designations for the alternatives analyzed in detail. No further restrictions on the use of unlicensed vehicles are included in the Proposed RMP. Any additional restrictions on use of unlicensed vehicles would be initiated on an as-needed basis and would be made through activity level planning following completion of the RMP.

GCR 79: *The Draft RMP/EIS route designation should address vehicle class (i.e. singletrack, ATV 52", or full-sized).*

Response: Several trail systems are being established for OHV use. Some are motorcycle only such as routes in the Chimney Rock/Summerville Trail System, the Temple Mountain Motorcycle Trails, and the Waterfall Trail. Some routes are for vehicles 52" or less in width such as portions of the Behind the Reef Route and some of the Chimney Rock/Summerville Trail System. However, BLM would not specify vehicle type for most routes that are designated open for motorized use. Vehicle class along with enforcement, signing etc. will be addressed in a Travel Management Plan that will be prepared following completion of the RMP.

GCR 80: *More areas should be open to cross county OHV use to provide access to public lands for the aged and the disabled.*

Response: The Americans with Disabilities Act (ADA) accessibility guidelines do not specify or quantify the type or degree of access that must be allowed on public lands. The ADA does not require that all public land areas be vehicle accessible. ADA accessibility guidelines will be used in construction of any federal facilities on public lands. Designation of recreational motorized routes is an administrative decision and is not subject to ADA.

GCR 81: *The BLM must provide a rationale for limits on group size, dispersed camping, and OHV access.*

Response: The requirements for organized group special recreation permits (SRPs) have been changed in the Proposed RMP. All organized groups of more than 14 people within a WSA and 24 in all other locations would be required to contact BLM. It is anticipated that most family gatherings could be accommodated without an SRP. Contact by an organized group and BLM's determination that a permit is not required would be documented in a Letter of Agreement. The criteria BLM would use to determine if such groups need an SRP is provided in Appendix I of the Proposed RMP/Final EIS, Criteria for Large Group Area Designation.

GCR 82: *BLM has violated the Taylor Grazing Act by proposing voluntary relinquishments.*

Response: The Proposed RMP does not address the voluntary relinquishment of grazing permits and preference on a field office-wide basis. The Proposed RMP would determine the allowable uses of the public lands as provided for in FLPMA. FLPMA states in Section 202(a) that land use planning provides for the use of the public lands "regardless of whether such lands previously have been classified, withdrawn, set aside, or otherwise designated for one or more uses." The proposed plan has replaced the specific criteria based voluntary relinquishment of grazing permits and preferences with a generalized discussion per the Taylor Grazing Act; however, voluntary relinquishments would still be considered for portions of three allotments in the Desolation Canyon/Green River Corridor. Using voluntary relinquishments as a means to adjust land use plan allocations on these allotments would help mitigate impacts on the permittees. No other changes are proposed through a voluntary relinquishment process.

GCR 83: *BLM has violated the Taylor Grazing Act and grazing regulations and has failed to recognize existing grazing rights within the Price RMP/DEIS.*

Response: As provided for in FLPMA, the Proposed RMP proposes to allocate fewer AUMs to livestock and more to wildlife than in the previous land use plan to meet the plan's objectives and to recognize the importance of wildlife values. These changes in use would be made within the rangeland's ability to sustain the use allocations. The Secretary has the discretion under FLPMA to use the land use planning process to close areas to grazing, change levels of use, or to devote the land to another public purpose in accordance with the relevant land use plan. While it is BLM's goal to enhance rangeland health while providing for and recognizing the need for domestic sources of minerals, food, timber, and fiber, there is no requirement in the Taylor Grazing Act (TGA) or other applicable law for BLM to "maximize the number of domestic livestock AUMs" or to continue allocations "at historical levels." According to Section 2 of the TGA, the objective of the Act is to regulate the occupancy and use of the grazing districts and to preserve these lands. The grazing districts were established through a classification system established in the TGA. The combinations of uses proposed in the Proposed RMP are varied and diverse across the planning area and take into consideration the current and future needs of the public as well as what is consistent with FLPMA and the TGA.

GCR 84: *The designation of Wild and Scenic Rivers has resulted in undue impacts and hardships or BLM's failure to designate all eligible river segments as Wild and Scenic Rivers violates FLPMA's "Unnecessary and Undue Degradation" mandate.*

Response: Suitability considerations for each eligible stream are fully disclosed in Appendix C of the Proposed RMP/Final EIS. Although the Proposed RMP would not find all of the eligible rivers suitable for congressional wild and scenic designation, other mechanisms to protect identified values, such as cultural and historical, are often applicable. Such mechanisms include, but are not limited to, Areas of Environmental Concern, National Historic Landmarks, Research Natural Areas, the National Register of Historic Places, WSAs, or management prescriptions such as No Surface Occupancy of areas leased for oil and gas exploration and development and closure of areas closed to OHV use. The suitability

considerations presented in Appendix C provide a basis for decisions related to Wild and Scenic Rivers in the Proposed RMP. Congress has recognized that, through the multiple-use mandate, that there would be conflicting uses and impacts on the public land. As a matter of clarification, Unnecessary and Undue Degradation is a management standard that the BLM applies to third party public land users rather than planning decisions.

GCR 85: *Congress did not authorize BLM to perform interim protective management of proposed wild and scenic river segments that are not yet approved by Congress.*

Response: FLPMA gives BLM broad authority to manage the public lands, including management of eligible and suitable river segments. For eligible rivers, BLM's policy is to protect certain values identified in the eligibility determination process to ensure that a decision on suitability can be made. To accomplish this objective, BLM must manage to protect the free-flowing character, tentative classifications, and identified outstandingly remarkable values of eligible rivers according to the prescriptions and directions of the current, applicable land use plan per BLM Manual Section 8351.32C which states that BLM managers shall: "Manage any eligible or designated WSR so as to protect and enhance (if possible) and not degrade any identified outstandingly remarkable river values." Therefore, BLM is obligated to avoid or otherwise mitigate any adverse affects to these values in the interim until Congress has an opportunity to act on potential designations. The BLM Manual further states that should a determination on suitability not be made during the planning process, "the RMP must prescribe protective management measures to ensure protection shall be afforded the river and adjacent public land area pending the suitability determination" (Section 8351.33A).

GCR 86: *Designation of any of the streams and tributaries or drainage areas used as a municipal water source, as Wild and Scenic Rivers could result in assertions of minimum water flows. This could impact the water rights and water flows to the communities.*

Response: The BLM has worked with all co-operators to ensure that any effects of decisions regarding Wild and Scenic Rivers are considered. Barring congressional action, there would be no effect on water rights or in-stream flows related to suitability findings made in a land use plan decision, barring congressional action. Even if Congress were to designate rivers into the National Wild and Scenic Rivers System, any such designation would have no affect on existing, water rights. Section 13 (b) of the Wild and Scenic River Act states that jurisdiction over waters is determined by established principles of law. In Utah, the state has jurisdiction over water. Although the Wild and Scenic Rivers Act implies a federal reserved water right for designated rivers, it doesn't require or specify any amount, and instead establishes that only the minimum amount for purposes of the Act can be acquired. Because the State of Utah has jurisdiction over water, BLM would be required to adjudicate the right as would any other entity, by application through state processes. Thus, for congressionally designated rivers, BLM may assert a federal reserved water right for appurtenant and unappropriated water with a priority date as of the date of designation (junior to all existing rights), but only in the minimum amount necessary to fulfill the primary purpose of the reservation. In practice, however, federal reserved water rights have not always been claimed if alternative means of ensuring sufficient flows are adequate to sustain the outstandingly remarkable values.

GCR 87: *The Proposed RMP should find all eligible river segments suitable for inclusion as a W&SR.*

Response: All streams in the PFO were given consideration (including riparian areas) for their potential designation as a Wild and Scenic River. Appendix C of the Proposed RMP/Final EIS fully describes the review and evaluation process for determining which are eligible and suitable for such designation.

GCR 88: *The Draft RMP/EIS is contrary to law to the extent it even considers recommending for Wild and Scenic River designation those drainages that are not free flowing 12 months out of the year.*

Response: There are no specific requirements concerning minimum flow for eligible rivers. Flows are considered sufficient if they sustain or complement the outstandingly remarkable values for which the stream would be designated. However, none of the streams determined to be eligible (see Appendix C, Table C-4 of the Proposed RMP/Final EIS) are considered “dry washes,” i.e., ephemeral streams which flow only in direct response to precipitation or have channels above the water table at all times. The BLM does include in the inventory of eligible rivers intermittent streams which have interrupted flow regimes or flow seasonally. Intermittent streams should not be automatically precluded from further consideration as a Wild and Scenic River based solely on their limited flow. Streams representative of desert ecosystems should also be considered for inclusion. In fact, rivers with intermittent flows have been designated into the National Wild and Scenic Rivers.

GCR 89: *Why isn't there a OHV specialist employed in the field office?*

Response: The List of Preparers in the Proposed RMP/Final EIS identifies the specialists responsible for the recreation analysis and their educational background. However, BLM staffing resources and the hiring of additional staff is not an RMP issue and is not addressed in this planning effort.

GCR 90: *Protect fragile or critical soils from ORV, livestock, or other uses that may cause damage.*

Response: The mixing of soil horizons from the extraction and subsequent refilling would create irreparable impacts to the local soil. Removal or destruction of biotic crusts would also cause long-term impacts to the soil, creating increased potential for erosion. Implementing the stipulations contained in Appendix G, Stipulations for Surface Disturbing Activities, is meant to mitigate the disturbance. The determination as to whether an impact is “long-term” or “short-term” is subjective. The exact time that a reclamation effort may be completed and deemed successful depends on climatic factors as well as soil types and reclamation methods. This would also pertain to whatever disturbed area is being reclaimed (pipeline corridors, well pads, roads). The Final EIS points out that oil and gas development could cause (long-term or short-term) impacts on soils, water, and riparian. Soil disturbing activities have an impact on soils even with implementation of mitigating measures. Lack of surface disturbing activities in an area, through closures or restrictions, could benefit soils, water, and riparian areas if such surface disturbing activities would cause accelerated erosion, water depletion, or riparian area degradation.

GCR 91: *The RMP inadequately protects paleontological resources or an exception should be added to allow for surface disturbance in geologic formations that are known not to contain these resources.*

Response: The Price Field Office has an abundance of scientifically important paleontological resources. Through analysis of the proposed actions, paleontological resources will be protected and opportunities for future (long-term and short-term) research will be maintained. Impacts on vertebrate and significant non-vertebrate paleontological resources from surface disturbing activities will be mitigated through assessing paleontological resources in the area of disturbance. BLM policy (BLM Handbook 8270-1) and the assessment process in the Proposed RMP/Final EIS rely on data review. Based on the results of a preliminary assessment, a field survey could be required. If BLM determines an area is “very unlikely to produce vertebrate fossils or noteworthy occurrences of invertebrate or plant fossils” (BLM-H-8270-1) a field survey would likely not be necessary. Results of field surveys would be used to develop mitigation and monitoring plans for surface disturbing activity. Even where field surveys are not required, operators are generally required to notify the BLM if fossils are encountered so that mitigation can be implemented.

GCR 92: *The decisions for recreation management in the Alternatives and the impact analysis are inconsistent and should be edited.*

Response: See GCR 53. The Proposed RMP/Final EIS has been formatted and edited to improve clarity and reader understanding.

GCR 93: *The BLM is precluding future decisions by including too many site specific recreation (activity level) decisions in the Draft RMP/EIS for SRMAs.*

Response: Issues related to site-specific planning decisions are being deferred to activity level planning and implementation, which will be completed for areas such as SRMAs and developed recreation sites after the completion of the RMP. Site specific decisions include site engineering and design, management of fire rings, signage, and recreation user fees for specific areas and law enforcement. Many of the SRMAs have existing activity plans that will be updated as necessary to address these issues and will involve public input, including State and local governments.

GCR 94: *Why isn't there a OHV specialist employed in the field office?*

Response: The List of Preparers in the Proposed RMP/Final EIS identifies the specialists responsible for the recreation analysis and their educational background. However, BLM staffing resources and the hiring of additional staff is not an RMP issue and is not addressed in this planning effort.

GCR 95: *BLM should not allow wild horse and burro populations to exceed AML.*

Response: Under the Proposed RMP the overall initial AML for horses and burros would be that same as No Action, 150-250 horses and 50-70 burros. Maintaining wild horse and burro populations at the AML is accomplished through periodic gathers as directed by law and regulation. Implementation of gathers is governed nationally, based on the number of horses in the wild horse system. Individual Field Offices can plan for removals, but actual removals are approved by the Washington Office before herds can be reduced. Maintaining genetically viable populations, including introducing wild horses or burros from other herd areas, would be accomplished within the established AMLs. Consolidation of the Muddy Creek with the Sinbad horse herds into one HMA would not increase the number of wild horses in HMAs, but would redraw the boundaries to more accurately reflect wild horse population, distribution and interactions.

GCR 96: *Don't allocate forage to wild horses or burros if it takes forage from livestock (present or future)*

Response: The AUMs for wild horses and burros were set aside in previous plans; however the plans never specifically allocated them for wild horses and burros. This Proposed RMP accomplishes that allocation. Future changes in allocation based on monitoring data must comply with Code of Federal Regulations Title 43 subpart 4710.5(a): "If necessary to provide habitat for wild horses or burros, to implement herd management actions or to protect wild horses or burros from disease, harassment or injury, the authorized officer may close appropriate areas of the public lands to grazing use by all or a particular kind of livestock."

GCR 97: *Manage forests and woodlands to prevent and remove fuel loading and bio-mass buildup while reducing insect and disease.*

Response: BLM management of forest and woodland resources includes implementing the Healthy Forests Restoration Act of 2003. Title I of the Healthy Forests Restoration Act addresses vegetation treatments on certain types of National Forest System and BLM lands that are at risk of wildland fire or insect and disease epidemics. This Act also directs the establishment of monitoring and early warning systems for insect and disease outbreaks including encouraging biomass removal from public and private lands. Table 2-3 of the Proposed RMP/Final EIS describes management actions for vegetation under the alternatives analyzed in detail.

GCR 98: *The BLM doesn't need to restrict domestic sheep grazing to greater than nine miles from Big Horn sheep habitat.*

Response: North American native wild sheep did not evolve with domestic livestock, and therefore they are vulnerable to a variety of diseases and parasites carried by livestock, particularly domestic sheep and goats. There are documented cases of native wild sheep interacting with domestic sheep which resulted in harmful consequences to the wild sheep. There is consensus among both wild and domestic sheep specialists that the most effective tool for minimizing disease problems is to keep them physically separated. In BLM's "Revised Guidelines for Domestic Sheep and Goat Management in Native Wild Sheep Habitats" a buffer of 9 miles was recommended for sheep grazing on public lands. Such restrictions would not be applicable off public lands.

GCR 99: *Opportunities for mineral development should not be excluded to provide for other resources and uses under the multiple use concept.*

Response: The term "multiple use" as defined in the Federal Land Policy and Management Act (FLPMA) means "the management of the public lands and their various resource values so that they are utilized in the combination that will best meet the present and future needs of the American people." This direction indicates that not all uses need to be accommodated in all areas. The EIS includes a detailed evaluation of all options to ensure a balanced approach was recommended that will ensure protection of resource values and sensitive resources while allowing opportunities for mineral exploration and production. The Proposed RMP will offer management flexibility to ensure that resource values and uses are protected while allowing for acceptable levels of mineral development.

GCR 100: *Livestock grazing should not be precluded from the Cleveland-Lloyd Dinosaur Quarry NHL.*

Response: The RMP management decisions for the Cleveland Lloyd Dinosaur Quarry SRMA or ACEC, contained in chapter 2, do not address livestock grazing management. The developed portions of Cleveland-Lloyd Dinosaur Quarry, limited to the quarry, visitor center, and picnic area, would be closed to livestock grazing according to the decision on Draft RMP/EIS page 2-67. The remainder of the CLDQ SRMA would remain open to livestock grazing. Approximately 50 acres of the 80 acre NNL is presently fenced and therefore closed to livestock grazing. Future recreation developments (see Draft RMP/EIS page 2-125 & 126) beyond these 50 acres to accommodate increasing use could result in further future impacts to livestock grazing due to recreational conflicts or additional fencing.

GCR 101: *The Draft RMP/EIS should not allow for oil and gas leasing in areas with wilderness characteristics.*

Response: See GCRs 2, 12, 38, and 111. The Draft RMP/EIS and Proposed RMP/Final EIS evaluate a range of alternatives to assure a balanced approach that ensures protection of resource values and resource uses while allowing opportunities for other activities such as mineral exploration and production is considered. The management actions in the Proposed RMP are designed to offer management flexibility to ensure that resource values and uses are protected while allowing for acceptable levels of mineral development and other uses. The BLM released the Supplement to the PFO Draft RMP/EIS for Non-WSA Lands with wilderness characteristics in September 2007. This supplement evaluated all lands nominated as having wilderness characteristics (including all lands within the Redrock Wilderness Bill) and analyzed Alternative E which would protect these areas. WSAs will be managed according to the wilderness IMP until Congress either designates them as wilderness or releases them for uses other than wilderness.

GCR 102: *It is not clear how BLM is planning to determine stocking levels and seasons of use on each grazing allotment. There should be an allotment-by-allotment accounting for range productivity, monitoring plans, resource conflicts present, etc.*

Response: Evaluation and adjustment of grazing management practices (i.e. stocking rates, season of use, changes in livestock kind) for individual or groups of allotments is beyond the scope of this RMP and will

be addressed at the implementation stage (see BLM Handbook 1601 Appendix C page 14). Determining the condition of the range and its carrying capacity during the grazing permit renewal process is standard protocol. All reasonably available monitoring data is analyzed to make any necessary management changes to provide for the sustained yield and responsible use of the public lands prior to the permit renewal. Price FO will monitor range condition and adjust grazing management practices for specific allotments to meet the Standards for Rangeland Health as noted in 43 CFR 4180. Price FO has an approved ecology-based monitoring plan for data collection and analysis to determine conformance with existing land use plan goals and objectives. The monitoring plan conforms to manual requirements and is subject to changes as new data are assimilated.

GCR 103: *BLM needs to recognize livestock grazing as a valid existing right in the RMP.*

Response: Livestock grazing on the public lands is a privilege granted by Congress under the Taylor Grazing Act and FLPMA rather than a valid property right. However, as noted in the response to GCR 105, evaluation and adjustment of grazing management practices (i.e. stocking rates, season of use, changes in livestock kind) for individual or groups of allotments is beyond the scope of this RMP and will be addressed at the implementation stage (see BLM Handbook 1601, Appendix C, page 14).

GCR 104: *Grazing should not be prohibited during the antelope fawning season. OHV access to existing and future range improvements must be allowed.*

Response: None of the Alternatives would prohibit grazing during antelope fawning season. The identified action would be to consider adjustments to grazing to improve forb production. As stated in Section 2.3 access to range improvements would be allowed through routes documented in the individual project files.

GCR 105: *Why was livestock use removed from the Rock Creek and Desolation Canyon area along the Green River? The methods alluded to in making decisions for the Rock Creek allotment are not scientifically sound.*

Response: BLM is proposing to resolve resource issues/conflicts (riparian condition, erosion, recreation, water quality etc.) through the use of a voluntary relinquishment process. Monitoring shows if conditions have improved over the years and if current management can continue without degradation of the resource. Providing for the voluntary relinquishment of the grazing permits without their reissuance is one method that can be used to minimize or eliminate these issues and concerns without taking adverse action on the permittee and potentially upsetting his/her livestock operation. BLM has not removed grazing in the Rock Creek area along the Green River; the Draft RMP/EIS considers a range of alternatives, including continuing livestock grazing as currently managed, changes in season of use, and retirement if a permittee voluntarily relinquishes the privilege. Several types of monitoring data were used to support the decision and analysis. Historical monitoring data with photographs show that the area was heavily grazed which reduced vegetative cover, increased soil erosion and degraded riparian conditions. Resource conditions have improved with no livestock grazing for the past 20+ years. Cottonwood tree galleries and willow thickets along the river take many years to establish and to maintain themselves. Age class structure and distribution of the trees and willows along the river show the influence of grazing intensity in different reaches of the river. There has been a dramatic increase in young trees and willows being established in the past 20+ years with the reduced numbers of livestock in the river corridor. Thousands of boat floaters visit this stretch of the Green River every year. Foot traffic on trails and at campsites is impacting soil and vegetation resources along the river. Livestock, wildlife and humans all contribute to bacterial coli form pollution in water supplies. Water quality measurement has been completed with scientifically sound methods. Water samples of the Green River have been taken by trained and certified personnel. Incubation equipment has been taken with the personnel during river trips to perform water testing within established protocol. Statistically reliable methods were employed to reach the conclusions

pertaining to water quality for coli form bacteria levels. Water flows have been controlled at the Flaming Gorge Dam by the Bureau of Reclamation. This has had an influence on river vegetation, however monitoring data indicates overgrazing by livestock was a major factor for vegetation changes along the river and its tributaries. Historically cattle have grazed in the Rock Creek drainage during most of the year, along the Green River from October through May and in the high elevations from June to September. Wildlife use is free roaming, dispersing impacts compared to livestock use. Present wildlife numbers and the resulting grazing use are below the historical livestock numbers and use levels. UDWR is responsible for herd management through population control with hunting target numbers.

GCR 106: *The analysis of impacts to Special Status Species needs to be expanded.*

Response: See GCRs 4, 5, and 65. More detail regarding impacts and conservation measures has been incorporated into the Proposed RMP/Final EIS.

GCR 107: *Why is each of the SRMAs necessary? A management plan is already in place for Desolation Canyon and recreational activities. This corridor does not require the formulation of a SRMA. The Nine Mile area could be managed according to the 1995 Recreation and Cultural Area Management Plan without a SRMA designation.*

Response: Special Recreation Management Area (SRMA) designation is an administrative designation, used by the BLM to organize and prioritize its recreation programs and management. This is a designation that is transparent to the public users. According to the Land Use Planning Handbook (H-1601), a SRMA has a distinct, primary recreation-tourism market as well as a corresponding and distinguishing recreation management strategy. The Handbook also states that if the recreation activity requires maintenance of setting character and/or production of activity, experience, and benefit opportunities/outcomes, the area should be identified and managed as a SRMA. SRMA designation gives BLM the ability to prescribe and manage recreation use. In the case of Desolation Canyon, it is one of the most intensely managed recreation experiences in the Price Field Office. Permits are required, access is limited, and activities are regulated. Nearly all of this management is accomplished off-site, with virtually no infrastructure except at the launch point and take out. Desolation Canyon has been a SRMA since approximately 1983. In the case of Nine Mile Canyon, it is being proposed as a SRMA because it has a plan and custodial management of recreation is no longer appropriate for that area.

GCR 108: *The Draft RMP/EIS does not comply with FLPMA and BLM instructional memoranda regarding lands with wilderness characteristics.*

Response: BLM is not required to protect all lands with wilderness characteristics. FLPMA and BLM policy require that FLPMA Section 603 WSAs be managed to preserve their wilderness characteristics until Congress either designates them wilderness or releases them for other uses. WSAs will be managed under BLM's "non-impairment" standard (IMP) until Congress acts. Other "non-WSA lands with wilderness characteristics" are found in the PFO. Although BLM is precluded from managing non-WSA lands under the IMP and the Section 603 non-impairment standard, FLPMA Sections 201, 202, and 302 and BLM Washington Office Instruction Memoranda (IMs) Nos. 2003-274 and 2003-275—Change 1 provide that BLM may elect to manage non-WSA lands with wilderness characteristics using other prescriptions to protect those characteristics. BLM Planning Handbook (H-1601-1, Appendix C, Page 12) directs that planning decisions be identified to protect or preserve wilderness characteristics (naturalness, outstanding opportunities for solitude, and outstanding opportunities for primitive and unconfined recreation) and that the RMP may include goals and objectives to protect the resource and management actions necessary to achieve these goals and objectives. For authorized activities, BLM may include conditions of use that would avoid or minimize impacts to wilderness characteristics. BLM complied with the IMs and Planning Handbook by analyzing protective management for all non-WSA lands with

wilderness characteristics as Alternative E in the supplement released September 2007 and the Proposed RMP/Final EIS.

GCR 109: *The Price RMP/EIS does not adequately protect BLM lands with wilderness characteristics.*

Response: See GCRs 108 and 111.

GCR 110: *The BLM decisions in the Price RMP/DEIS do not recognize valid existing rights.*

Response: Valid existing must be recognized by BLM and do not require specific planning decisions to implement. As noted in Chapter 1 under Planning Criteria and as outlined in the BLM's Land Use Planning Manual (Section 1601.06G), all decisions made in land use plans and subsequent implementation decisions are subject to valid existing rights. The BLM will work with and subject to the agreement of holders of valid existing rights to modify proposed actions or activities to reduce the effect of the actions or activities on resource values and uses. These modifications may be necessary to maintain the choice of alternatives being considered during land use plan development and implementation, and may include appropriate stipulations, relocations, redesigns, or delay of proposed actions. Further, Chapter 2, page 5 of the Draft RMP/EIS, section 2.4.1 Wilderness Study Areas, states that WSAs will be managed in a manner that does not impair their suitability for designation as wilderness, subject to valid existing rights. Livestock grazing is a privilege rather than a valid existing right. Also, see GCRs 17, 106, 131, and 143.

GCR 111: *The BLM should manage all areas within the Redrock Wilderness Bill to protect their wilderness values.*

Response: The BLM released Supplement to the PFO Draft RMP/EIS for non-WSA lands with wilderness characteristics in September 2007. This supplement evaluated all lands nominated as having wilderness characteristics (including lands within the Redrock Wilderness Bill) as Alternative E which would protect all of these areas. WSAs will be managed under BLM's IMP until Congress either designates them as Wilderness or releases them for uses other than wilderness.

GCR 112: *The Draft RMP/EIS is not clear on how WSAs would be managed if released by Congress from consideration as wilderness.*

Response: The Price Field Office manages 11 WSAs in a manner consistent with the IMP. After considering comments on the Draft RMP/EIS, management of WSAs if released by Congress from wilderness consideration was revised for the Proposed RMP/FEIS. Should any WSA, in part or in whole, be released by Congress from wilderness consideration, proposals in the released area would be examined on a case-by-case basis for consistency with the goals and objectives of the RMP decisions. When appropriate, a land use plan amendment or amendments may be initiated.

GCR 113: *The Chapter 4 impact analysis for WSAs and non-WSA lands with wilderness characteristics is inadequate.*

Response: See GCR 115. BLM used the best available scientific information in the impact analysis for this Proposed RMP/Final EIS and included the information needed for analysis of the decisions. The analysis discloses future actions to occur following the adoption of this plan and outlines those actions as future actions to be taken. BLM acknowledges that there are uncertainties remaining and has identified these uncertainties.

GCR 114: *The BLM should or should not designate more WSAs.*

Response: The BLM does not have the authority to designate new WSAs under the land use planning process.

GCR 115: *The DEIS imposes VRM I and II in WSAs contrary to law and policy. VRM I and II should not be used within WSAs.*

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

GCR 116: *Areas that have been identified as “likely to have wilderness characteristics” should or should not be utilized as new information in this planning effort.*

Response: See GCR 108. Through its land use planning revision process and to comply with the FLPMA multiple-use mandate, BLM has discretion to balance competing resource uses and choose how the non-WSA lands ultimately will be managed, after considering all the values and potential uses of these non-WSA lands and the other lands within the planning area.

GCR 117: *The BLM should be more specific about the purpose for the Nine Mile Canyon SRMA addressing recreation and interpretive opportunities. Develop signs for visitors that provide cultural interpretation. Develop safe and scenic turn-out locations for visitors. Include the provision of a safe recreating environment.*

Response: In 1995 a Recreation and Cultural Area Management Plan as well as an interpretive plan were developed, for the Nine Mile Canyon area. These plans have not been implemented but both are carried forward in the Proposed RMP and would be implemented as part of the SRMA management. Issues related to site-specific planning decisions are being deferred to activity level planning and implementation, which will be completed after the completion of this plan.

GCR 118: *The plan acknowledges that quantification of the economic stimulus associated with recreation in the PFO is not possible as this time due to lack of verifiable data on recreational use. This statement conflicts with Chapter 3 that provides Visitor, Participant, and Visitor Days data from the RMIS data system. The acknowledgement that verifiable data exists certainly seems to indicate that the major source of data is “professional judgement”. This is not a valid, scientific source of data for the types of decisions that are being made in this RMP.*

Response: The Proposed RMP/Final EIS evaluates the socioeconomic impacts of having access to BLM lands for multiple uses. This includes an evaluation of the economic contribution of recreation to local communities, such as Emery and Carbon counties. For the region of influence the visitation figures discussed in Chapter 3, using RMIS data, are the best available information. Unfortunately information on recreation visitation is difficult to obtain in extremely remote areas with virtually unlimited an undetectable entry and exit points. Thus, dispersed recreation visitation estimates may be different than actual visitation. Factors influencing recreation visitation numbers include the number of visitors using trailhead registers, agency visitor centers, and fee campgrounds. As noted in the comment, the RMIS data is not considered valid enough to make quantitative analysis of jobs, earnings, tax revenues etc. tied to recreation in the local area. Instead, the Draft RMP/EIS and Proposed RMP/Final EIS provide qualitative analysis of socioeconomic impacts from potential changes in recreational activities under each of the alternatives.

GCR 119: *The DEIS does not clarify the exact nature and scope of the Desolation Canyon SRMA and the logic governing the prescriptions attached to it. The Vernal plan addressed some of the issues concerning the SRMA; however, it is unclear how far north into Uintah County the SRMA extends, how it ties in with the special management prescriptions outlined in the old management plans for the Price and Vernal areas, or what guides the No Surface Occupancy prescriptions within it. The Desolation Canyon SRMA needs to be better documented and co-managed by the Vernal and Price field offices. The No Surface Occupancy for oil and gas within at least one mile of the river as prescribed in the 1979 River Management Plan should be carried through to protect recreation opportunities.*

Response: The Price and Vernal Field Offices' have collaborated on the establishment and boundaries for the SRMA and the portions of the SRMA that overlap both Field Offices will be managed according to the inter-district (office) agreement for recreation. The Price Field Office agrees that additional coordination with the Vernal Field Office is necessary for management of the SRMA. The Vernal Draft RMP/EIS has been published and provides an opportunity for the public to review the SRMA boundaries and prescriptions that exist in both field offices. The existing Desolation and Gray Canyons of the Green River Management Plan would continue to be used as the activity plan for the Desolation Canyon SRMA. Extensive land use restrictions are proposed in the DEIS for Gray Canyon WMA and Desolation Canyon SRMA. Recreation use would be aggressively managed to meet the goals and objectives of these areas. Both the Gray Canyon WMA and the Desolation Canyon SRMA would be closed to OHV use and designated as NSO areas for oil and gas leasing (DEIS, Pgs. 2-41 and 2-69). These restrictions are considered adequate to protect the sensitive resource values within these areas.

GCR 120: *Wilderness areas should be protected. There shouldn't be any wilderness areas or there should be more wilderness areas.*

Response: Only Congress can designate an area as wilderness. There are no Congressionally designated Wilderness Areas in the Price Field Office. WSAs would be managed under BLM's Interim Management Policy and Guidelines for Lands Under Wilderness Review. The BLM released the Supplement to the PFO Draft RMP/EIS for non-WSA lands with wilderness characteristics in September 2007. This supplement evaluated all lands nominated as having wilderness characteristics and analyzed Alternative E which would protect these areas.

GCR 121: *Impact analysis on cultural resources is lacking in content, substance, or is unclear in substance or format.*

Response: Impact analyses were revised to reflect changes in the alternatives and to improve the clarity and readability of the document. Impacts on cultural resources from other resource management decisions and uses are analyzed in Section 4.2.4 of the Proposed RMP/Final EIS.

GCR 122: *BLM needs to prioritize development of mineral resources in areas where oil, gas, or coal bed natural gas and coal development would be in conflict with each other.*

Response: The management actions presented in Table 2-17 of the Proposed RMP/Final EIS address resolution of conflicts between oil, gas, or coal bed natural gas and coal resources. The management actions proposed under the Proposed RMP would allow BLM to identify conflict areas and promote safe and efficient extraction of energy resources. BLM also will identify potential conflicts in the various types of energy resource production on a case-by-case through site-specific analysis of proposed developments.

GCR 123: *In general the impact analysis is inadequate and difficult to understand.*

Response: BLM used the best available scientific information in the impact analysis for this management plan and included the information needed for analysis of the decisions in this Proposed RMP/Final EIS. The Proposed RMP outlines and discloses future actions to occur following completion of the RMP. More site-specific NEPA analysis will be performed on future implementation actions. BLM

acknowledges that there are uncertainties remaining and has identified these uncertainties. The Proposed RMP/Final EIS provides general guidance for building partnerships and coordinating resource management among the many partners that manage lands within the PFO boundary under each of the alternatives analyzed in detail.

GCR 124: *The Draft RMP/EIS maps did not provide sufficient information or were inadequate.*

Response: Map content in the RMP has been completed from BLM standard datasets and presented with the most clarity possible. Each map was designed to display specific information, resulting in selection of a scale and legend to accommodate the individual requirements of the text. The text of the Proposed RMP/Final EIS provides clarification of maps and specific comments were reviewed for each map to determine whether changes should be made. The 8 1/2" by 11" format for the maps in the RMP sometimes creates a problem when detail rather than precision is needed for review, however more detailed information can be obtained from BLM data sets and shape files.

GCR 125: *The public comment period on the Draft RMP/EIS should be extended.*

Response: The BLM provided the public with 90 days to review and comment on the DRMP/EIS as required by the BLM land use planning regulations (43 CFR 1610.2(e)). The standard comment period for a DEIS is 45 days in accordance with CEQ regulations at 40 CFR 1506.10(c). Therefore the BLM initially provided double the amount of time for public review and comment required by the CEQ. The 90-day public comment period was extended for an additional 45 days, closing on November 29, 2004. The 135-day public comment period allowed the public to review the BLM's data and review processes for ACECs, Wild and Scenic Rivers, OHV route designations etc. Public comment periods also were provided for the supplements on ACECs and non-WSA lands with wilderness characteristics.

GCR 126: *No justification was provided in the Draft RMP/EIS for why some nominated ACECs were not considered in the Draft RMP/EIS.*

Response: This oversight was corrected with publication of the Supplemental Information and Analysis to the Price Field Office Draft RMP/EIS for ACECs in June 2006. Appendix L of the Proposed RMP/Final EIS includes information about BLM's evaluation of all nominated ACECs.

GCR 127: *The BLM should have reevaluated the relevance and importance of the existing ACECs in the planning process.*

Response: The relevant and important values for which existing ACECs were established in the San Rafael RMP are addressed in detail in that document. In its Notice of Intent to prepare the Price RMP (Federal Register, Vol. 66, No. 216, November 7, 2001, Notice of Intent, Environmental Impact Statement, Price Resource Management Plan, Utah), the BLM identified the 13 existing ACECs created in the San Rafael RMP of 1991. The NOI explained BLM's intention to bring these ACECs forward into the Price RMP/EIS. A scoping report was prepared in May of 2002, to summarize the public and agency comments received in response to the NOI. The few comments that were received were supportive of continued management as ACECs. The ACEC Manual (BLM Manual 1613, 9/29/88) 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."

GCR 128: *The Draft RMP/EIS does not explain how valid existing rights will be accommodated in the ACECs with restrictive management.*

Response: Valid existing rights must be recognized by BLM and do not require specific planning decisions to implement. As noted in Chapter 1 under Planning Criteria and as outlined in the BLM's Land Use Planning Manual (Section 1601.06G), all decisions made in land use plans and subsequent implementation decisions are subject to valid existing rights. The BLM will work with and subject to the

agreement of holders of valid existing rights to modify proposed actions or activities to reduce the effect of the actions or activities on resource values and uses. These modifications may be necessary to maintain the choice of alternatives being considered during land use plan development and implementation, and may include appropriate stipulations, relocations, redesigns, or delay of proposed actions. Livestock grazing is a privilege rather than a valid existing right. Also, see GCRs 17, 106, 131, and 143.

GCR 129: *BLM does not have the authority to designate ACECs that include “natural process” as a relevant and important value.*

Response: FLPMA specifically uses the term “natural systems” in its definition of ACEC. The FLPMA definition of ACEC as an area “within the public lands where special management attention is required (when such areas are developed or used, or where no development is required) to protect and prevent irreparable damage to important historic, cultural, or scenic values, fish and wildlife resources or other natural systems or processes (emphasis added), or to protect life and safety from natural hazards” (FLPMA Sec. 103(a)).

GCR 130: *BLM cannot designate ACECs because they are not consistent with county plans.*

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

GCR 131: *The Draft RMP/EIS does not contain an adequate range of alternatives in ACECs because there was no alternative that considered no ACECs. Also a full range of prescriptions within the ACECs was not considered.*

Response: The Land Use Planning Handbook, H-1601-1, requires consideration of many factors in the development of alternatives (i.e. meet the purpose and need for the action; meet the goals and objectives for the plan; can be feasibly carried out based on cost, logistics, technology, and social and environmental factors; represents a different land use plan that addresses and/or resolves the planning issues; decisions may be common to some or all of the alternatives; components of each individual alternative must be complementary; and developed in an open, collaborative manner to the extent possible). With cooperators assistance and public input, BLM has met the handbook requirements.

GCR 132: *The Draft RMP/EIS should include an analysis of the socioeconomic impacts of allowing or denying multiple use access to public lands in Carbon and Emery Counties.*

Response: Additional information has been provided on all economic factors used to evaluate socioeconomic impacts. Section 3.6 of the Proposed RMP/Final EIS has been written and edited to further describe the social make-up and economic conditions of Emery and Carbon Counties. Additional social concepts including prehistory, settlement patterns, history, culture, and traditional values are provided. The Proposed RMP/Final EIS includes an appendix summarizing the results of the Utah State University public lands survey commissioned by the Governor’s office. Socioeconomic Impacts of the Proposed RMP are fully evaluated in Section 4.6. Included is analysis of how BLM lands and federal mineral estate managed within Emery and Carbon Counties affect local, state, and federal government budgets and expenditures from mineral royalties, taxes, Payment in Lieu of Taxes, fees and other revenues under each alternative. An additional socioeconomic technical report is provided which explains the methodology used to analyze the socioeconomic impacts from having access to BLM lands for multiple uses (Booz Allen 2008a). It provides the calculations and results for energy production, recreation, and grazing under

each alternative allowing for socioeconomic impact comparisons across those alternatives. The report also discusses the input/output model IMPLAN used to model additional economic activity including jobs, income, tax revenues, etc. associated with the direct industries tied to the multiple uses on BLM land. This discussion explains in detail how direct industries, such as energy production, generate additional, income and employment for indirect industries (trucking, lodging, etc.).

GCR 133: *The Draft RMP/EIS socioeconomic analysis did not discuss the impacts that would result on the local and state tax base.*

Response: Chapter 3, Section 3.6 of the Proposed RMP/Final EIS includes an description of public finance and government services related to the use of BLM lands and resources. This includes an explanation of how BLM lands and federal mineral estate managed within Emery and Carbon Counties affect local, state, and federal government budgets and expenditures from mineral royalties, taxes, Payment in Lieu of Taxes, fees and other revenues. Potential impacts to public finance and government services from mineral revenues under each alternative are analyzed in Section 4.6.

GCR 134: *The analysis of impacts to visual resources is inadequate and it is not clear how protection of visual resources would limit development.*

Response: In the Proposed RMP/Final EIS the impacts of visual resource management (VRM) on other resources and uses are addressed in the analysis of impacts on each resource and use. For example, the impacts of VRM on Minerals and Energy Development are analyzed in Section 4.3.5. The RMP process establishes specific management objects for the area's visual resources based on the various resources uses and values. These designations are developed through public participation and collaboration. Subsequent to the land use planning process, a determination is made whether proposed surface-disturbing activities or development will meet the visual resource management objectives established for the area and whether design adjustments will be required. A visual contrast rating process is used for this analysis, which involves comparing the project features with the major features in the existing landscape using the basic design elements of form, line, color, and texture. This process is described in the BLM Handbook H-8431-1, Visual Resource Contrast Rating. The analysis is then used as a guide for resolving visual impacts. Managers have the option of attaching additional mitigation stipulations to bring the proposed surface-disturbing activity into compliance with the VRM objectives and can decide whether to accept or deny project proposals.

GCR 135: *The BLM should require all resource uses to meet Visual Resource Management (VRM) objectives. The state objects that the Draft RMP does not make information supporting the VRM inventory class determinations proposed by BLM available for review.*

Response: BLM's national Planning Handbook, H-1601-1, Appendix C(I) requires that through the land use planning process, BLM set objectives for management of visual resources (landscapes) of all lands under its administration. Any action BLM implements must comply with those objectives. While the Price Draft RMP/EIS and Proposed RMP/Final EIS do not include detailed information on BLM's visual resources inventory, that information is available for inspection in the Price Field Office.

GCR 136: *VRM I and II classifications constitute de facto wilderness management in violation of the multiple use mandate of FLPMA. VRM classification is moot in WSAs because the non-impairment standard protects these areas.*

Response: See GCR 139. Through the land use planning process, BLM sets objectives for management of visual resources (landscapes) of all lands under its administration. Any action BLM implements must comply with those objectives. Management of WSAs must be consistent with the Wilderness IMP, but VRM in WSAs is not moot. When BLM sets visual resource management objectives in land use planning,

objectives must be consistent with management of WSAs to preserve their wilderness character. VRM objectives for WSAs are set as Class I to preserve the existing character of the landscape.

***GCR 137:** The practice of inventorying and evaluation of lands for the purpose of giving visual ratings or management classes, which will determine the amount of modification allowed to the basic elements of the landscape, is not consistent with county plans.*

Response: See GCR 29. The BLM is aware that there are specific County and State plan decisions relevant to aspects of public land management that are discrete from, and independent of, Federal law. However, the BLM is bound by Federal law. The FLPMA requires that the development of an RMP for public lands must be coordinated and consistent with County plans, to the maximum extent possible by law, and inconsistencies between Federal and non-Federal government plans be resolved to the extent practical (FLPMA, Title II Sec. 202 (c)(9)). As a consequence, where State and local plans conflict with Federal law there will be an inconsistency that cannot be resolved or reconciled.

***GCR 138:** Proper BLM management can be accomplished reasonably without layering levels of restrictions through various designations.*

Response: “Layering” is a 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 doesn’t necessarily manage every value and use on every acre, but 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 person’s interests or desires in how public lands should be managed. 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.

***GCR 139:** BLM must recognize valid existing rights in WSAs.*

Response: Chapter 2, page 5 of the Draft RMP/EIS, section 2.4.1 WSAs, states that WSAs will be managed in a manner that does not impair their suitability for designation as wilderness, subject to valid existing rights. Valid existing must be recognized by BLM and do not require specific planning decisions to implement. As noted in Chapter 1 under Planning Criteria and as outlined in the BLM’s Land Use Planning Manual (Section 1601.06G), all decisions made in land use plans and subsequent implementation decisions are subject to valid existing rights. The BLM will work with and subject to the agreement of holders of valid existing rights to modify proposed actions or activities to reduce the effect of the actions or activities on resource values and uses. These modifications may be necessary to maintain the choice of alternatives being considered during land use plan development and implementation, and may include appropriate stipulations, relocations, redesigns, or delay of proposed actions.

***GCR 140:** Wilderness quality lands (WSA and 1999 BLM inventoried wilderness quality lands) should be maintained VRM I. Special Recreation Management areas and ACEC’s should be maintained at VRM I or II throughout. The VRM I rating is restricted to Class 1 wilderness areas, congressionally designated wild and scenic river segments, and other areas where congressional decisions or legitimate administrative decisions have been made to preserve a natural landscape. Is VRM class I management*

lawful for WSA's? Allowing VRM class III in Nine Mile Canyon would impact the scenic, historic, and prehistoric values that Nine Mile Canyon is famous for.

Response: VRM objectives in SRMAs and ACECs would be prescribed consistent with the purpose of the area. For example, VRM Class I objectives might be appropriate in an ACEC designated for the protection of T & E species and their habitat. On the other hand, if it is necessary to treat vegetation to restore that habitat, VRM Class I objectives – preserving the existing landscape - might not be consistent with that need. On the other hand, if the management emphasis in a SRMA is on cross-country motorized travel and developed camping, VRM Class III or IV objectives - that allow for more modification of a landscape - might be more appropriate. In the case of Nine Mile Canyon, the SRCMP does identify the area to be managed as VRM II. The Proposed RMP changes some of the area to VRM III to accommodate other objectives in the canyon (e.g. cultural interpretation). The Proposed RMP/Final EIS analyzes the impacts of VRM on other resources and uses under the appropriate resource and use headings.

GCR 141: Designate lands with wilderness qualities as ACECs or the use of ACECs is not appropriate to preserve non-WSA lands with wilderness characteristics.

Response: 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 under the land use planning process.

GCR 142: The BLM did not recognize or use the input from all members of the public.

Response: BLM values input from all members of the public. All public input is read and analyzed and considered in development of the Proposed RMP/Final EIS. Data submitted by the public is part of the record for the planning effort and is utilized when applicable in Chapter 3 and 4 of the EIS. All comments were reviewed and considered during the formulation of the Proposed RMP. Many letters were submitted by organizations representing specific interests. These comments were reviewed in the same way that comments from individual citizens were reviewed. Please see Section 5.6 in the Proposed RMP/Final EIS for a description of how all comments were reviewed. All comments received, regardless of the sender, were part of the same content analysis process.

GCR 143: Due to inadequacies and deficiencies in the alternatives and analysis, the BLM must prepare a supplemental Draft EIS.

Response: According to Council on Environmental Quality Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act (CEQ NEPA guidelines) at 40 Code of Federal Regulations (CFR) 1502.9(c), “Agencies shall prepare supplements to either draft or final environmental impact statements if: (i) The agency makes substantial changes in the proposed action that are relevant to environmental concerns; or (ii) There are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts.” There is no need for further supplementation of the Draft RMP/EIS for the following reasons: 1)The alternatives analyzed in detail were refined and the Proposed Plan/Final EIS incorporates changes as necessary based on the commenter’s concerns; 2)BLM provided informational meetings on the Draft RMP/EIS for a variety of topics in August, 2004, the Salt Lake meeting was held on August 31, 2004; 3)BLM documented all public outreach activities, including these informational meetings and provided a multi-faceted outreach strategy in order to involve the public in all phases of this collaborative planning effort, including but not limited to Federal Register publications, planning bulletins, open houses for scoping and other informational purpose, news releases, website notification, television promotion, as well as informational meetings on the DRMP/DEIS, and 4)supplements to the Draft RMP/EIS regarding ACECs and non-WSA lands with wilderness characteristics were prepared with public involvement and comment. Chapter 5 of the Proposed RMP/Final EIS summarizes this information.

GCR 144: *The BLM should close WSAs to OHV use.*

Response: The BLM Wilderness IMP allows for OHV use on existing ways that were identified during the inventory in WSAs as long as impairment of wilderness values does not result from this use. WSAs are closed to OHV use in the Proposed RMP/Final EIS with the exception of the four routes in the Sids Mountain WSA. Inventoried wilderness characteristics were used as a criterion in designating routes. Non-WSA lands with or likely to have wilderness characteristics may have specific designated routes, but will no longer be open for cross-country motorized travel. Areas with special management designations, such as ACECs, do not always require OHV closures, depending on the purpose and management prescriptions for each area to protect sensitive resources such as relict vegetation and cultural resources. Specific management actions for the lands identified in America's Redrock Wilderness as put forth in the Castle Country Heritage Plan have been considered in Alternative C; however, these lands are not being considered as new WSAs.

GCR 145: *Public outreach efforts have been inadequate and there has been a lack of clear information on coordination and consultation*

Response: BLM provided informational meetings on the DRMP/DEIS in August. The Salt Lake meeting was held on August 31, 2004. These meetings were conducted for informational purposes for a variety of topics relative to the Draft document. BLM documented all public outreach activities, including these informational meetings. In addition, BLM provided a multi-faceted outreach strategy in order to involve the public in all phases of this collaborative planning effort, including but not limited to: Federal Register publications, planning bulletins, open houses for scoping and other informational purpose, news releases, website notification, television promotion, as well as informational meetings on the Draft RMP/EIS. Additional public comment periods were offered for the Supplements to the Draft RMP/EIS. Chapter 5 of the Proposed RMP/Final EIS summarizes this information.

GCR 146: *A brief description of Utah v. Norton should be included to provide the reader with an answer to why the BLM won't consider designations of new WSAs in the RMP process.*

Response: A brief description of the Utah v. Norton settlement agreement can be found in Chapter 3, Section 3.2.11 of the Proposed RMP/Final EIS.

GCR 147: *BLM funding and budget is inadequate to accomplish or accommodate the Proposed Plan.*

Response: The BLM's multiple-use mission as directed by Congress is to sustain the health and productivity of the public lands for the use and enjoyment of present and future generations. The Bureau accomplishes this by managing such activities as outdoor recreation, livestock grazing, mineral development, and energy production, and by conserving natural, historical, cultural, and other resources on the public lands. BLM will seek to obtain funding for implementation and mitigation of the Final Price RMP. Because funding is provided by Congress, it is beyond BLM's control. BLM has assumed that because Congress has directed the BLM to manage public land, it would continue to fund it adequately to manage resource uses and protect the health and safety of the public and the resource values on the public lands.

GCR 148: *The tentative Wild and Scenic River classifications developed during the determination of eligibility should be carried forward in all alternatives. The Green River through Desolation Canyon should be "wild" in the preferred alternative.*

Response: Since a river's classification provides a framework for the management prescriptions applied within the river area, some flexibility, though limited, is necessary to consider a range of alternative tentative classifications. BLM's Wild and Scenic River Manual (Section 8351.33C.) states, "Additional alternatives may be formulated for any combination of designations and/or classifications. Whenever an eligible river segment has been tentatively classified, e.g. as a wild river area, other appropriate

alternatives may provide for designation at another classification level (scenic or recreational).” Reasons for considering alternative tentative classifications include to resolve conflicts with other management objectives (whether BLM’s or those of another official entity), continuity of management prescriptions, or other management considerations.

GCR 149: *The region of comparison used to determine the Outstandingly Remarkable values for wild and scenic river eligibility was too small or not well defined.*

Response: Appendix C of the Proposed RMP/ Final EIS clearly explains how the region of comparison was identified and used to determine which values are at least regionally significant.

GCR 150: *BLM is mandated by congress to consider potential W&SR during the RMP process.*

Response: The BLM is mandated by Congress through the provisions of Section 5 (d) (1) of the Wild and Scenic Rivers Act to consider streams with potential for inclusion into the national system of rivers in all planning for the use and development of water and related land resources. The BLM is fully evaluating and considering potential impacts related to Wild and Scenic River decisions in this planning process. Congressional designation of suitable streams is evaluated in the cumulative impacts analysis of the Final EIS. Suitability issues are addressed for all eligible stream segments in Appendix C of the Proposed RMP/Final EIS.

GCR 151: *The Draft RMP/EIS failed to discuss the impacts of Wild and Scenic River designation on private landowners.*

Response: Under the Wild and Scenic Rivers Act, designation of a river neither gives nor implies government control of private lands within the river corridor. Although Congress could include private lands within the boundaries of the designated river area, management restrictions would apply only to public lands. Private land owners would be able to use their property as they had before designation.

GCR 152: *ACEC analysis is not precise, impacts from individual ACECs are not explained or are difficult to identify in the Draft RMP/EIS. Lumping all of the ACECs analysis together generalizes the impacts and is not consistent with the analysis approach for other resources.*

Response: Chapter 4 in the Proposed RMP/Final EIS address impacts of ACECs in terms of relevant and important values rather than by all ACECs together. This discloses the impacts of each individual ACEC.

GCR 153: *The DEIS does not identify “irreparable damage” to ACECs. BLM misinterprets irreparable damage when reviewing and analyzing ACECs in the DEIS. The ACEC tool was intended by Congress to be limited to only those instances where irreparable damage would be caused without designation. Most surface disturbing actions can eventually be repaired.*

Response: All nominated areas with relevant and important values are identified as potential ACECs and addressed in the alternatives. Appendix L in the Proposed RMP/Final EIS explains the definition of irreparable harm and Table 2-19 identifies the threats to the relevant and important values for each of the potential ACECs. On August 27, 1980, BLM promulgated final ACEC guidelines (45FED REG 57318) that clarify that the term “protect” means: “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 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.

GCR 154: *The Nine Mile Canyon proposed ACEC does not provide appropriate protection for the relevant and important values or the Nine Mile Canyon proposed ACEC is too restrictive and is not necessary to protect the cultural resources.*

Response: In the Proposed RMP, the Nine Mile Canyon ACEC is in the canyon and would be NSO. Maps 2-30 through 2-34 and Map 2-63 of the Proposed RMP/Final EIS show fluid mineral leasing decisions by alternative and Maps 2-45 through 2-49 and Map 2-66 show ACEC boundaries by alternative. BLM identified special management for potential ACECs, as directed by BLM Manual 1613-1 which will protect and prevent irreparable damage to the relevant and important values. Special management for the potential Nine Mile Canyon ACEC was designed to protect and prevent irreparable damage to extensive and unique cultural resources and wildlife habitat while ensuring valid existing rights present. BLM agrees that the existing environment in Nine Mile Canyon, particularly in the case of scattered public lands, a county controlled right of way in the bottom of the canyon that is not subject to BLM limitations, and extensive previous use for recreation, ranching and mineral development, results in certain constraints in management options available for the Draft RMP/EIS. Management prescriptions have been adjusted accordingly to provide protection for relevant and important values while development continues on private lands and while providing access to minerals on public lands through directional drilling.

GCR 155: *The ACECs are too large. They must be limited in size and programmatic scope to only those areas necessary to protect the relevant and important values or the ACECs are too small to protect the relevant and important values.*

Response: The BLM considered the acreage needed to protect and prevent irreparable damage to relevant and important values. Nominated ACECs or portions of nominated ACECs that failed to meet both relevance and importance criteria were not considered in the Draft RMP/EIS alternatives. As noted in the Draft RMP/EIS Appendix 26, “in some cases the interdisciplinary team review resulted in modified boundary configurations for some potential and existing ACECs based on the information provided in the nominations.” Appendix L of the Proposed RMP/Final EIS explains the ACEC evaluations for the Price planning effort.

GCR 156: *It seems the Draft RMP/EIS uses ACEC designations to expand the boundaries of WSAs. ACEC designation in WSAs is in opposition to BLM guidance and is an ineffective use of the ACEC designation.*

Response: 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.

GCR 157: *The Draft RMP/EIS does not include a discussion concerning the nature or type of threats to each ACEC that could result in irreparable damage.*

Response: All nominated areas with relevant and important values are identified as potential ACECs and addressed in the alternatives. Appendix L in the Proposed RMP/Final EIS explains the definition of irreparable harm and Table 2-19 identifies the threats to the relevant and important values for each of the potential ACECs.

GCR 158: *No justification was provided for why proposed ACECs in some alternatives were not designated in the preferred alternative. BLM did not adequately address why all proposed ACECs were not carried into the preferred alternative in the Price RMP/DEIS.*

Response: There is no requirement to carry forward all of the potential ACECs into the Proposed RMP. The BLM’s ACEC Manual (1613) requires that all potential ACECs be carried forward as recommended for designation into at least one alternative in the DRMP/DEIS. Alternative C and E analyze the

designation of all potential ACECs. The analysis in Section 4.4.2 of the Proposed RMP/Final EIS provides the rationale for designation of individual ACECs. Further discussion of rationale for designation or non-designation of ACECs will be provided in the ROD for the Price RMP.

GCR 159: *The Draft EIS lacks a coherent analysis of the potential effects to various wildlife resources from oil and gas activities. Thus, it is difficult to assess whether the mitigation measures BLM proposes to impose to reduce any potential effects are necessary and supported by sound science.*

Response: Oil and Gas Best Management Practices, Conservation Measures for Special Status Species, and Measures Common to All Alternatives all include measures for protection of wildlife. Some measures have been developed through the experience of wildlife managers in the Federal agencies and others have been developed through academic research. The Proposed RMP/Final EIS provides a plan level analysis. More detailed analysis will be required for site-specific oil and gas proposals. Appendix G lists stipulations for surface disturbing activities along with exceptions, modifications, and waivers that can be applied as site-specific oil and gas activities are approved.

GCR 160: *The Draft RMP/EIS does not provide for sufficient management and protection of the greater sage grouse or it provides too much protection of this species.*

Response: Several documents were published relative to greater sage-grouse and their habitat, after the Draft RMP/EIS was released for public comment. In June 2004, the Western Association of Fish and Wildlife Agencies (WAFWA) released the Conservation Assessment of Greater Sage-grouse and Sagebrush. The Proposed RMP complies with the greater sage-grouse and sagebrush habitat strategies, and would utilize suggested conservation measures to reduce the threats to not only greater sage-grouse populations and their habitats, but also to other sagebrush obligate species. In addition, the Proposed RMP includes goals, objectives and actions that would maintain or enhance the quality of existing sagebrush habitat, and would provide for rehabilitation or restoration of degraded or historic sagebrush rangelands. See Section 2.3 and Table 2-8 for a description of management actions for sage grouse under each of the alternatives. See GCR 55.

GCR 161: *In order to meet its regulatory obligations, BLM should evaluate and implement the environmentally protective management prescriptions contained in Heart of the West.*

Response: Suggestions from the Heart of the West are incorporated into management where reasonable and compatible with BLM management practices. In addition, BLM supports multiple use of public lands in coordination with UDWR, USFWS and other federal, state and local organizations. Therefore, management of wildlife, habitat and other natural resources is balanced with the need for resource use throughout the field office.

GCR 162: *The BLM must have an objective in the vegetation section regarding range land health standards and sagebrush steppe restoration as developed by Partners for Conservation and Development.*

Response: In the Proposed RMP/Final EIS, Section 2.3, Vegetation, specifically states that under all alternatives the BLM would use the Utah partners for Conservation and Development to identify sagebrush habitat locations and amounts that should undergo restoration and/or rehabilitation.

GCR 163: *The analysis of impacts on vegetation in the Draft RMP/EIS is inadequate because it is inconsistent with management decisions in the alternatives or doesn't account for anticipated activities.*

Response: The impact analyses have been edited and clarified including the cumulative effects section in the Proposed RMP/Final EIS. The implementing regulations for NEPA require agencies to estimate the intensities of impacts to the human environment, as well as the resultant intensity based on the implementation of mitigation measures.

Cooperating Agency Comments

Some of the responses to the cooperating agency comments use the above GCRs. Where this occurs a reference is included as to which GCR responds to the comment.

State of Utah.

Comment: *No discussion is evident concerning the ACECs previously established in the current plan, except for those which became enfolded within part of a new ACEC. Each and every proposed ACEC should be analyzed anew, and justified for the life of the new plan.*

Response: Appendix L of the Proposed RMP/Final EIS includes a summary of the relevant and important values of each of the existing ACECs. This a summary of the information contained in the San Rafael RMP. Also, see GCRs 127 and 131.

Comment: *The Lower Green River proposed ACEC discusses the opportunity for primitive recreation and wilderness characteristics as reasons for this ACEC and these are not valid reason for establishing an ACEC.*

Temple-Cottonwood-Dugout Wash ACEC identifies “opportunities for primitive recreation due to the solitude” of the area as its importance and relevance factor.

Range Creek ACEC lists cultural resources, wildlife habitat and a riparian corridor as the importance and relevance factors. Additionally, no discussion is evident concerning the nature or type of threat of irreparable damage to any of the factors listed as relevant or important.

Response: Appendix L of the Proposed RMP/Final EIS discussion of the relevant and important values of these ACECs no longer uses recreation or wilderness as relevant and important values. Appendix L has also been modified to include a generalized discussion of any threats to the Relevant and Important values. See GCRs 141 and 153.

Comment: *As a general comment, the ACEC tool was intended by Congress to be limited in its scope to areas where it was necessary to protect and prevent (not either/or) irreparable damage to important historic, cultural or scenic values, fish and wildlife resources or important historic, cultural or scenic values, fish and wildlife resources or other natural systems or other natural systems or processes or to protect life and safety from natural hazards. The designation is not appropriate when relevant values are merely subject to some impairment. The threat must rise to a level of actual damage. Damage that is threatened or that is temporary does not fit the criteria for consideration as an ACEC.*

Response: See GCR 153.

Comment: *2-106 Alternatives: Where ACECs currently exist and alternative are proposed to release them management prescriptions were proposed other than the very broad and indefinable “manage according to other resource decisions” there are prescriptions that could have been proposed that would make these alternatives viable. Failure to present viable alternatives biases the selection of alternatives toward selection of one that maintains the ACEC. In some cases no other alternatives were considered. Both situations could be viewed as the outcome being predetermined. Even though the relevance and importance of the values to be protected are questionable these values could be protected to the same degree with management restrictions less restrictive than those proposed.*

Response: See GCR 131.

Comment: *2-110, Dry Lake ACEC: The NSO for oil and gas and avoidance for ROW grants is not consistent with uses permitted elsewhere in the alternative. Both oil and gas and ROW activities can be*

designed to prevent damage to cultural resources, this is a current practice and provided for in law and regulation that govern such resources.

Response: See GCR 30.

Comment: 2-111, I-70 ACEC: *There is no indication of the width of this ACEC in the Draft RMP/EIS.*

Response: The width of the I-70 ACEC varies and is shown on Maps 2-45 to 2-49 and Map 2-66 of the Proposed RMP/Final EIS.

Comment: 2-112 Muddy Creek ACEC: *Alternatives here list areas as open to mineral entry. However, Map 2-37 shows the area in and outside the WSA to be recommended for mineral entry withdrawal.*

Response: The inconsistency between the text and the map has been resolved in the Proposed RMP/Final EIS (See Maps 2-35 to 2-39 and Map 2-64).

Comment: 2-121: Map 2-47 shows a “Horseshoe Canyon” ACEC but it is not addressed in Chapter 2.

Response: The nominated Horseshoe Canyon ACEC was incorporated into the “Lower Green River ACEC” and should not have been identified on Map 2-47. This error has been corrected in the Proposed RMP/Final EIS.

Comment: 2-124, Nine Mile Canyon ACEC: *Alternatives B, C, and D refer the reader to Map 2-44, 2-45, and 2-46 which speak to the Vernal Alternative A. There are no such references on those maps and should not be. The meaning of the references is unknown.*

Response: ACEC descriptions on page 2-124 regarding Nine Mile are confusing. There is an existing and proposed Nine Mile Canyon ACEC in the Vernal RMP. The two offices have coordinated the size and the management prescriptions, so that the boundaries would be contiguous and the management would be the same.

Comment: ACECs: *There is no analysis of the need for expanded or additional ACECs in the planning issues section.*

Response: See GCR 127.

Comment: ACECs: *Potential ACECs must meet the statutory requirements set forth in FLPMA, which require a showing that “special management attention is required” to “protect and prevent irreparable damage” to an area. Other regulatory requirements concern a showing of relevance and importance. The analysis of the newly proposed ACECs presented in Appendix 26 does not meet this standard, and consists of statements about relevance and importance which are apparently designed as self-evident explanations rather than careful analysis.*

Response: See GCR 153.

Comment: *The discussion of the proposed Uranium Mining Districts ACEC indicates the sites have recently become “more fragile.” How so? What does this mean, and is it irreparable? State law requires the BLM to analyze the features found to be important and relevant on a regional basis against activities which are within the multiple-use mandate of the BLM. This requires an analysis of the feature against the effects of grazing, recreation, mining and so forth, and the nature of the irreparable damage which may result. None of this analysis is evident.*

Response: Please see GCRs 152 and 153.

Comment: *The state is concerned about the proposed excessive withdrawal of acreage to protect archaeological resources in the proposed Nine Mile Canyon and Range Creek ACECs. The cultural resources in those areas are certainly world class, but the provisions for examining an undertaking under the National Historical Preservation Act protect these resources. The opportunity to protect the cultural resources through flexible requirements negotiated with the State Historic Preservation Officer can keep surface disturbing activities away from key resources, and provide mitigation for non-significant impacts.*

The BLM should simply consider employing the standard lease term which does not allow oil and gas activity within 100 feet of an archeological site, and draw a 100 foot buffer around all the identified archaeological sites in Nine Mile Canyon and Range Creek.

Response: Please see GCRs 30, 154 and 155.

Comment: *On Page 4-504, the Draft EIS discusses the proposed Lower Green River ACEC. The analysis thereafter states that “no threats have been identified to the relevant and important value.” Alternatives B and C then propose to establish an ACEC, even though no threats of irreparable harm have been identified. A similar discussion is found on Page 4-506 concerning the proposed Beckwith Plateau ACEC. If no threat of irreparable damage can be demonstrated, the BLM must conclude an ACEC is not appropriate.*

Response: See GCR 153.

Comment: *The state objects to the statements found on page 4-525 concerning the effects of ACECs on Minerals and Energy. The analysis indicates that ACECs will not affect Minerals and Energy, except as noted, because ACECs would not be located in areas of reasonable and foreseeable oil and gas development. This statement is not supportable given the state's concerns about the inadequacy of RFDs prepared to this point. The state requests the BLM revisit this analysis as the mineral RFDs are reworked.*

Response: Appendix M of the Proposed RMP/Final EIS updates the RFD. The Proposed RMP/Final EIS addresses impacts by ACEC in terms of relevant and important values rather than analyzing all ACECs together as was done in the Draft RMP/EIS.

Comment: *As a general comment, the need to continue the existence of current ACECs needs to be analyzed. That analysis has not been provided to the cooperators.*

Response: See GCR 127.

Comment: *2-123, Range Creek ACEC: This ACEC is proposed to protect cultural and natural process values. “Natural process” values are not defined in the Draft RMP/EIS.*

Response: See GCR 129.

Comment: *2-123, Range Creek ACEC: There are no values listed in the relevance and importance analysis that are not or could not be protected with current policies and regulations. The closure for oil and gas is in a high potential area for oil and gas and coal bed methane. The mineral entry closure has potential coal reserves. There are SITLA lands within the ACEC that would not be developable if ACEC is designated. These losses must be analyzed.*

Response: See GCR 157.

Comment: *2-124, Nine Mile Canyon ACEC: The description as to the status of oil and gas is difficult to determine the way it is written. It appears to say that the areas covered by an ACEC and that are within the canyon rim would be NSO where lands outside the rim would be open with minor constraints.*

Response: Maps 2-27 to 2-31 in the Draft RMP/EIS detail the oil and gas leasing in the Nine Mile Canyon ACEC.

Comment: 2-124, Nine Mile Canyon ACEC: Nine Mile Canyon ACEC is a coal potential area and a high oil and gas potential area. The impacts to these resources must be analyzed and are not.

2-129, Uranium: This is a high potential oil and gas area and the inability to access these resources must be analyzed and impacts reported. There is no analysis of the impact of NSO in this high potential area.

Response: Please see GCRs 132 and 152.

Comment: 2-124, Nine Mile Canyon : The fact that Nine Mile Canyon is currently covered by several special designations and numerous laws and regulations would support Alternative A as the preferred alternative. The other alternatives are overly restrictive given current protections.

Response: See GCR 154.

Comment: 2-129, Uranium: The ACEC fails to meet the test for relevance and importance as the cultural resources can be protected within current law policy and regulations. The fact that the area is proposed to be open for mineral entry, mineral materials and NSO for oil and gas is not consistent.

Response: See GCR 30.

Comment: 2-129, Uranium: Alternative C lists the area open to mineral entry but Map 2-35 shows it to be proposed for withdrawal.

Response: Table 2-19 in the Proposed RMP/Final EIS indicates that the Uranium Mining Districts ACEC would remain open to mineral entry under Alternative C. Map 2-38 in the Proposed RMP/Final EIS correctly shows the ACEC as open to mineral entry.

Comment: 4-519, Impacts To Cultural Resources: Here it states that closure of four ACECs to grazing is not anticipated to impact livestock grazing. Table 4-20 indicates that 5,489 acres will be withdrawn in the four ACECs. That is a significant amount. There is no indication of the basis for the no anticipated impact finding.

Response: The impacts section has been revised to better present the impacts that will occur to grazing from ACEC prescriptions. Also see GCR 152.

Comment: 4-525, Nine Mile Canyon : Here it states that Nine Mile Canyon ACEC is NSO. Map 2-31 shows only the canyon to be NSO. Chapter 2 is not clear but implies only the canyon is NSO. In a recent meeting with PFO staff we were assured only the canyon was NSO. Reading further the area in the ACEC is a VRM Class III with minor restrictions on oil and gas development.

Response: The proposed RMP/Final EIS clarifies where oil and gas leasing would be allowed within Nine Mile Canyon ACEC subject to the various constraints.

Comment: 2-111, I-70 ACEC: There is a range of alternatives offered as to the length of this designation but not for the management prescriptions that are to be applied to it.

Response: The I-70 ACEC is an existing ACEC and the management prescription has worked to protect the area. The BLM sees no need to change the prescription but only the area to which it applies. Also see GCR127.

Comment: 2-11, 1-70 ACEC: A VRM Class I is inappropriate. The BLMs visual resource handbook provides that Class I is to be applied to areas where previous decisions have been made to manage for natural landscapes.

Response: The I-70 ACEC was designated in the 1991 San Rafael RMP. The existing prescription is VRM Class I to protect the natural landscapes visible from Interstate 70 thus preserving the visual experience of the public traveling the interstate.

Comment: Oil and Gas - Map 17 of the Mineral Report does not reflect the overlap of the oil and gas play areas because the mapping scheme is not transparent, Multiple vertical plays underlying the same area need to be shown, and not merged into a one-dimensional geographical representation. Three play types, Basin Flank Mesaverde (USGS play 2018), Tight Gas Uinta Tertiary West (play 2016), and Uinta Tertiary Oil and Gas (play 2002), cannot even be seen on the map, and these three are some of the most prospective in the planning area, and underlie part of the proposed Nine Mile Canyon ACEC. This map does not allow the reader to understand that some portions of the planning area have multiple play zones that can be targeted, thus increasing the chances of a well hitting commercial petroleum deposits and making those areas more desirable for future exploration and development. The map should be revised to allow the overlapping of the play areas to be visualized. Map 3-21 of the RMP, Conventional. Oil and Gas Occurrence Potential, incorrectly labels the combined area of all the plays from Map 17 as having high occurrence potential with only “C” level of certainty rather than a “D” level of certainty for those plays that contain producing oil and gas fields that provide “abundant direct and indirect evidence” to support the presence, and likely future development potential, of petroleum resources. The Uinta Tertiary Oil and Gas (play 2002), Tight Gas Uinta Tertiary West (2016), Cretaceous Sandstone (play 2107), Cretaceous Dakota to Jurassic (play 2004), and the Penno-Triassic, unconformity (play 2106) plays all have (or had) producing petroleum deposits within the planning area and should be given a “D” rating of certainty of occurrence, The other plays could have a rating of “C” since the direct evidence, though not abundant, indicates the occurrence of petroleum in these plays. Company interest indicates future exploration of these plays will extend into the planning area in the next 15 years.

Response: Maps 3-18 through 3-27 of the Proposed RMP/Final EIS present the minerals potentials for the Price FO area. Overlaps have been analyzed in the text of the Final EIS.

Comment: In Table 2-16, p. 2-101, Locatable Minerals: The entries are confusing because they refer to areas open for mineral leasing rather than mineral location. The maps showing areas recommended for withdrawal are incorrect. The Draft RMP/EIS does not contain any maps for coal, gypsum, sand and gravel, and clay and stone.

Response: The language for locatable minerals in Table 2-17 of the Proposed RMP/Final EIS has been corrected. Maps 2-35 to 2-39 and Map 2-64 (Areas Recommended for Withdrawal from Mineral Entry) have been updated and corrected. Coal Map 2-56 has been added. Occurrence potential for gypsum, sand and gravel, clay, and stone has been added to Maps 2-35 to 2-44 and Maps 2-64 through 2-65 as appropriate.

Comment: The state supports the decision to withdraw the Gordon creek Wildlife Management Area from entry under the General Land and Mining Laws (2.8.5 Minerals and Energy Development pg. 2-17). The Federal leases in this area were relinquished by River Gas Corporation as mitigation to offset the disturbance and direct loss of big game habitat from the coalbed methane development analyzed in the Price Coalbed Methane EIS. This area is crucial winter habitat for mule deer and elk, and serves as a refuge for wintering wildlife from the disturbance related to coalbed methane development, as well as from the increased traffic on the miles of newly created or upgraded roads in the area. The importance of this Wildlife Management Area continues to increase as more roads are developed for energy

development. We request that the map of the withdrawal area (Map 2-36) be carefully reviewed for accuracy, as it does not appear to accurately reflect the entire withdrawal area.

Response: Maps 2-35 to 2-39 and Map 2-64 (Areas Recommended for Withdrawal from Mineral Entry) have been updated.

Comment: Map 2-52, Transportation Utility Corridors Alternative B and D, contains an error. The map fails to show the existing gas pipeline corridor along Nine Mile Canyon. If, as the Draft RMP states, the BLM recognizes valid existing rights of way, this Map of Transportation Utility Corridors for alternatives B and D should show all the valid existing corridors as acceptable future rights-of-way.

Response: The BLM recognizes valid existing rights-of-way (ROWs). The Transportation Utility Corridor Maps show only existing approved corridors. Not all ROWs such as the Nine Mile Canyon gas line are corridors.

Comment: 2-117, Segers Hole ACEC: See previous comments on NSO on large tracts. There are no SITLA lands within this ACEC, but there is a general comment as an example. This is an area with high mineral potential. This area is a current ACEC and is proposed to be maintained as one. It is not clear that the management prescriptions listed here are the current ones. Area is shown here as open to mineral entry but is reflected as a withdrawal on maps.

Response: Table 2-19 of the Proposed RMP/Final EIS shows that the management prescriptions for the Seger's Hole ACEC are common to all alternatives including the No Action Alternative. The ACEC would be open to mineral entry with a notice or plan of operations required before mining activity. Maps 2-35 through 2-39 and Map 2-64 all show that the Seger's Hole ACEC would not be recommended for withdrawal from mineral entry.

Comment: 2-117, 2-118, Sid's Mountain: It appears that the proposal to manage this area as open to oil and gas is in error as Maps 2-28 to 2-31 list this area as closed. Map 3-26 lists Sid's Mountain as a WSA which is not reflected in the "No Action" Alternative Map 2-42, 44, 45, and 46 lists the same area as an ACEC. On Page 2-103 this area is proposed to be included in the San Rafael Swell SRMA with similar restrictions. Additionally, the level of restrictions placed on other resources would indicate that the intent is to manage this area to a standard of non-impairment (defacto wilderness). See previous comments on this issue. Area is listed as open to mineral entry in the alternatives but shown as proposed for withdrawal on the maps. See previous comments on VRM Class I. VRM Class I is proposed here but is inconsistent with open to oil and gas with minor constraints and open mineral entry. Alternative A is the only viable alternative.

Response: Table 2-18 of the Proposed RMP Final EIS explains that BLM would continue to manage all WSAs (Map 3-28) according to the Interim Management Policy for Lands Under Wilderness Review (IMP, BLM Handbook H-8550-1) until legislation is enacted to either designate the areas as wilderness or release them for uses other than wilderness. The only decisions related to WSA management to be made in the Price RMP are VRM and OHV designations. Under the Mineral Leasing Act, and the IMP, WSAs are closed to leasing. Since the Sid's Mountain ACEC would be mostly within the Sid's Mountain WSA, the ACEC would be closed to leasing on the WSA portions of the ACEC. This is shown on Map 2-34 of the Proposed RMP/Final EIS. Table 2-19 explains ACEC management for the Sid's Mountain ACEC. For the No Action Alternative, the original ACEC management prescription for oil and gas leasing is open to leasing subject to minor constraints, but WSA management takes precedence and those portions of the ACEC within the WSA would be closed to leasing unless Congress releases the WSA for uses other than wilderness.

Comment: In several of the alternatives mineral entry is listed as "open" yet listed as recommended for withdrawal on Map 2-32 to 2-36. Map or text must be corrected.

Response: The maps referenced in the comment have been updated and included as Maps 2-35 to 2-39 and Map 2-64 in the Proposed RMP/Final EIS.

***Comment:** The State of Utah believes that some of the discussion of cultural resource protection in the Draft EIS is self-serving in nature, and does not disclose the true nature of the cost of cultural resource survey and mitigation. On page 4-110, for example, the impacts of protective cultural resource management through the requirement to conduct cultural resource inventories (surveys) are discussed in relation to minerals and energy. The requirements under each alternative are precisely the same, except for the proposal to extend the area of survey from 100 to 300 feet beyond the area of direct impact within Alternatives B and C. Page 4-93 indicates the required survey must be a complete Class III inventory for undisturbed areas, which is thorough and very expensive to conduct.*

Response: Preservation of cultural resources is not optional. Cultural resource inventories allow for cultural resources to be avoided during project implementation. While inventories may delay projects and increase costs compared to no inventories, discovery of cultural resources during project implementation, with workmen and equipment on site, would increase the cost even further and could also result in damage to cultural resources, which is contrary to federal law, regulation and policy. However, increasing the distance inventories are required from 100 and 300 foot buffers is an RMP decision that could have an impact on cost and schedule compared to requirements of law.

***Comment:** Page 4-456 through 4-460: Terminology related to mineral entry, locatable, salables and leasing are misused specifically related to impacts to cultural and paleontology resources. Page 4-469, Table 4-1: The table does not agree with others in the document. Figures need to be QC'd.*

Response: The Section of “locatables” has been reviewed and all misused terminology has been corrected. The tables in the Proposed RMP/Final EIS have been edited to improve clarity.

***Comment:** Cultural resource surveys: Despite the different acreage involved due to different distance requirements for survey from the direct impact area, no cost differential is disclosed as part of the impact analysis for each Alternative, leading to the conclusion that the cost per acre for Class III survey is the same for all projects.*

Response: Preservation of cultural resources is not optional. Cultural resource inventories allow for cultural resources to be avoided during project implementation. However, increasing the distance inventories are required from 100 to 300 foot buffers is an RMP decision that could have an impact on cost and schedule but the exact cost of this increase is unknown.

***Comment:** The state also has concerns about the conclusion that the potential for costly delays is reduced due to the requirement to survey. On its face, the statement has some appeal. However, this self-serving conclusion is not a substitute for solid data and analysis of the economic impacts of cultural resource survey and mitigation to the operators of mineral and energy projects, nor of the environmental impacts of such surveys. Class III surveys and mitigation measures have an impact on mineral operations, which should be disclosed. The proposed Alternatives should analyze the possibility and impacts of different types of survey.*

The statement about reducing costs during construction is an attempt to hide the costs of compliance by simply citing the requirements of the law authorizing the survey in the first place. The statement ignores the reality of the process required by BLM’s interpretation of the cultural resource protection laws. BLM cannot claim that the impacts to oil and gas and other energy producers from survey are beneficial to those producers when, in fact, BLM’s decision to require an expensive survey in all cases simply represents BLM’s decision to implement Section 106 in this manner; which Section 106 requirements are designed to disclose those very impacts anyway?

Section 106 of the National Historic Preservation Act requires the BLM to take into account proposed undertakings (actions) upon cultural resources. This is to be done in consultation with the State Historic Preservation Officer. The law allows for flexibility in this process, which may be reflected in the level of survey required, or in the type of mitigation involved. The BLM has already foreclosed some of this flexibility by requiring a Class III survey in all cases. The state believes that decision about the need to conduct a survey, and the type and extent of the survey should be based on the economics of the proposal and the expectation of the presence of resources, in consultation with the SHPO, and not predetermined by the BLM. The state requests that this process be reconsidered in light of the state's policy of requiring survey levels be determined by a balance between appropriate cultural resource protection and the needs of other resources.

Response: The RMP cannot affect compliance with Federal law requiring cultural resource preservation. Preservation of cultural resources is not optional. Cultural resource inventories allow for cultural resources to be avoided during project implementation. While inventories may delay projects and increase costs compared to no inventories, discovery of cultural resources during project implementation, with workmen and equipment on site, would increase the cost even further and could also result in damage to cultural resources, which is contrary to federal law, regulation and policy. However, increasing the distance inventories are required from 100 and 300 foot buffers is an RMP decision that could have an impact on cost and schedule compared to requirements of law. This is noted in the Proposed RMP/Final EIS.

Comment: Chapter 2, Cultural Resources: The state has concerns about the proposal to extend the geographic area of survey out beyond the area actually proposed for direct impact (disturbance), in Alternatives B and C.

Response: The Draft RMP/EIS evaluated a range of alternatives in detail to assure a balanced approach that allows opportunities for resource use and development while protecting cultural resources is considered. In the past, some cultural resources have been impacted by surface disturbing activities beyond the immediate footprint of disturbance. As a result, alternatives were analyzed to increase cultural resource protection by increasing the areas inventoried prior to surface disturbance.

Comment: The state is concerned about the statements in this analysis that for "larger cultural sites" the ability to develop oil and gas may be constrained, or directional drilling required. The analysis states that smaller sites could be avoided, and features like roads and drill pads relocated to avoid smaller sites. Smaller cultural sites would presumably include rock art panels and the like, What are the larger sites? Directional drilling can only access fluid minerals from under a site from no more than about 1/2 mile away, so what cultural sites have been identified within the Field Office which are about 1 mile in size? Also, are there any sites larger than 1 mile? If so, then the analysis should indicate that cultural resource protection may essentially sterilize the minerals in those areas. The state strongly questions the existence of "larger cultural sites" which may be large enough to require directional drilling, and would request that this statement be clarified or stricken.

Response: General information concerning the nature of these sites has been added to Chapter 3.

Comment: Page 2-55 nor Section 6.8 does the draft provide for commercial cutting of timber outside of the purpose to maintain forest and woodland health. Timber is a multiple use resource and its harvest should be provided for on a sustained yield basis not just for management purposes.

Response: Timber harvest would be allowed on a case-by-case basis until a Forest and Woodland Management Action Plan is developed. The plan would address sustained yield.

Comment: *The final Plan should allow the flexibility to negotiate exchange terms which meet the needs of both parties. In addition, the state has previously requested that the BLM consider making all lands within the Field Office available for exchange unless there is a specific reason to withhold a tract.*

Response: Language has been added to Table 2-16 Lands and Realty related to the BLM giving priority to the State of Utah for land exchanges to resolve inholdings issues.

Comment: *2-17, Land Tenure Adjustments: TLA representatives have been working with the BLM and have suggested language that allows for 3 step categories of BLM lands that could be used for exchange. This is more particularly described on Attachment 1.*

Response: BLM land exchange categories comply with Federal laws and regulations. Specific consultation and/or coordination procedures will be followed as project level decisions are made. BLM commits to coordinate on the management of public lands within the Price Field Office with other land management agencies, counties, municipalities, and private entities. Regional partnerships and cooperative efforts are welcomed by BLM.

Comment: *2-110 Dry Lake ACEC: Any designation that would be managed as NSO for oil and gas or avoidance for ROW grants must make allowances within those designations for access to Trust Lands.*

Response: The BLM would allow access to SITLA plans per the Cotter Decision (See Lands and Realty Table 2-16 of the Proposed RMP/Final EIS).

This policy is reiterated in Table 2-22 (common to all alternatives, Transportation and Motorized Access), which states that BLM would allow for reasonable access to non-BLM managed lands within the PFO.

Comment: *4-393 Impacts of Land and Realty decisions on all other resources: It is impossible to determine the impacts of this section. They are confusing and need further clarification.*

Response: The impacts of Land and Realty decisions have been revised and clarified for the Proposed RMP/Final EIS.

Comment: *2-58 Criteria For Voluntary Relinquishment And Grazing Permits Or Grazing Preferences:*

Here the DEIS proposes criteria for retiring grazing permits. The terms “retire” and “disposal” depict finality. The proposal here is to end live-stock grazing on lands covered by the retired permit. This is contrary to M-37008 issued by the solicitor for the Department of the Interior.

Response: See GCR 82.

Comment: *4-51 Impact to Livestock from Soil, Water, and Riparian decisions: There is no mention of the impacts of restricting livestock from these areas by fencing or closures, only the benefits were listed.*

Response: The definition of “surface disturbance” in the Glossary of the Proposed RMP/Final EIS has been changed. The analysis of Impacts to Livestock Grazing from Soil, Water, and Riparian decisions has been expanded in the Proposed RMP/Final EIS.

Comment: *4-273 Livestock Grazing: Throughout this section the retirement of grazing allotments is purported to improve wildlife habitats, reduce erosion, and improve riparian habitats. Elsewhere in this document grazing was proposed as a tool to improve habitats. Nowhere in science does it indicate that livestock grazing is responsible for the impacts listed here. However, poor management of livestock clearly can be the cause of such impacts. Livestock grazing should not be used to justify retirement of AUM so the AUMs can be allocated to other uses. As presented, the impact analysis demonstrates a clear bias against livestock grazing and in favor of recreation and wildlife.*

Response: Table 2-14 (Livestock Grazing -Common to All Actions) in the Proposed RMP/Final EIS better explains management of livestock.

Comment: *To suggest that Alternative B represents a balanced use of resources is to ignore the significant mineral resources and socioeconomic benefits of the Price Field Office Area. The state strongly requests that Alternative B be reworked to reflect a more balanced use of mineral resources in the Field Office Area.*

Response: See GCR 18.

Comment: *The oil and gas development restrictions set out in Appendix 8, under the terms of the preferred alternative, present a formidable scheme of measures to protect various wildlife species. If all of the listed wildlife species are present in a particular area, the restrictions would not allow any exploitation of the mineral resource.*

Response: Appendices 8 and 16 of the Draft RMP/EIS have been consolidated and inconsistencies resolved in Appendix G of the Proposed RMP/Final EIS. Also Maps 4-1 to 4-6 have been added detailing the impacts of spatial and seasonal restrictions on oil and gas development.

Comment: *Coalbed Methane: A new play covering the coals of the Emery Sandstone Member of the Mancos Shale has emerged since the USGS completed its 1995 national oil and gas assessment. The occurrence potential of this new play should be high.*

Response: Map 3-20 of the Proposed RMP/Final EIS does not identify specific coalbed natural gas plays but consolidates all of them. This new play does not expand the zone of occurrence of coal bed natural gas. Map 3-20 has been modified to show this area as high occurrence potential.

Comment: *A coal occurrence map should be prepared similar to those existing maps for oil and gas, CBM, gypsum, sand and gravel, etc., showing the occurrence potential and certainty of occurrence ratings for the various coal areas.*

Response: Map 2-56, Coal Available for Further Consideration for Leasing, has been added to the Proposed RMP/Final EIS.

Comment: *Alternative D, corridors of access to the bottom of Nine Mile Canyon need to be provided to allow collection lines to feed into the main pipeline. We suggest that no surface occupancy lease stipulations should be defined narrowly in this area, perhaps by drawing a 100-foot buffer around the inventoried archaeological sites.*

Response: The management prescriptions for the ACEC in the Draft RMP/EIS and the Proposed RMP/Final EIS allow oil/gas infrastructure to support existing leases after cultural clearance (see Table 2-19). The no surface occupancy lease stipulation for Alternative D is based on manageability.

Comment: *Appendix 23 states that, BLM prepared a RFD to project environmental impacts through the next 15 year period. However, Appendix 21 states "The RFD projects the number of wells during the next 20 years,..." This time-frame discrepancy needs to be clarified.*

Response: The discrepancy in time frames has been corrected in the Proposed RMP/Final EIS. See Appendix M.

Comment: *On Page 4-317, the Draft suggests closing developed recreation sites to mineral leasing, or using NSO stipulations in the alternative. Developed recreation sites are not that big, so closure for fluid mineral makes no sense.*

Response: Developed recreation sites would be recommended for withdrawal from mineral entry but not closed to oil/gas leasing (see Table 2-17 of the Proposed RMP/Final EIS).

Comment: ES-4, Reasonable Foreseeable Development; This paragraph fails to mention that there is specific evidence in the form of instruction memorandums that address EPCA and how Reasonable Foreseeable Development (FD) and other related energy issues are to be addressed in the planning process.

Surface Disturbing Activities: To apply surface disturbance for oil and gas to all Surface Disturbing Activities (SDA) is not practical.

Response: Appendix M of the Proposed RMP/Final EIS has been further explains why the Proposed RMP/Final EIS does not comply with IM 2004-089. The Draft RMP/EIS was released in July 2004, the same year the IM was released. There was not sufficient time to incorporate the IM in the Draft RMP/EIS. Hence to maintain consistency with the Draft it has not been incorporated in the Proposed RMP/Final EIS. Appendix G explains why oil and gas restrictions apply to all surface disturbing activities.

Comment: 2-99 NSO: The maps show that in all alternatives there are areas designated as NSO and that due to their size any reasonable possibility of development is impossible. In today's market, economics, technology, equipment availability, and depth of wells, etc. dictates that 1/2 mile is likely outside distance for directional drilling in the resource area. Lands more than 1/2 mile from the nearest open surface are effectively not open to oil and gas operations and should be shown as withdrawn from leasing to present a more accurate record of what is available for oil and gas leasing.

Response: See GCR 52.

Comment: 2-103 Management of WSA lands if Released by Congress: If lands are released from wilderness consideration because they don't meet wilderness criteria. Subsequently, these lands should not be managed as wilderness but should return to the multiple-use sustained yield standard.

Response: The Proposed RMP/Final EIS indicates that should any WSA, in part or in whole, be released by Congress from wilderness consideration, proposals in the released area would be examined on a case-by-case basis for consistency with the goals and objectives of the RMP decisions.

When appropriate, a land use plan amendment or amendments may be initiated.

Comment: The analysis in Chapter 4 of the Draft RMP/EIS is inadequate with respect to the impacts of ACECs on oil/gas development.

Response: The impact of ACECs on oil/gas development has been augmented in the Proposed RMP/Final EIS.

Comment: Tables 4-3 to 4-7, Acres In The Development Area: They fail to disclose the impacts on oil and gas development in high potential areas and only disclose impacts in developed areas.

Response: In the Proposed RMP/Final EIS these tables show VRM Class acres in high and low oil and gas potential areas.

Comment: 4-419, Minerals Assumptions: To assume that all mineral development would occur north of Highway 10 and 6 is a false assumption and not based the mineral potential report.

4-419, Significance Criteria: In the first two bullets it provides that 15% of the land available must be impacted before impacts are significant.

4-423 Impact To Mineral and Energy: Here the DEIS reports that approximately 1/4 of a million acres would be closed within the known oil and gas reserve area with no mention of impacts.

4-435: The acres assigned here do not match the same tabulation presented in Chapter 2 on Page 2-99.

4-439: Here it states that there will be no impact to cultural resources on over 701,90 acres. One would assume it to be the total of oil and gas closed areas and NSOs, but it is not.

Response: The majority of the well pads contained in the RFD are in the Book Cliffs and Tavaputs areas which are north of Highways 10 and 6. In the Proposed RMP/Final EIS the significance criteria have been removed but are listed as assumptions for analysis. The number of acres closed to oil and gas leasing (including those in WSAs) are accounted for in Table 4-17 of the Proposed RMP/Final EIS. The differences in reported numbers of acres have been rectified in the Proposed RMP/Final EIS.

Comment: 4-472 WSAs, The Tavaputs Plateau: It is used here to describe impacts to wilderness from valid existing rights.

Response: According to the BLM's Wilderness IMP, oil and gas leases which existed before the WSAs were designated may be developed even if wilderness character is impaired. There would be impacts to wilderness character if valid existing oil and gas leases are developed.

Comment: Appendix 23 acknowledges Bureau direction regarding integration of the Energy Policy and Conservation Act analysis into the planning process. However, the EPCA data is not readily discernible at the indicated locations.

Response: See GCR 52.

Comment: In general, the Draft RMP and the associated mineral report correctly identify the occurrence of the energy and mineral commodities in the Price Field Office planning area, but significantly underrate the energy and mineral development potential of the planning area.

Response: See GCR 51.

Comment: 4-526 Coal: The document states that no reasonable and foreseeable coal development areas are in the ACEC. Map 3-19 indicates this area as potential coal reserves. The analysis fails to address why the development of these reserves is not reasonable or foreseeable, then analyze the impact.

Response: Map 3-25, Coal Reserves, has been added to the Proposed RMP/Final EIS. No ACECs overlap coal reserves.

Comment: 2-86, OHV Recreation Alt. D: There are no open OHV areas shown on the maps and no acreage assigned to open use. The acreages open to limited use is overstated. Only land along designated routes is open 300' on each side. Beyond that, the lands are closed and the acreage figures and maps should reflect this. Massive closures of land formerly open to OHV use will increase use and impacts on Trust Lands.

Response: Cross country travel by motorized vehicles is only allowed in the "no action" alternative. Trust lands should not be impacted by that decision since they are not "open" either. Travel is limited to existing roads and trails on those parcels. There is no 300 foot open corridor on either side of a designated route. OHVs are limited to those designated routes. Maps and analysis in the Draft RMP/EIS were inadequate as far as OHV routes were concerned. The Proposed RMP/Final EIS has been updated.

Comment: The state believes that it is possible to convey information in a more succinct and comprehensible manner than this large format.

Response: The Proposed RMP/Final EIS has been reformatted and edited to improve the documents clarity and reader understanding.

***Comment:** The State expects BLM's RMP to be consistent with all state laws, and the plans and ordinances of local governments, to the fullest extent that the state and local provisions are not directly contravened or preempted by federal law.*

Response: The BLM is aware that there are specific County and State plan decisions relevant to aspects of public land management that are discrete from, and independent of, Federal law. However, the BLM is bound by Federal law. The FLPMA requires that the development of an RMP for public lands must be coordinated and consistent with County plans, to the maximum extent possible by law, and inconsistencies between Federal and non-Federal government plans be resolved to the extent practical (FLPMA, Title II Sec. 202 (c)(9)). As a consequence, where State and local plans conflict with Federal law there will be an inconsistency that cannot be resolved or reconciled. See GCR29.

***Comment:** The state expects that the BLM, through its planning efforts, will develop management and disclose impacts to school trust lands.*

Response: The impact analysis has been augmented in Chapter 5 of the Proposed RMP/Final EIS disclosing the impacts of BLM decisions on school trust lands. Language has been added to Chapter 2 related the desire to exchange lands with the State of Utah.

***Comment:** The state is concerned about the cumulative impact of the various tools available to the BLM for management prescriptions within the Price RMP. Appendix 24 discusses the issue, but misses the point entirely. The state recognizes that each of the programs and responsibilities of the BLM bring the need for related management prescriptions. The state expects that the needs of each program are brought into the Final proposed management mix, from which the final plan is derived. However, the state also expects that the management requirements for each program will be designed to support the primary resource uses for the area.*

Response: See GCR 37. Goals and objectives are presented in Chapter 1 of the Proposed RMP/Final EIS. The ROD will explain BLM's rationale for the Final RMP.

***Comment:** The state is further concerned that the relationship among Special Recreation Management Areas, Recreational Opportunity Spectrum and Visual Resource Management Areas has not been fully explained or clarified. The state believes that BLM should only employ the most focused tool possible to protect the resource of interest. If BLM proposes to establish an SRMA containing ROS categories "primitive," or "semi-primitive non-motorized," the need for other management tools is minimal.*

Response: See GCR 37.

***Comment:** The state is concerned that the proposed RMP does not make decisions about the management necessary for particular areas, in favor of retaining vagueness through multiple designations. For example, on page 4-587, impacts from proposed ACEC designations and WSR studies are discussed. No conclusion is reached, only the statement is made that "whichever management options are more protective of the values of concern would take precedence." This is management by sledgehammer. The statement demonstrates BLM cannot even determine the effects of its own management prescriptions, What resources are to be protected, and what management scheme is necessary? Also, on page 4-314, under the "Impacts to Visual Resource" section, the analysis states that the "use of the ROS within SRMAs would assist in meeting the objectives for VRM classifications." What does this mean? Is the need for each tool being examined on its own merits? Or is BLM just lumping everything together into alphabet soup? The state requests the BLM refine the management scheme to protect or use the resources*

in question, and choose the right scalpel, so the public and resources users can understand what is expected of them.

Response: In the Proposed RMP/Final EIS each resource decision or allocation is analyzed to disclose the impacts on other resources and uses.

Comment: *4-311 Recreation: Throughout this section there are proposed restrictions that, if implemented, will impact SITLA lands by increasing their use to escape more restricted use on BLM lands. Example: the closure of the majority of the BLM lands to open OHV use. These impacts to SITLA land must be analyzed.*

4-317 Impacts To Livestock: Here the analysis indicates that no impacts are anticipated. However, the next analysis, which is recreation, discusses the impacts of closing developed sites to grazing. This is an inconsistency. The same problem exists with respect to minerals. NSO and closures are discussed in the recreation analysis with no disclosure or analysis of the impact on minerals and energy.

Response: The Proposed RMP/Final EIS analyzes impacts to SITLA lands and includes an expanded analysis of impacts on mineral exploration and development based on an updated RFD. See GCRs 49, 51 and 132.

Comment: *The management alternatives for the High Use areas in the San Rafael SRMA are in direct contradiction of the management prescriptions of the ROS for these same areas. A solution to some of these contradictions would be to review the ROS designations and draw them so that they reflect the high use that is already occurring in some areas, and to recognize the need for a stronger management presence. Some of the Roaded Natural designations could be expanded to allow the management techniques specified for High Use areas.*

Response: See GCR 50.

Comment: *The state is concerned with the lack of background on the proposed designation of SRMAs. The state would like to see a discussion demonstrating the necessity of each SRMA, the relationship with existing recreation plans. Desolation Canyon has a management plan in place for recreational activities in the Canyon, Formulation of a SRMA is not necessary to accomplish this goal. Recreation and river corridor management for the Desolation Canyon should be managed according to the provisions of the existing Desolation and Gray Canyons of the Green River, River Management Plan.*

The state also questions the large proposed SRMA for Nine Mile Canyon, The Nine Mile area could be managed according to the 1995 Recreation and Cultural Area Management Plan.

Response: See GCR 107.

Comment: *The unvarying nature of the alternatives, coupled with a lack of discussion for the need and authority to create SRMAs concerns the state. The state feels the PFO has neglected to adequately weigh its options in relation to recreation management, and has failed to weigh recreation uses against other land uses in the area. The alternatives do not represent a balanced discussion of the multiple uses of the area.*

Also, there is no clear line drawn between SRMA and ROS, as evidenced by their union in the maps section (Maps 2-17 to 2-21.). This creates a problem for several reasons. For example, if all aspects of the Preferred Alternative were adopted, the SRMA areas designated in the Preferred Alternative (Map 2-21) would have ROS management prescriptions in conflict with the Preferred Alternative Off-Highway Vehicle Recreation management prescriptions as represented in Map 2-16 and with the Preferred Alternative for High Use Areas as represented in Map 2-25. As noted above, the designation of "high use" seems a direct contradiction of the designation of these areas in the ROS as "Primitive" (P) and "Semi-Primitive Non-Motorized" (SPNM) which in fact are defined as "low use" areas.

Response: See GCR 50.

Comment: 2-82, Nine Mile Canyon SRMA: How does SPNM affect access to oil and gas locations? A classification of SPNM could be in conflict with a VRM III viewshed and should be modified to meet the VRM class.

Response: The BLM would attempt to maintain the opportunity within the SPNM ROS Class within the Nine Mile Canyon SRMA. This could be accomplished by directional drilling, use of temporary roads, gating roads to allow administrative access only, minimizing trips to the well, etc. There is no inherent conflict between VRM Class III and ROS SPNM.

Comment: 2-104, Management of Desolation Canyon, Turtle Canyon, Jack Canyon: These alternatives propose to manage areas as part of Desolation SRMA without analysis of need or disclosure of impacts.

Response: See GCR 107.

Comment: The state is concerned by the failure of the Draft RMP to reflect economic impacts, either positive or negative, in any of the alternatives.

Response: See GCR132. A discussion of the social make-up of Emery and Carbon Counties has been added to Section 3.6 of the Proposed RMP/Final EIS. Additional social concepts including prehistory, settlement patterns, history, culture, and traditional values are provided. An appendix has been added summarizing the results of the Utah State University public lands survey commissioned by the Governor's office.

Section 4.6 of the Proposed RMP/Final EIS has also been reanalyzed using the IMPLAN model to determine impacts including the economic contribution (i.e. jobs, income, tax revenues, etc.) of energy production, recreation, and grazing on BLM lands for Emery and Carbon counties.

An additional socioeconomic technical report has been provided which explains the methodology used to analyze the socioeconomic impacts from having access to BLM lands for multiple uses (Booz Allen 2008a). It provides the calculations and results for energy production, recreation, and grazing under each alternative allowing for socioeconomic impact comparisons across those alternatives. The report also discusses the input/output model IMPLAN used to model additional economic activity associated with the direct industries tied to the multiple uses on BLM land. This discussion explains in detail how direct industries, such as energy production, generate additional income and employment for indirect industries (trucking, lodging, etc.).

Section 3.6 of the Proposed RMP/Final EIS has been updated to include an assessment of public finance and government services from having access to BLM lands for multiple uses. This includes an analysis of how BLM lands and federal mineral estate managed within Emery and Carbon Counties affect local, state, and federal government budgets and expenditures from mineral royalties, taxes, Payment in Lieu of Taxes, fees and other revenues. A discussion of potential impacts to public finance and government services from mineral revenues under each alternative has been added to Chapter 4, Section 4.6.

Comment: The Draft RMP also fails to recognize the socioeconomic importance associated with the development and use of water resources in the Price Field Office area. Recent federal-funding-assisted irrigation projects within Emery County have involved approximately seventy-five million dollars. Projected future projects total approximately one-hundred million dollars.

Wild and Scenic Rivers designations have the potential to impact federally funded water-related projects.

The Baseline Socioeconomic Profile (August 2003) and the Draft RMP/EIS are inconsistent.

Response: The ongoing water projects in Emery County have been added to the list of projects and considered in the “Cumulate Impacts”, Section 4.7 of the Proposed RMP/Final EIS.

The 1994, Public Law 98-569 amended the Colorado River Basin Salinity Control Act and directed the Secretary to develop a comprehensive program for minimizing salt contributions from lands administered by BLM and to provide a report on this program to the Congress and the Advisory Council. BLM’s Colorado River Basin Salinity Control program is designed to provide the best management practices (BMP) of the basic resource base. Successes with the resource base will translate to improved vegetation cover, better use of onsite precipitation, and stronger plant root systems. In turn, a more stable runoff regime and reduced soil loss should result, thus benefiting water quality of the streams in the Colorado River Basin including the Green River and San Rafael River. In Section 1(b) of the Wild and Scenic Rivers Act, Congress states that one of the objectives of the Act is to protect the water quality of designated rivers. Congress further specified that the river-administering agencies cooperate with the EPA and State water pollution control agencies to eliminate or diminish water pollution (Section 2(c)). Comparing the two, it is clear that the Wild and Scenic Rivers Act and the Colorado River Basin Salinity Control Act are not only complementary of one another, but share the same objective with regard to water quality. The Wild and Scenic Rivers Act directs the Secretary of the Interior or any government agency to prohibit any loan, grant, license, or otherwise construction of any water resources project that would have a direct effect on the values for which such river designation was established. The law also states that it cannot preclude licensing of, or assistance to, developments below or above a wild, scenic, or recreational river area or on any stream tributary thereto that will not invade the area or unreasonably diminish the scenic, recreational, and fish and wildlife values present in the area on the date of designation of a river as a component of the National Wild and Scenic Rivers System. However, projects intended to comply with the Colorado River Salinity Control Act are those that would generally benefit stream segments instead of affecting or unreasonably diminishing its values including water quality.

The BLM is fully evaluating and considering potential impacts related to these Wild and Scenic River decisions in this planning process. Congressional designation of suitable streams is evaluated in the cumulative impacts analysis of the Final EIS, and Appendix C is modified to include a more thorough discussion of how the suitability considerations are applied to each eligible river.

A new socioeconomic technical report was prepared in 2008 which replaces the 2003 baseline report (Booz Allen 2008a). The report explains the methodology used to analyze the socioeconomic impacts from having access to BLM lands for multiple uses. It provides the calculations and results for energy production, recreation, and grazing under each alternative allowing for socioeconomic impact comparisons across those alternatives. The report also discusses the input/output model IMPLAN used to model additional economic activity associated with the direct industries tied to the multiple uses on BLM land. This discussion explains in detail how direct industries, such as energy production, generate additional income and employment for indirect industries (trucking, lodging, etc.). This 2008 report was the basis for the preparation of Section 4.6 of the Proposed RMP/Final EIS.

Comment: *The inconsistencies between the baseline profile and the Draft should be reconciled, and the Socioeconomics section of Chapter 4 should be revised to present a detailed analysis of social and economic consequences of implementing the various alternatives, for each community in the Price Field Office area, in such a Manner that the information can be clearly understood.*

Response: A new socioeconomic technical report was prepared in 2008 which augments the 2003 baseline report (Booz Allen 2008a). The new report explains the methodology used to analyze the socioeconomic impacts from having access to BLM lands for multiple uses. It provides the calculations and results for energy production, recreation, and grazing under each alternative allowing for socioeconomic impact comparisons across those alternatives. The report also discusses the input/output

model IMPLAN used to model additional economic activity associated with the direct industries tied to the multiple uses on BLM land. This discussion explains in detail how direct industries, such as energy production, generate additional income and employment for indirect industries (trucking, lodging, etc.). This 2008 report was the basis for the preparation of Section 4.6 of the Proposed RMP/Final EIS.

Comment: *The Draft RMP should, but fails to, clearly address the economic value of mineral development in order to weigh such value against other possible resource uses.*

Response: The Proposed RMP/Final EIS, Section 4.6 has been revised and the IMPLAN model used to evaluate the socioeconomic impacts. This includes an evaluation of the economic contribution of energy production to local communities, such as Emery and Carbon counties. Also see GCRs 51, 132 and 133.

Comment: *3-59 Socioeconomics: This section fails to acknowledge the dependency of SITLA on the income they receive from development and use of lands in the resource area. It also fails to address the dependency of county governments on revenue shares of royalties and taxes concentrated in the resource area.*

Response: A discussion of the potential fiscal impacts to state and local governments has been added to Chapter 4, section 4.6. Also see GCR132.

Comment: *The Draft RMP fails to recognize comments submitted by the state in previous reviews. Specifically, the state, through the Division of Water Resources, previously informed the BLM of three potential reservoir sites which are not considered in the Draft. Two of the sites are located on the Price River (Section 31, T18S, R16E and Section 22, T17 S, R13E), and one site is located on the San Rafael River, (Section 35, T19S, R9E). The potential reservoirs named Woodside and Cat Canyon would conflict with WSAs, ACECs, and potential WSR. segments. For example, the potential reservoir at Woodside would conflict with the Desolation Canyon Wilderness Study Area in all alternatives. Because the requirements for water storage sites are very specific, few satisfactory locations are left to store significant amounts of water. The state requests that, at the very least, the potential reservoir sites should be evaluated in the alternatives.*

Response: Appendix C in the Proposed RMP/Final EIS considers the three potential reservoir sites identified by the Utah Division of Water Resources in determining the suitability of the Price and San Rafael River segments for inclusion in the Wild and Scenic National River System.

Comment: *2-2 & 3, Water; Insert a bullet that states, “ Provide reasonable access and do not interfere with water rights of others when that right requires access on or across BLM land within the PFO.”*

Response: 43 USC section concerning the access and water rights will be observed; as will the results of Hage vs US. Further, 16 USC 3210 requires BLM to provide access to private properties surrounded by public land.

Comment: *4-30, Soils, Water and Riparian Assumptions: The assumption listed here is that “Substantial disturbances of soil, including compaction and loss of vegetation,...”. Oil and gas development is usually listed as the major contributor to the impact. Table 4-2 which lists an initial disturbance of 11.576 acres (0.0046%) disturbed during the life of the plan for Alternative D. Do you agree with these calculations?*

Response: The estimated total acreage disturbed from oil and gas under Alternative D from the Draft RMP/EIS Table 4-2 is 17,248 acres or 0.7 %.

Comment: *4-53, Impact To Transportation and Motorized Access from Soil, Water, and Riparian Decisions: The impact analysis wording here is not consistent with the alternative in the Matrix, Pg. 2-29.*

Response: See GCR 72.

Comment: Prior to implementing any management actions, the state suggests, the BLM ensure the actions it would be implementing are appropriate and specific to currently known habitats or populations of special status species.

Response: See GCR 65.

Comment: 4-150, Significant Criteria, Special Status Species: Here the Draft RMP/EIS provides that “Any surface disturbance and/or human activity in potential occupied or designated habitats...with the USFWS”. This is inconsistent with the requirement of the Endangered Species Act and Implementation regulations.

Response: This statement is an assumption for analysis of special status species. The BLM will comply with the requirements of the T & E Act if any habitat maybe affected.

Comment: Map 2-52 in the RMP, showing the Transportation Utility Corridors for the preferred alternative, does not include a corridor down Nine Mile Canyon where an existing 20-inch Questar Pipeline Company natural gas pipeline runs.

Response: Map 2-52 of the Draft RMP/EIS shows an alternative routing of the gas pipeline that was not in Nine Mile Canyon as shown for the other alternatives. A corridor was provided for a natural gas pipeline between Price and Vernal. This is shown on Map 2-54 in the Proposed RMP/Final EIS.

Comment: The state believes it is critical to keep access roads open to facilitate paleontological investigations, as both dinosaur and microvertebrate sites are nearly impossible to be studied scientifically if sites are more than a mile from an access point.

On page 4-524, the Draft indicates that the proposed. ACECs would “cause significant impacts” to the ELM’s ability to issue rights-of-way and other permitted activities. The state requests that this statement be clarified, explained and justified.

Response: The BLM may grant administrative access through a permit for paleontological research even if the area is closed to recreational OHV activity. The Impacts of ACECs on ROWs has been clarified in Section 4.3.4 of the Proposed RMP/Final EIS. ACECs can create areas of exclusion and avoidance for ROWs.

Comment: The state agrees with the statement on Page 1-7 concerning RS 2477 right-of-way issues, and would suggest conformity with this statement throughout the final RMP.

Response: See GCR 11.

Comment: 2-3, Vegetation: Insert bullets regarding the Range Land Health standards and manage and restore the shrub-steppe and Great Basin Sagebrush ecosystems.

Response: See GCR 162.

Comment: The state objects that the Draft RMP does not make information supporting the VRM inventory class determinations proposed by BLM available for review. The state is further concerned that the rationale for each VRM management class is not presented, nor is the impact on resource uses fully disclosed in the analysis of impacts. The state is concerned that the BLM's identification of VRM inventory classes has lead to a self-effectuating class protection scheme, rather than a source of information to be considered within the proposed resource use allocation schemes within each of the Draft Plan's Alternatives.

Response: See GCR 135.

Comment: *The documentation in Appendix 3 of the Draft RMP/EIS of Outstandingly Remarkable Values is inadequate to justify the eligibility determinations. The descriptions of values, found in Table 3 of Appendix 3, do not support the determinations of eligibility presented in Table 4 of the Appendix.*

Regarding suitability, the Draft fails to address three potential reservoir sites identified by the Utah Division of Water Resources. Two of the sites are located on the Price River (Section 31, T18 S, R16 E and Section 22, T17S, R13E), and one site is located on the San Rafael River (Section 35, T19S, R9E).

The state is concerned that not all “eligible” segments meet the free-flowing criteria; nor is it, “clearly demonstrated that water is present and flowing at all times.”

Response: Table C-3 of Appendix C of the Proposed RMP/Final EIS has been modified to better demonstrate that the outstandingly remarkable values are rare, unique, or exemplary and significant on at least a regional level. Appendix C is also modified to more clearly explain how the region of comparison was identified and used to determine which values are at least regionally significant. On the issue of a stream’s flow, there are no specific requirements concerning minimum flow for eligible rivers. Flows are considered sufficient if they sustain or complement the outstandingly remarkable values for which the stream would be designated. However, none of the streams determined to be eligible (see Appendix C, Table C-4) are considered “dry washes” or ephemeral streams which flow only in direct response to precipitation or have channels above the water table at all times. The BLM does include in the inventory of eligible rivers intermittent streams which have interrupted flow regimes or flow seasonally. Intermittent streams should not be automatically precluded from further consideration as a Wild and Scenic River based solely on their limited flow. Streams representative of desert ecosystems should also be considered for inclusion. Appendix C is further modified to provide a more thorough discussion of how the suitability factors are applied to each eligible river, including consideration of the three potential reservoir sites identified by the Utah Division of Water Resources.

Comment: *The state is concerned that the No Action Alternative identifies as eligible and proposes protective management of all eligible river segments. One alternative shall provide for no suitability determination. The range of alternatives in the Draft fails to meet this requirement.*

Response: BLM Manual 8351.33C provides guidance for considering suitability in the range of alternatives. It specifies that “the no-action alternative, should provide for on-going management, including continuation of protective management of eligible segments.” It is the BLM’s policy to manage and protect the free-flowing character, tentative classification, and identified outstandingly remarkable values of eligible rivers.

Alternative A of the Proposed RMP/Final EIS has been changed, meeting the BLM manual requirement to provide an alternative where none of the eligible streams would be managed as suitable.

Comment: *2-131, Wild and Scenic Rivers, Common to All: The wording here must be changed to read, “line of site up to 1/4 miles”. At the end of the paragraph it provides that specific management for each classification is outlined in Appendix 22. No such appendix is listed in the table of contents. Management is not outlined in Chapter 2, Page 2-19, Common To All.*

Response: The Wild and Scenic Rivers Act does not define the river area as “[line-of-sight] up to ¼ miles.” The Act does, however, define the river study area as a minimum of “that area measured within one-quarter mile from the ordinary high water mark on each side of the river” (Section 4(d)).

The analysis of cumulative impacts in the Proposed RMP/Final EIS has been modified to more carefully consider effects of congressional designation. Appendix C also includes a discussion of how rivers may be managed per each tentative classification. The discrepancy regarding the reference to Appendix 22 is corrected.

Comment: 4-556, Wild and Scenic River Impacts: The impact analysis was completed with unknown or undisclosed management stipulations.

Response: Management prescriptions for Wild and Scenic Rivers has been added to Table 2-20 of the Proposed RMP/Final EIS.

Comment: Chapter 4 Wild Horses: There is no analysis of impacts to other resources in this section.

Response: Impacts from wild horse decisions on other resources has been added to the Proposed RMP/Final EIS.

Comment: The state questions the need for designation of WSAs as VRM Class I.

Response: See GCR 115.

Comment: Section 1.6.14 is misleading and not consistent with the settlement in *Utah v. Norton* and directives related to it. A brief description of the settlement terms should be in the opening paragraph of this section. This would provide the reader with an answer to why the BLM won't consider designations of new WSAs in the RMP process.

Response: A brief description of the *Utah v. Norton* settlement agreement can be found in Chapter 3, Section 3.2.11 of the Proposed RMP/Final EIS.

Comment: 1-12, Wilderness Study Areas: Delete the last sentence of the paragraph, It provides that the RMP will set objectives for management of visual resources and OHVs in the WSAs and ISAs. Management of these resources is directed by the interim management plan for the area and are the management standard.

Response: While the IMP contains direction for how WSAs should be managed, it does not make OHV and VRM designations. Only land use plans are able to make area designations, and as such, the OHV and VRM decisions are merely implementing BLM policy as stated in the IMP and other policy.

Comment: 4-472 WSAs, Method Of Analysis: Here it provides that impact to resources and resource use was not addressed. However, this section goes on to discuss impacts to WSA from VRM and OHV use. In short, impacts to other resources was not analyzed because they were in the FEIS but impacts to wilderness characteristics were analyzed.

Response: The impacts from designation of WSAs were discussed in the Wilderness Final EIS. However, the RMP is affirming decisions related to WSAs being VRM Class I and closed to OHV use. Therefore, these impacts are discussed in the Proposed RMP/Final EIS.

Comment: 4-477, Impacts To Wilderness: The alternative presented seems to manage the lands released by Congress as wilderness without the specific designation. If they do not have wilderness characteristics, the lands should be managed under multiple use.

4-478, Release Of Horseshoe Canyon: Here again a released WSA is proposed to be managed as part of SRMA. Map 2-44 through 2-46 indicates that this area is in a proposed ACEC which is not proposed in the alternative nor the analysis.

Response: See GCR 112.

Comment: 4-479, Impacts To Wilderness Characteristics: The analysis here implies no routes would be designated in this area implying this area may be NSO. This adds to the possibility that an ACEC was proposed but has been omitted. (See above comment.).

Response: The impact analysis for WSAs if released by Congress has been updated in the Proposed RMP/Final EIS.

Comment: *In the last paragraph the reader is referred to IM 2403-275, Change One, for a definition of wilderness characteristics. This IM clearly states that wilderness characteristics are features of land associated with the concept of wilderness. If one adheres to this definition, it is easier to understand that either land has these characteristics or it doesn't. To properly establish how wilderness characteristics are to be addressed, the third paragraph should be moved up to become the first paragraph because it establishes how and to what extent wilderness characteristics will be addressed. This section clearly defines protections that may be applied but seems to ignore the requirements in IM 2003-275, Pg. 2 of 7 Policy/Action where It states "the BLM will involve the public in the planning process to determine the best mix of resource use and protection consistent with multiple-use and other criteria established with FLPMA and other applicable law, regulation, and policy." This section fails to accurately portray what wilderness characteristics are and misstates how they are to be addressed in this document.*

Response: See GCR 116.

Comment: *The state objects to a separate discussion of wilderness characteristics outside the discussions related to ACECs, SRMAs and the like. Only in those discussions can the advantages and limitations of each management tool, and the balancing of resources necessary to the final plan, be discussed. The state requests all discussion of wilderness characteristics be properly presented in a discussion of each management tool in the final plan.*

Response: See GCR 108.

Comment: *The Glossary definition relates wilderness characteristics more closely to the definition of "wilderness character" as defined by the Wilderness Act. of 1964, than relating the definition to that contained in IM2003-275, Attachment 1, The state recommends that this section and the definition in the Glossary be rewritten to more accurately represent the Settlement Agreement and the "Instructions" given in IM2003-275.*

Response: The concept of wilderness is codified in the 1964 Wilderness Act. As such, the glossary definition is in compliance with both IM-2003-275 as well as Utah v. Norton settlement that states "the term 'wilderness character' is used to refer to the necessary collective characteristics or features of wilderness as defined in the Wilderness Act of 1964" (footnote 1, page 2).

Comment: *1-12 Non WSA Land With Or Likely To Have Wilderness Characteristics: "Or likely to have" should be struck from the title of this section. Neither the settlement nor TM 2003-2.74 or IM 2003-275 provides for the management of such land to preserve some or all of these values as presented in the first paragraph. In the last paragraph the reader is referred to IM 2003-275, Change One, for a definition of wilderness characteristics. Here it is clearly stated that wilderness characteristics are features of land associated with the concept of wilderness. If one adheres to this definition, it is easier to understand that either land has these characteristics or it doesn't. To properly establish new wilderness characteristics are to be addressed, the third paragraph should be moved up to become the first paragraph because it establishes how and to what extent wilderness characteristics will addressed. This section clearly defines protections that may applied but seems to ignore the requirements in IM 2003-275, Pg. 2 of 7 Policy/Action were it states "the BLM will involve the public in the planning process to determine the best mix of resource use and protection consistent with multiple-use and other criteria established with FLPMA and other applicable law, regulation, and policy." This section fails to accurately portray what wilderness characteristics are and misstates how they are to be addressed in this document. Consider rewriting this section.*

Response: Please see GCRs 108 and 116.

Comment: *1-12 Non WSA Land With Or Likely To Have Wilderness Characteristics; This section fails to address the settlement in Utah v. Norton. A brief description of the settlement terms should be in the opening paragraph of this section.*

Response: See GCR 146.

Comment: *VRM, ACEC, SRMA, ERMA, etc. should not be used to manage BLM lands for wilderness characteristics to the exclusion of all the other resource values present.*

Response: Please see GCRs 36 and 156.

Comment: *The state reminds the BLM that wildlife species fall under the jurisdiction of the State of Utah, and many BLM, state and private lands contribute not only to better health of the environment, but also to the state and local economies. Only by cooperatively managing the species, the habitat, and the needs of humans, can wildlife and the local economy thrive in Utah.*

Response: See GCR 8.

Comment: *The state has identified major areas of concern with Appendices 8 and 16 There appear to be numerous contradictions between the information provided in Appendix 8 and the information provided in the text of the Draft RMP/EIS.*

Response: Appendix 8 and 16 of the Draft RMP/EIS have been revised and clarified to remove inconsistencies and are combined in Appendix G of the Proposed RMP/Final EIS.

Also waiver, exception, and modification criteria have been added to each of the restrictions.

Comment: *Wording on pg. 2-58 seems to indicate that some type of reallocation may be made during the life of the plan without amending the plan. The state requests modification of the definition of an “Active Raptor Nest its” (pg. 7-1). The state would like to maintain the ability to introduce non-native species, namely sport fish and chukar partridge, within the Field Office area.*

Response: The Section related to “voluntary relinquishment” has been removed from the Proposed RMP/Final EIS. The definition of “Active Raptor Nest” in the Glossary of the Proposed RMP/Final EIS has been modified. Table 2-8 of the Proposed RMP/Final EIS allows for the introduction of non-native fish species and naturalized wildlife species.

Comment: *Page ES-2 (Planning Issues) states that there are eight planning issues to be addressed, and then goes on to list sixteen issues. The state also suggests changing the wording on page 4-8, from “Gordon Creek Wildland Management Area” to “Gordon Creek Wildlife Management Area.”*

Response: The Executive Summary has been completely rewritten and now focuses on the Proposed RMP and not the planning issues raised during scoping.

“Gordon Creek Wildland Management Area” has been changed to “Gordon Creek Wildlife Management Area” throughout the Proposed RMP/Final EIS.

Comment: *There are stipulations in Appendix 16 that are not listed in Appendix 8, in Chapter 2, or analyzed in Chapter 4. The section should be analyzed to determine if other such problems exist.*

Response: Appendix 8 and 16 of the Draft RMP/EIS have been revised to remove inconsistencies and combined into Appendix G in the Proposed RMP/Final EIS. Information from the updated sage grouse plan has been incorporated into the RMP/EIS.

Comment: 2.7.7, Sage-Grouse Plans: A provision should be added to this paragraph that provision of future local Sage-Grouse plans would be incorporated when it is finalized. The UDWR strategic management plan and national MOV on Sage-Grouse, both of which were developed with BLM participation, call for the development of local plans.

Response: See GCR 160.

Comment: 4-155, Fish and Wildlife: This section fails to address the cumulative impacts of closures. The DEIS does not have a map of fawning and calving areas for deer and elk.

Response: Seasonal restrictions on oil and gas exploration are shown on Maps 4-1 to 4-6 of the Proposed RMP/Final EIS. Map 3-12a shows the fawning and calving habitat for deer and elk. Restrictions and habitat have been considered in the analysis of environmental consequences.

Emery County Public Lands Council

Comment: Need statement which says size of ACEC should only be as large as needed to protect the area from “irreparable damage”.

Response: The management prescriptions for the ACECs are limited in scope to protect the relevant and important values. BLM maintains that the size of the ACEC areas is appropriate for protection of the relevant and important values identified. Also, see GCR 155.

Comment: Background for existing ACECs needs to be provided. Appendix 26 does not discuss existing ACECs. Section 3.4.2 of the Draft RMP (affected environment) contains this information. Each ACEC needs to be re-evaluated and analyzed again for the proposed plan. This includes demonstrating that “special management attention is required” to “protect and prevent irreparable damage” to the respective area or resource. The analysis of proposed ACECs presented in Appendix 26 fails to meet this standard.

Response: See GCRs 127 and 155.

Comment: We are concerned about excessive acreage potentially affected by “special management” implementation. The proposed Uranium Mining District, Heritage Sites and Rock Art Sites ACECs have arbitrary and excessive boundaries depicted on respective maps. Standard Lease terms for oil and gas doesn't allow activity within 100 feet of archeological sites, wouldn't something of this nature be adequate rather than a one mile corridor?

Response: See GCR 155.

Comment: Neither grazing nor surface occupancy for oil and lax gas exploration or extraction necessarily results in “irreparable damage” and should not be precluded in ACECs. Grazing is well understood to be a use based upon a renewable resource. We also believe that the effects of mining and oil and gas activities are reparable. Section 1610.7-2 of the CFR is not license for summary exclusion from the land of any class of activities such as grazing or mineral or energy production. The standard set by law is not mere “damage” but “irreparable damage”.

Many of the existing and proposed ACECs are designated in Alternative D as either NSO, or closed to leasing. Oil and gas development can be consistent with the values of many of these ACEC's. We don't feel that NSO or closed to leasing status should be automatic. Other surface restrictions can prevent irreparable harm to the values of some” of the ACECs.

Response: See GCR 153.

Comment: p 4-516, 517: What are the resources in the potential “Uranium Mining District” ACEC? The area has been criss-crossed by dozer work in an attempt to reclaim the area. It would be especially well suited for a play area.

Response: Appendix 26 of the Draft RMP/EIS and Appendix L of the Proposed RMP/Final EIS identify the relevant and important values present in the Uranium Mining Districts potential ACEC.

Comment: Maps which represent open OHV routes 2-54, 2-55 and 2-56 should not include county roads which have not been designated open by the respective county.

Response: Designated routes would only be assigned on BLM administered lands. Connecting routes over state, county and/or private property are shown for continuity purposes only.

Comment: The map numbers referred to within the discussion of each commodity do not match the map numbers for those respective commodities.

Response: The Proposed RMP/Final EIS correctly references the maps.

Comment: Streams which are considered intermittent and streams which are considered perennial need to be identified by the PFO. A map representing such should be developed. Centerlines and 100-year floodplains also need to be clarified and identified at some point.

Response: Because riparian vegetation indicates availability of water, Map 3-4 (riparian habitat) in the Proposed RMP/Final EIS is the best map available that can display where both perennial and intermittent streams may occur.

Comment: There is no map which represents the “Crucial Fawning Areas and referred to as “crucial or high-value fawning and calving” areas in Appendix 16. It is impossible to determine the extent of the NSO impact without such data.

Response: Deer and elk calving/fawning habitat is identified on Map 3-12a of the Proposed RMP/Final EIS.

Comment: Map 3-20, Coal Bed Methane Occurrence Potential: The UGS feels the rating of L/C in the northwest corner should be changed to H/C due to a recently defined “fairway” of thick coal deposits in the Emery Sandstone Member of the Mancos Shale.

Map 3-21, Conventional Oil and Gas Occurrence Potential: The UGS disagrees with H/C rating for much of the area to the northwest of the San Rafael Swell. The area should be rated H/D. USGS, 1995 National Assessment of US Oil and Gas, has defined four conventional gas plays which have had economic production in, or near, the Price RMP area.

Response: Maps 3-20 and 3-21 in the Proposed RMP/Final EIS show the ratings as suggested in the comment.

Comment: Oil and Gas: Map 17 of the Mineral Report does not reflect the overlap of the oil and gas play area because the mapping scheme is not transparent. Multiple vertical plays underlying the same area need to be shown and not merged into a one-dimensional geographical representation.

Response: Maps 3-18 through 3-27 of the Proposed RMP/Final EIS present the mineral potentials for the Price FO area. Overlaps have been analyzed in the text of the Final EIS.

Comment: Map 3-21 of the R W, Conventional Oil and Gas Occurrence Potential, incorrectly labels the combined area of all the plays from Map 17 as having high occurrence potential with only “C” level of certainty rather than a “D” level of certainty for those plays that contain producing oil and gas fields

that provide “abundant direct and indirect evidence” to support the presence, and likely future development potential of petroleum resources.

Coalbed Methane- Although the UGS has sent comments in the past requesting the addition of a new CBM play covering the coals of the Emery Sandstone Member of the Mancos Shale, no such play is included in the Mineral Report (Map 27) or the RMP (Map 3-20). This new play has emerged since the USGS completed its 1995 national oil and gas assessment and there are currently two companies exploring this play in the planning area (Petro-Canada and Fortuna, USA).

Response: Maps 3-20 and 3-21 in the Proposed RMP/Final EIS show the ratings as suggested in the comment.

Comment: *HISTORIC SITES-* There is insufficient discussion of recognized historic sites, particularly recorded historic sites such as the Old Spanish Trail and the D&RGW Railroad grade. The railroad grade was created between 1880 and 1883 and covers more than 60 miles within Emery County. While prehistoric sites and recent mining sites have received specific protection through the RMP, some of these more sizeable and equally important historic sites are not addressed adequately.

Response: Specific Goals and Objectives for the Old Spanish National Historic Trail can be found in Table 2-21 of the Proposed RMP/Final EIS with specific management. Cultural management of linear resources (Table 2-4) would provide the necessary protection for the D&RGW railroad grade.

Comment: *The discussion of Forestry and Woodlands on page 2-55 and 2-56 states that for all but the No Action alternative, all decisions would be on a case by case basis until a Forest and Woodlands Management Plan was developed. However, Maps 2-10 and 2-11 portray major land use management decisions.*

The decision to virtually eliminate all gathering of downed fuel wood in the complete Price Field Office area is on the edge of an arbitrary and capricious decision. This is a massive decision change, especially since “Gathering downed fuel wood” was not identified as an Issue and providing fuel wood is identified as a Goal and Objective of the management of this resource.

Response: The Proposed RMP/Final FEIS has been changed to resolve the inconsistencies (Table 2-13) and add references to Maps 2-10 to 2-14 and Map 2-59. The Proposed RMP/Final EIS also clarifies apparent discrepancies between ACEC and Forestry and Woodland management.

Comment: *The only alternative that provides a realistic, economics based decision criteria is the No Action Alternative which allows for Discretionary ROWs for specific projects through a permitting process. Alternatives A and D have more limited flexibility, but given the developing gas and energy markets in the area, any restriction on major ROWs that is not based on the individual situation for the ROW is not a beneficial use of the land resource.*

Response: In the Proposed RMP/Final EIS (Table 2-16), Alternatives A and D still retain the discretionary flexibility of the No Action Alternative. They preclude ROWs in WSAs and put restrictions on Communication sites.

Comment: *Page 2-41, We believe a 9-mile buffer zone from domestic sheep to Bighorn Sheep habitat is excessive. Change in classification from cattle to sheep is rare but should not be prohibited by a 9-mile buffer zone, especially when no evidence of disease cross-over has been produced. No acceptable alternatives are offered.*

Response: See GCR 98.

Comment: *Probably the most significant proposed change in grazing administration and the most problematic is the proposal of relinquishing grazing permits when requested by the permittee, and then these permits could be allocated to other uses, including wildlife.*

Response: The voluntary criteria contained in the Draft RMP/EIS have been changed in the Proposed RMP/Final EIS to be consistent with BLM policy. The policy is detailed in Table 2-14, “Livestock Grazing”.

Comment: *It is their position that the Draft RMP has a general anti-grazing bias and that on-going issues of improving water quality, riparian areas, vegetation and wildlife cannot all be solved by reduced grazing. The Emery County General Plan states that any reduction in grazing AUMs will be based on well-documented, sound, scientific fact and data.*

Since Permit holders benefit greatly from the multiple-use/sustained yield management of public land, they are vitally interested in effective and productive management of public lands and intend to cooperate in improving the rangeland health of our these lands.

Grazing should remain a viable part of the economies of Carbon and Emery Counties and be recognized as such in each alternative.

Response: See GCR 33.

Comment: *P. 4-178, 4-179 of the Draft RMP/EIS discusses Sheep and Bighorn Sheep Habitats. The nine (9-) mile buffer is extreme There is no basis to restrict grazing to an area that expands beyond existing private land that contains sheep.*

Furthermore, the 9-mile buffer potentially removes the possibility of transitioning existing cattle allotments to sheep allotments during the life of the plan.

Response: See GCR 98.

Comment: *P. 2-96 states that no new Mineral Leases are available in WSAs. The BLM is very aware of the potential development of the Lila Canyon Mine and the associated economy benefit of the mine (discussed in 4-7) Despite the fact that BLM recognizes the potential economic benefit of the mine (150 to 200 new jobs) there is insufficient discussion in the RMP about a long term solution to develop the coal resource in this area. We recognize the identified WSA over some of the lease area, but the plan fails to attempt to work a long term solution to the conflicts.*

Response: BLM policy, 43CFR 3461.5 (d)(1) for lands designated as WSAs and the BLM Wilderness IMP (H-8550-1), designate all WSAs as unsuitable for leasing. Unleased lands are unsuitable for leasing until Congress acts on the WSA. Therefore, the unleased Federal coal in the Lila Canyon/Little Park lease area (approximately 300 acres) under the Turtle Canyon WSA is unsuitable for further coal leasing consideration. Existing lease activities can continue in these areas as long as there are no impacts on Congress’s ability to designate them as wilderness.

Comment: *There is a definite and discernable weighting toward Recreation as opposed to other uses. Under the current policy of Multiple Use, all uses are to receive the same consideration for use as another. In the DRMP, this is not the case. When weighting oil and gas exploration as opposed to recreation opportunities in 9- Mile canyon, for example, the assumption is made that drilling will negatively impact recreation and archeological sites, however, comparatively less information is presented on the impacts that recreation has on the oil and gas industries. The weighting should be equal.*

Response: The RMP is required to be a Multiple Use Plan. Multiple Use, as defined in FLPMA provides for managing the public lands and their various resources so that they are utilized in the best combination that will best meet the present and future needs of the American people. This direction indicates that not

all uses need to be accommodated in all areas. The preferred alternative in the Draft RMP/EIS reflects this provision. Not all areas would be open to all types of uses in the planning area. Additionally, not all areas would be open to uses in the same timeframe. Management actions for all resources and resource uses are provided in the Proposed RMP/Final EIS, including those that provide protection for sensitive resources.

Also see GCRs 51, 52 and 132.

Comment: *There is little in the Draft RMP/EIS related to humates, gypsum, sand and gravel, stone, carbon dioxide, helium Reserve. - The study area contains a major, nationally recognized helium reserve, oil shale and tar sands.*

Response: The Draft RMP/EIS addressed the management and impacts of salable minerals (sand, gravel, and stone) under mineral materials. Oil shale and tar sand management and impacts are deferred to the ongoing programmatic EIS. Humates, gypsum, carbon dioxide and helium were specifically addressed in Section 4.2.2, Cumulative Impacts of the Draft RMP/EIS.

Comment: *Generally, the Draft RMP/EIS and associated mineral report correctly identify the occurrence of the energy and mineral commodities in the Price Field Office planning area, but significantly underrate the energy and mineral development potential of the planning area. Emery County believes that the PFO should redo its mineral potential reports and suggests collaboration with the State of Utah to do so.*

Response: The oil and gas RFD contained in Appendix M of the Proposed RMP/Final EIS has been accounts for additional development potential.

Comment: *Impacts to Minerals and Energy, “Leasable Minerals”, “Oil and Gas”, Alternative D: Only Wildlife timing stipulations are discussed here, not NSO restrictions. We believe Appendix 8 is in error, and NSO wouldn’t be used in Alternative D.*

Response: Appendixes 8 and 16 of the Draft RMP/EIS have been corrected and combined into Appendix G of the Proposed RMP/Final EIS to remove any inconsistencies. See GCR 41.

Comment: *Appendix 23 acknowledges Bureau direction regarding integration of the Energy Policy and Conservation Act (EPCA) analysis into the planning process. However, the EPCA data is not readily discernible at the indicated locations. Additional, there are discrepancies concerning time frames. Time frames of 15 and 20 years are interchanged without consistency in reference to RFDs and other projections.*

Response: See GCR 52.

Comment: *A coal occurrence map should be prepared showing the occurrence potential and certainty of occurrence ratings for the various coal areas.*

Response: A coal occurrence map has been added to the Proposed RMP/Final EIS as Map 3-25.

Comment: *Alternative D says OHV use will be open, closed or limited to designated routes on the respective maps. All alternatives eliminate areas which are Open with current management but fail to clarify what criteria will be used or what process will take place to determine designated routes within these areas.*

Response: See GCR 19.

Comment: *The San Rafael Route Designation Plan (SRRDP) of 2003 should be referenced in Alternatives A, B, C and D and on Maps 2-54, 2-55 and 2-56.*

Response: The San Rafael Routes have been added to all alternatives and shown on Maps 2-71 through 2-74 and Map 2-69 of the Proposed RMP/Final EIS.

Comment: The proposed Chimney Rock and Arrapeen Trail systems should be given reasonable consideration in this document. We realize that the final “on the ground” product may not be determined by the Final RMPIEIS, but more likely following activity level planning. However, an inventory of some proposed systems could be incorporated into this planning process.

Response: See GCRs 20 and 31.

Comment: A major weakness in the DRMP is the failure to demonstrate the success or failure of existing management practices within the study area.

Response: Chapter 4 of the Draft RMP/EIS identifies impacts of current management practices. The analysis of impacts has been expanded in the Proposed RMP/Final EIS and has been changed from a table format to a text format to improve readability.

Comment: Alts. A, B, C, and D: Why is off-site mitigation “encouraged” and not required for actions that cause surface disturbance to crucial value habitat? Shouldn't this be required as it is in the No Action Alternative?

Emery County is desirous that off-site mitigation be required, not suggested. If not, the overall impacts to wildlife from oil and gas development will be negative. We suggest that off-site mitigation be an explicit requirement to offset high-value habitat impacts from oil and gas development.

Response: The National BLM policy on offsite mitigation is that the agency encourages willing partners to participate in offsite mitigation strategies (subject to 43 CFR 1784.1-1 (b)). BLM WO Instruction Memorandum No. 2005-069 states, “Policy: The BLM will approach compensatory mitigation on an “as appropriate” basis where it can be performed onsite and on a voluntary basis where it is performed offsite. Further, this IM is not intended to establish an equivalency of mitigation policy by the BLM (i.e. acre for acre)”.

Comment: Emery County would indicate to the BLM that we expect consistency with this and other state laws, the Emery County General Plan, and the Carbon County Master Plan to the fullest extent that the state and local provisions are not directly contravened or preempted by federal law.

Response: See GCR 29.

Comment: P. 4-11 and 12 of the Draft RMP/EIS discuss the cumulative effects of the various alternatives. The cumulative effects from the No Action alternative are significantly more severe than the Cumulative effects of Alternative A. This is confusing because Alternative A should have more activities than the No Action alternative.

Response: The cumulative impacts contained in Section 4.7 of the Proposed RMP/Final EIS have been rewritten to correct this problem.

Comment: Appendix 16 allows no waivers for most seasonal wildlife conservation restrictions. The appendix must allow of these conditions for each restriction.

Response: Language has been added to Appendix G of the Proposed RMP/Final EIS to provide for “exception, waiver or modification” for each of the restrictions. See GCRs 41 and 42.

Comment: Emery County is concerned with the funding requirements. Current funding to adequately support the CLDQ is inadequate and the implementation of the RMP does nothing to add specific funding to the Quarry.

Response: BLM will seek to obtain funding for implementation and mitigation of the selected alternative including additional funding for CLDQ. Also see GCR 147.

Comment: Despite the very beneficial relationship between Emery County and the BLM, enforcement within the PFO is currently insufficient, and the addition of new restrictions and modifications to land use will require additional field work to enforce.

Response: See GCR 147.

Comment: Some decisions in alternatives lack any rationale in terms of the issues identified in the Purpose and Need statements. There are contradictions among various management decisions in the Preferred Alternative and probably the others as well.

Response: There are many purposes and goals for the Price Plan. A purpose and need statement is provided in Chapter 1 of the Proposed RMP/Final EIS. Goals and objectives are described in Chapter 2 and the current conditions and trends in resources and uses that would be changed or affected by the proposed actions are described in Chapter 3 of the Proposed RMP/Final EIS. The comparison of the impacts of the various action alternatives with the No Action Alternative provided in Table 2-24 of the Proposed RMP/Final EIS shows how various resources and uses would change to meet the needs for the plan revision. Also see GCR 123.

Comment: According to the Note at the bottom of the Recreation Opportunity Spectrum (ROS) Map 3-15, "Recreation Opportunity Spectrum Management is prescriptive within Special Recreation Management Areas (SRMA). ROS management serves as a guideline in areas outside the SRMAs.

The ROS designations are developed internally within the BLM without any public process review. Adopting any of the SRMA proposals would mean that the ROS management prescriptions would be implemented without any public process or alternatives being evaluated through a public process.

Response: See GCR 50.

Comment: If all the Preferred Alternatives were adopted, the SRMA areas designated in the Preferred Alternative (Map 2-21) would have ROS management prescriptions in conflict with the Preferred Alternative Off-Highway Vehicle Recreation management prescriptions as represented in Map 2-16 and with the Preferred Alternative for High Use Areas as represented in Map 2-25.

Response: See GCR 50.

Comment: "Quantification of the economic stimulus associated with recreation in the PFO is not possible at this time due to lack of verifiable data on recreational use." This statement conflicts with page 3-48 that provides Visitor, Participant and Visitor Days data from the RMIS data system. Basically, if you look at both of these sections, one might determine that the methodology to determine the recreation data consists largely of "reservations, permits records, observations and professional judgment". The acknowledgement that verifiable data exists certainly seems to indicate that the major source of data is "professional judgment".

Response: See GCR 118.

Comment: Appendix 15, Recreation Opportunity Spectrum-Classification Standards: On-the-ground realities are inconsistent with the classification standards in the ROS. Most notable in the inconsistencies is the existence of roads and motorized routes within areas classified as Semi-primitive Non-motorized (SPNM) in the ROS.

Response: See GCR 50.

Comment: *Emery County takes issue with some statements in this section. Reference is made to the priority given to “collaborative management” and “The Four Cs”. The statement is made that “BLM recognizes that social, economic, and environmental issues cross land-ownership lines and that extensive cooperation is needed to actively address issues of mutual concern.” As this DEIS was being developed, Emery County continually expressed the importance of being involved in the development of the Socio-economic report and were assured that we would be directly involved when the time came to develop this report. Two events took place that lead us to believe that BLM does not yet recognize the extent that public land plans affect the socioeconomic base of the local community. First, after having been reviewed by the Price Field Office, the Utah State BLM Office, and the Washington BLM Office, the DEIS was delivered to the public minus a Socioeconomic section. Second, a socioeconomic report was then distributed which was obviously a “cut-and-paste” insert developed for a Resource Management Plan in the state of Wyoming. Because of these events, Emery County believes that local concerns and issues are not understood nearly to the degree that federal planners would have us believe. The PFO has since committed to a process to develop this report that will involve Emery County intimately. We expect fulfillment of that commitment.*

Response: See GCR 132.

Comment: *A very large part of the economic base of Carbon, Emery and Sanpete counties comes from generating electricity, providing those plants with fuel, and auxiliary businesses associated with the workforce employed by those companies conducting business along the corridor.*

PacifiCorp Power Plants in Emery County generate 17,400 Megawatts annually. At a sale value of \$20/megawatt, the annual revenues would be \$350,000,000. They hire 750 employees (including their mining operations) and pay an annual payroll of over \$64,000,000. Therefore, Emery county is concerned about any impact to this industry that might occur because of the designation of the San Rafael River as a Wild and Scenic River.

Response: See GCR 132. The Proposed RMP/Final EIS evaluates the socioeconomic impacts of energy production to local communities.

There would be no effect on water rights or in-stream flows related to suitability findings made in a land use plan decision, barring Congressional action. Even if Congress were to designate rivers into the National Wild and Scenic Rivers System, any such designation would have no affect on existing, valid water rights. Section 13 (b) of the Wild and Scenic River Act states that jurisdiction over waters is determined by established principles of law. In Utah, the state has jurisdiction over water. Although the Wild and Scenic Rivers Act implies a federal reserved water right for designated rivers, it doesn’t require or specify any amount, and instead establishes that only the minimum amount for purposes of the Act can be acquired. Because the State of Utah has jurisdiction over water, BLM would be required to adjudicate the right as would any other entity, by application through state processes. Thus, for Congressionally designated rivers, BLM may assert a federal reserved water right to appurtenant and unappropriated water with a priority date as of the date of designation (junior to all existing rights), but only in the minimum amount necessary to fulfill the primary purpose of the reservation. In practice, however, federal reserved water rights have not always been claimed if alternative means of ensuring sufficient flows are adequate to sustain the outstandingly remarkable values.

The BLM is fully evaluating and considering potential impacts related to these Wild and Scenic River decisions in this planning process. Congressional designation of suitable streams is evaluated in the cumulative impacts analysis of the Proposed RMP/Final EIS, and Appendix C is modified to include a more thorough discussion of how the suitability considerations are applied to each eligible river.

Comment: *The Draft RMP/EIS fails to address the economic value of mineral development in order to weigh such value against other possible resource uses. Future gas production from public lands within e*

PFO will provide tax revenue to government and royalty revenue to landowners, possibly in amounts approaching hundreds of millions of dollars. Other.

revenues which aren't adequately discussed include property taxes paid to counties, state income tax from industry employment, and sales/use/fuel tax from petroleum business expenditure.

Response: The Proposed RMP/Final EIS socioeconomic impacts have been analyzed using the IMPLAN model. This includes an evaluation of the economic contribution of energy production to local communities, such as Emery and Carbon counties. Property and income taxes are part of the “indirect” and “induced” income impacts in IMPLAN. Section 4.6 of the Proposed Plan has been revised to include a discussion of the fiscal impacts on state and local governments of plan decisions. Also see GCR 132.

Comment: Of particular concern is the failure to adequately address the contributions of the three power generation facilities in Carbon and Emery Counties. There is inadequate discussion of the current socioeconomic benefits of these facilities and a corresponding failure to address potential effects of the RMP to the power generation facilities. Of particular concern would be air and water quality issues, however other indirect impacts are also ignored. Future development of coal resources should be directly tied to the long term survivability of the power plants. The RMP only discussed the direct job increases or losses from mining without recognizing the effects to the power plants.

Response: The Proposed RMP/Final EIS socioeconomic impacts have been analyzed using the IMPLAN model. This includes an evaluation of the economic contribution of energy production to local communities, such as Emery and Carbon counties. The economic impacts of coal mining are addressed in Section 4.6. The impacts of the power plants are addressed under “cumulative impacts” Section 4.7 of the Proposed RMP/Final EIS. Also see GCR 132.

Comment: Another related core industry that is not discussed in the RMP socioeconomic analysis is the trucking industry. The economic benefits and impacts of this industry are tied to the other extraction and energy production industries. The trucking industry employs substantial numbers of local workers. Some estimates place the number of full time truckers at around 175 employees.

Response: Section 4.6 of the Proposed Plan discusses and quantifies the indirect economic impacts of the coal industry on related industries, including trucking. See GCR 132.

Comment: The draft plan insufficiently recognizes the potential affects of the RMP to the valuation of the lands as the dollars return to the local government entities. As designation of land changes and the availability of resources changes, the perceived valuation of that land changes. This affects the ability of the local communities to acquire PILT funds. Furthermore, the more cost prohibitive development becomes, the lower the potential return of Mineral Lease and other funds.

Response: Section 4.6 of the Proposed Plan has been revised to include a discussion of the fiscal impacts on state and local governments of plan decisions, including the potential loss to local governments from restrictions on oil and gas development.

Comment: Recreational activities generally do not generate the level of income, to private sources or to local taxing entities that mineral development and extraction will. Given this, the core emphasis for decision making criteria should be weighted toward the most 'profitable' management practices, i.e., mineral development and extraction. The general tone of the plan is that recreation opportunities always take precedence over mineral extraction. This is in conflict with BLM policy as well as the general plan of Emery County.

Response: The comment provides no examples of the “general tone” of the plan emphasizing recreation over mineral extraction. Therefore, BLM can offer only a general response. In its planning process, the

BLM has analyzed alternatives ranging from maximum protection of natural resources consistent with law and policy, to maximum commodity production, consistent with law and policy. See GCR 2.

***Comment:** In relation to fluid minerals development, the general assumption seems to be that the solution to all conflicts is to allow for horizontal drilling or related technologies when conflicts arise. This fails to recognize the additional cost and technological challenges associated with this alternative.*

Response: See GCR 16.

***Comment:** The Socioeconomic section (4.12 though 4.15.4) is inadequate in relation to the discussion of the potential impacts to the power generation industry. In fact, the electric Generation Plants located in Huntington, Castle Dale (Hunter) and Price Canyon. are only directly addressed one time in the RMP. This is particularly noteworthy because Scottish Power, the parent company of the Utah Power, has been in preliminary discussions and study relating to the addition of 600 Mw generation facility at the Hunter Plant. The potential impact on jobs, water, vistas, and other related issues are woefully inadequate.*

Response: The Proposed RMP/Final EIS socioeconomic impacts have been analyzed using the IMPLAN model. This includes an evaluation of the economic contribution of power generation to local communities, such as Emery and Carbon counties. Also see GCR 132.

***Comment:** The BLM is required by statute, executive order, regulation and policy, to incorporate social science considerations into the planning process. The BLM is also required to manage the public lands on the basis of multiple use and sustained yield and to meet the needs of present and future generations. According to the BLM Planning Handbook, the focus of an RMP should include a detailed analysis for each community based upon current conditions and trends, including projection of future trends. An impact analysis is used to assess the social and economic consequences of implementing the various alternatives identified through the planning process. The impact analysis must also include income and employment for various economic sectors, community infrastructure, state and local revenues and expenditures, and land use patterns.*

Response: See GCR 132.

***Comment:** The Draft RMP and EIS also fails to recognize the socioeconomic importance associated with the development and use of water resources in the Price Field Office area. Emery County provided data in response to the Preliminary DRMP that detailed the water improvement projects past, present and future. Projects completed by the end of 2004 represent over \$49 million and projected projects within Emery County represent over \$100 million! The PFO apparently doesn't agree that these projects are significant enough to be discussed, nor potential impacts on the projects from implementation of the alternatives.*

Response: The ongoing water projects in Emery County have been added to the list of projects and considered in the "Cumulate Impacts" Section 4.7 of the Proposed RMP/Final EIS.

***Comment:** Wild and Scenic Rivers designations have the potential to impact federally funded water-related projects. Water resources are of equal interest to Carbon County and its communities. The Draft RMP and EIS does not address the potential socioeconomic impacts related to these concerns.*

Response: In 1994, Public Law 98-569 amended the Colorado River Basin Salinity Control Act and directed the Secretary to develop a comprehensive program for minimizing salt contributions from lands administered by BLM and to provide a report on this program to the Congress and the Advisory Council. BLM's Colorado River Basin Salinity Control program is designed to provide the best management practices (BMP) of the basic resource base. Successes with the resource base will translate to improved vegetation cover, better use of onsite precipitation, and stronger plant root systems. In turn, a more stable runoff regime and reduced soil loss should result, thus benefiting water quality of the streams in the

Colorado River Basin including the Green River and San Rafael River. In Section 1(b) of the Wild and Scenic Rivers Act, Congress states that one of the objectives of the Act is to protect the water quality of designated rivers. Congress further specified that the river-administering agencies cooperate with the EPA and State water pollution control agencies to eliminate or diminish water pollution (Section 2(c)). Comparing the two, it is clear that the Wild and Scenic Rivers Act and the Colorado River Basin Salinity Control Act are not only complementary of one another, but share the same objective with regard to water quality. The Wild and Scenic Rivers Act directs the Secretary of the Interior or any government agency to prohibit any loan, grant, license, or otherwise construction of any water resources project that would have a direct effect on the values for which such river designation was established.

The law also states that it cannot preclude licensing of, or assistance to, developments below or above a wild, scenic, or recreational river area or on any stream tributary thereto that will not invade the area or unreasonably diminish the scenic, recreational, and fish and wildlife values present in the area on the date of designation of a river as a component of the National Wild and Scenic Rivers System. However, projects intended to comply with the Colorado River Salinity Control Act are those that would generally benefit stream segments instead of affecting or unreasonably diminishing its values including water quality.

The BLM is fully evaluating and considering potential impacts related to these Wild and Scenic River decisions in this planning process. Congressional designation of suitable streams is evaluated in the cumulative impacts analysis of the Final EIS, and Appendix C is modified to include a more thorough discussion of how the suitability considerations are applied to each eligible river.

Comment: *The lack of consistency between the baseline profile (august 2003) and the Draft RMP/EIS causes confusion and creates a lack of confidence in the socioeconomic information. The lack of confidence is further supported by the lack of clarity of the impact analysis found in Section 4.12 of the Draft at pages 4-575 through 4-589. This “analysis” makes reference to Carbon and Emery counties, and the Price Field Office (PFO); however, it also contains confusing and ambiguous references such as, “the socioeconomic study area”, “the region”, “the PFO and the study area”, “the PFO vicinity” and “the study period”. It doesn't appear to truly address socioeconomic impacts related to the Price Field Office.*

Response: A new socioeconomic technical report was prepared in 2008 which replaced the 2003 baseline report (Booz Allen 2008a). The new report explains the methodology used to analyze the socioeconomic impacts from having access to BLM lands for multiple uses. It provides the calculations and results for energy production, recreation, and grazing under each alternative allowing for socioeconomic impact comparisons across those alternatives. The report also discusses the input/output model IMPLAN used to model additional economic activity associated with the direct industries tied to the multiple uses on BLM land. This discussion explains in detail how direct industries, such as energy production, generate additional income and employment for indirect industries (trucking, lodging, etc.). This 2008 report was the bases for the preparation of Section 4.6 of the Proposed RMP/Final EIS. See GCR 132.

Comment: *the Draft at pages 2-6 and 2-7 describes Alternative A as “...designed to allow maximum access and development of mineral resources, including oil, gas, coal bed natural gas, and coal allowed by law, with mineral resource development given primacy over other uses and resource consideration. A comparison of the No Action Alternative to Alternative A, described at page 2-21 reveals an almost 90 percent increase in acreage.*

The analysis of this increase, as presented at page 4-584, characterizes the impacts to “Regional Income” as “not expected to be significant.” This statement and a similar statement at page 4-586, which indicates that a loss of 70 jobs per year, “is not considered significant in the study area”, seems to

confirm that the socioeconomic analysis does not address the true impacts specific to counties associated with the Price Field Office.

Response: The Proposed RMP/Final EIS Section 4.6.5 discusses the expected increase in employment and income of Alternative A as compared to the No Action Alternative. It no longer implies that the increase is not significant. These numbers are based on the IMPLAN model. See GCR 132.

Comment: *The Socioeconomic section is inadequate in relation to the discussion of the potential impacts to the power generation industry in the area. In fact, the electric generation plants located in Huntington Canyon, Castle Dale (Hunter Plant) and Price Canyon (Carbon Plant) are only directly addressed one time in the Draft. This is particularly noteworthy considering that Scottish Power, the parent company of Utah Power, has been in preliminary discussions and study relating to the addition of a 600 Mw generation facility at the Hunter Plant.*

Response: Information about the power generation plants has been added to Section 3.6 and 4.7 (Cumulative) of Proposed RMP/Final EIS. Also Section 4.6 evaluates the socioeconomic impacts of the economic contribution of energy production to local communities, such as Emery and Carbon counties. See GCR 132.

Comment: *The baseline profile should be reviewed for inaccuracies and corrected as necessary. The inconsistencies between the baseline profile and the DRMP/EIS should be reconciled and the Socioeconomics section of Chapter 4 should be revised to present a detailed analysis of social and economic consequences of implementing the various alternatives, for each community in the Price Field Office area, in such a manner that the information can be clearly understood.*

Response: See GCR 132.

Comment: *Potential expansion of the PacifiCorp Hunter Plant, “The proposed project would increase local jobs during plant construction and provide approximately 350 additional long-term jobs in the region.”: What is the source of this figure?*

Response: The source is Emery Power Plant Units 3 & 4: Department of the Interior Final Environmental Statement, prepared by the BLM, Department of the Interior, 1979, Table 1-10.

Comment: *Loss of the ability to extract Utah coal would result in significant impact to electricity generation and the resulting cost to the consumer. It would also harm the local economies that are dependent on the Utah coal industry for primary and secondary jobs.*

Response: Only a small amount of coal is within WSAs and, therefore, is unavailable for leasing. See Map 2-56 of the Proposed RMP/Final EIS. Therefore, there should be little impact on the coal and power generation industries.

Comment: *P. 4-575 of the Draft RMP/EIS discusses the basis for Significance Criteria and the first criteria is, “Substantial gains or losses in population and or employment. The term “Substantial’ needs to be precisely defined because of the delicate nature of employment condition in the study area. In section 4-15, it states “Changes in overall employment are not expected (to) exceed 30 jobs so the impacts are not considered significant.” 30 jobs added or lost in the study are would be a significant event in the local economy.*

Response: The significance criteria are no longer used in Chapter 4. Section 4.6 of the Proposed RMP/Final EIS has been revised using the IMPLAN model to discuss impacts which are greater than discussed in the Draft RMP/EIS. See GCR 132.

Comment: Page 4-576 has an error in the third paragraph. It states that the county specific data was obtained from the Minnesota IMPLAAN group. I do not believe Minnesota is the correct source of information.

Response: The Minnesota IMPLAN Group is the company that developed the input/output model IMPLAN used in the socioeconomic analysis in Section 4.6. The company collected data for both Emery and Carbon counties from the U.S. Census, U.S. Bureau of Economic Analysis, U.S. Department of Labor, and other reputable sources. An additional socioeconomic technical description document is provided which details the methodology, calculations, results, and all sources used. See GCR 132.

Comment: Page 4-578 States that “A previous study by the State of Utah concluded that Carbon and Emery counties have a very small oil and gas industry”. This quote was taken from the Utah Department of Natural Resources in 1995, prior to the development of the Coal Bed Methane industry in the study area. Today, Carbon and Emery Counties are among the top gas producing counties in the state and the number of new wells in the two counties are among the top 5 counties in the state. Since the 1995, a number of energy companies have opened permanent offices in the study area. Furthermore, a number of support industries have been created. This includes roustabout services, drilling, maintenance and road and pad development.

Response: Section 3.6 of the Proposed RMP/Final EIS has been updated with more recent earnings and employment in the mining industry, which includes oil and gas, and concludes that this industry is very important to Carbon and Emery Counties.

Comment: Page 4-579 states that “Estimates of recreational use within the Price Field Office indicate that there may be several hundred thousand Recreational Visitors Days spent in this area.” In the following paragraph it states that “Quantification of the economic stimulus associated with recreation in the PFO is not possible at this time due to a lack of verifiable data on recreational use.”

It is somewhat disappointing that an undertaking as substantial as the RMP is being considered when the agency admits that they have insufficient data to accurately assess the benefits / impacts of the present management plan.

Response: See GCR 118.

Comment: On Pages 4-580 and 4-581 discuss the activities relating to Regional Employment under the current management plan. The plan fails to recognize a number of activities and the related employment from those activities in the RMP area. Specifically, the mining and production of Humates (Hurnic Shale) and the mining and production of Gypsum.

Response: Section 4.7.2 of the Proposed RMP/Final EIS specifically includes new gypsum, uranium and humate mines in the cumulative impacts analysis.

Comment: 4-582, Impacts to Population: This section contains the socioeconomic impacts of the RMP/EIS and it states that “Activities within the PFO will continue to support a notable number of jobs in the study area. Because these activities are expected to continue under the No Action Alternative, it is not anticipated that continuing current management actions will significantly affect population trends”. This is a disappointingly small reference in the RMP to the potential employment impacts of existing industry trends.

In some areas, such as oil and gas development, the RMP has the potential to impact employment significantly, particularly over the short term. In the preceding paragraphs, it is pointed out that \$9.6 million in Oil and Gas and \$29 million in Coal development would be added to the local economy through the No Action Alternative.

Response: The Proposed RMP/Final EIS has been revised to evaluate the economic contribution and social impacts of energy production, grazing, and recreation on BLM lands to Emery and Carbon counties. A discussion of this analysis is provided in Section 4.6. Additional clarity on the No Action alternative serving as the baseline, which all other alternatives are evaluated, is provided as is an estimate of the monetary oil and gas impacts of the RMP on all of the other alternatives using forecasted gas prices.

Comment: *Section 4.15.3 Alternative B: The document states that “Changes in overall employment are not expected (to) exceed 30 jobs so the impacts are not considered significant.” In the current economic environment in Emery County and Carbon County, the subtraction or addition of 30 positions would constitute a significant impact on employment.*

Response: Section 4.6 of the Proposed RMP/Final EIS has been revised using the IMPLAN model to discuss impacts on Carbon and Emery Counties. The impacts from the IMPLAN model show a greater impact than the 30 discussed in the Draft RMP/EIS. See GCR 132.

Comment: *Generally, throughout section 4.12, Socioeconomics, there is a failure to address the potential impacts of the Guides and Outfitters for all of the Alternatives. Currently there are approximately 40 permitted land outfitters in the study area and an additional 80 on the Green River on the Eastern edge of the study area. These existing businesses employ - approximately 100 on a full or part time basis during peak seasons.*

Response: The Proposed RMP/Final EIS has been revised to include the economic contribution and social impacts of recreation on BLM lands to Emery and Carbon counties. The Proposed RMP/Final EIS discusses, in qualitative terms, the socioeconomic impacts of changes in recreational activities (including outfitters). The analysis was unable to provide quantitative estimate changes in jobs and earnings tied to recreation in the local area. Section 3.6 has also been augmented to discuss the contribution of recreation on the local economy.

Comment: *Planning criteria bullet on socioeconomic impacts of the alternatives has not been thoroughly considered.*

Response: The Proposed RMP/Final EIS uses IMPLAN to evaluate the socioeconomic impacts the alternatives. This includes an evaluation of the economic contribution of energy production, grazing, and recreation to local communities, such as Emery and Carbon counties. See GCR 132.

Comment: *Section 2.7.2.2 “Manage public lands in a manner consistent with the Colorado River Salinity Control Act”. We believe that designation of river segments to the Wild and Scenic River System can eliminate federal funding for water projects, including those funded to adhere to the Colorado River Salinity Control Act and is therefore not consistent with the Colorado River Salinity Control Act.*

Response: In 1994, Public Law 98-569 amended the Colorado River Basin Salinity Control Act and directed the Secretary to develop a comprehensive program for minimizing salt contributions from lands administered by the BLM and to provide a report on this program to the Congress and the Advisory Council. BLM’s Colorado River Basin Salinity Control program is designed to provide the best management practices (BMP) of the basic resource base. Successes with the resource base will translate to improved vegetation cover, better use of onsite precipitation, and stronger plant root systems. In turn, a more stable runoff regime and reduced soil loss should result; thus, benefiting water quality of the streams in the Colorado River Basin including the Green River and San Rafael River. In Section 1 (b) of the Wild and Scenic Rivers Act, Congress explicitly states that one of the objectives of the Act is to protect the water quality of designated rivers. Congress further specified that the river-administering agencies cooperate with the EPA and state water pollution control agencies to eliminate or diminish water pollution (Section 2 (c)). Comparing the two, it is clear that the Wild and Scenic Rivers Act and the

Colorado River Basin Salinity Control Act are not only complementary of one another, but with regard to water quality they share the same objective. It is true that the Wild and Scenic Rivers Act directs the Secretary of the Interior or any Government agency to prohibit any loan, grant, license, or otherwise construction of any water resources project that would have a direct and adverse effect on the values for which such river was established. The law also states that it cannot preclude licensing of, or assistance to, developments below or above a wild, scenic or recreational river area or on any stream tributary thereto which will not invade the area or unreasonably diminish the scenic, recreational, and fish and wildlife values present in the area on the date of designation of a river as a component of the national wild and scenic rivers system. However, projects intended to comply with the Colorado River Salinity Control Act are those which would generally be beneficial to stream segments, instead of adversely affecting or unreasonably diminishing its values including water quality.

Comment: *Page 2-28 Groundwater, Protection of Water Quality in Natural Springs, "The distance (of buffer zones) would be based on geophysical, riparian, and other factors necessary to protect the water quality of springs. If these factors cannot be determined, a 660 foot buffer zone would be maintained." How about maintaining the 660 foot buffer zone?*

Response: See GCR 70.

Comment: *Page 2-29, Maintenance of Water Table in Wetland and Riparian Areas Alternatives A, B, C and D, "The water table in wetlands and riparian areas would be maintained or restored.": As pressurized irrigation systems eliminate loss of water from canal and ditch systems, it will become increasingly more difficult to maintain or restore the water table created by these systems. How controllable is this?*

Response: See GCR 72.

Comment: *Page 2-29, "Allow no new surface-disturbing activities within 100-year flood plains,": This may be excessive and difficult to determine. Who is the final authority or what are the determining criteria?*

Response: This is a continuation of the existing restrictions related to flood plains. The Final authority is the Field Office Manager per the exception criteria.

Comment: *The streams which comprise the San Rafael River drainages are currently functioning as water delivery systems for industrial, municipal and agricultural use. These watersheds are vital to Emery County. Any alteration or disruption of this system will dramatically affect the county communities and industry both economically and socially. Therefore, any designation as a Wild and Scenic River will affect the economy of Western Emery County.*

Response: The BLM preferred alternative in the Draft RMP/EIS has been revised to create the Proposed RMP in the Proposed RMP/Final EIS. The suitability discussions, particularly for the San Rafael River, in Appendix C of the Proposed RMP/Final EIS more thoroughly address the manageability factors. Also see GCR 86.

Comment: *Emery County has nine incorporated communities within its boundaries. Eight of these communities are located in the western portion of the county at the base of the Wasatch Plateau. They are located along the rivers and major canals that transport water from the mountains into the valleys. The communities were located adjacent to the rivers to provide water for their municipal, agricultural and industrial needs. The people who live, and have lived in these communities are directly dependant on these water sources for their very existence. All aspects of their lifestyles, culture, attitudes, social structure, values and future population characteristics are influenced and impacted by the availability of water from these rivers. Any restrictions from Wild and Scenic River designation of the San Rafael River*

or encumbrances on this water would have significant negative effects on all of the citizens in these communities.

Response: See GCRs 73 and 86.

Comment: *It is impossible to consider management of the San Rafael River as an isolated river segment. The design of water storage facilities, delivery systems (canals, ditches and pipelines) and water demand of the two coal-fired power plants (Hunter and Huntington), has created a system that incorporates all of the San Rafael River system.*

Response: The BLM preferred alternative in the Draft RMP/EIS has been revised to create the Proposed RMP in the Proposed RMP/Final EIS. The suitability discussions, particularly for the San Rafael River, in Appendix C of the Proposed RMP/Final EIS more thoroughly address the manageability factors. Also see GCR 86.

Comment: *Best Management Practice needs to be developed for stream and crossing for surface occupancy. In Chapter 4, P. 4-45, Establishment of Buffer Zones for No Surface disturbance Around Riparian-Wetland Habitats, the RMP doesn't adequately address this need. Disturbance: Stream crossings built properly, with off-site 1:1 mitigation should be allowed in Appendix 16.*

Response: BLM is required by Executive Orders 11988 and 11990 to protect and reduce impacts to wetlands and floodplains. Appendix G of the Proposed RMP/Final EIS provides for an “exception” to this restriction under specific conditions.

Comment: *Page 4-41: Alternative D says the “water table in wetland and riparian areas would be maintained or restored”. This implies unprecedented use of large quantities of water in a watershed where available water is drastically over allocated. Environmental conditions are probably the biggest factor in reduced acres of wetland and riparian areas.*

Response: This statement is a repeat of the management action identified on page 2-22 of the Draft RMP/EIS. Pages 4-41 to 4-45 of the Draft RMP/EIS describe the impact of that decision. The decision in the proposed RMP/Final EIS has been changed to maintain or restore these areas when feasible.

Comment: *Establishment of buffer zones for no surface disturbance around riparian-wetland habitats.*

Alternative D states that “Exception may be authorized by AO if it can be shown that the project as mitigated, eliminates the need for the restriction”. The PFO RMP should specify the features necessary to demonstrate mitigation. The RMP should also state that exceptions will be considered for all activities including Minerals and Energy development.

Response: The “exception” language for these buffers zones has been expanded and clarified in Appendix G of the Proposed RMP/Final EIS.

Comment: *ES-2 Issues: This paragraph refers to “eight planning issues” that the EIS focuses on. What are the eight issues? ES-3 Recreation: Change second sentence to read: “Visitor use is exerting an impact on soil, water, vegetation, wildlife and other recreationists.*

Response: The Executive Summary has been completely rewritten and now focuses on the Proposed RMP and not the planning issues raised during scoping.

Comment: *Fifth paragraph needs to clarify that the “individual and institutional owners of water rights both in Carbon and Emery Counties,” means all of the tributaries of the Green River in the two counties. Also, the last sentence should be amended to read “Moreover, Utah through Divisions of Water Rights and Water Resources and its State Water Engineer, along with various water user associations and other individual and institutional holders of water rights in the Green and Colorado River systems, allocate*

and otherwise manage the rights to the water flowing through the Green River and all tributaries to the Green River. Sixth paragraph, last line should be amended to read "...to ensure that Utah's valid and existing ownership rights in and to the bed of the navigable portions of Green River, and state and local valid and existing rights in and to the water which flows through the entire stretch of Green River and tributaries to the Green River in the planning area, are not \infringed or compromised."

Response: In the Proposed RMP/Final EIS Section 1.3, Description of the Planning Area, has been rewritten and shortened. This paragraph was removed because it was too detailed for this general level description of the area.

Comment: *Page 2-39 Special Status Species: Reference should be made under Goals to "Adhere to and use recommendations found in the Bureau of Land Management's National Sage-grouse Habitat Conservation Strategy."*

Response: See GCR 55.

Comment: *2.3.5, Lands and Realty: Planning Criteria (1.5) states that RS 2477 rights-of-way won't be addressed in this plan but that they will be dealt with administratively. At some time these rights-of-way need to be addressed and incorporated into this plan. It appears that the stated goal to "make public lands available through rights-of-way...for such purposes as transportation routes..." would accommodate the RS 2477 rights-of-way.*

Response: See GCR 11.

Comment: *Include a process for the pilots to "legitimize" the individual existing airstrips through the RMP at the activity level following the completion of this RMP.*

Response: The Proposed RMP would not change any existing policy, use or practice concerning backcountry airstrips. BLM recognizes that small aircraft, responsibly handled, cause minimal if any impacts to the resources or public lands in general. The existence of these backcountry airstrips has already been legitimized by the FAA and the Secretary of the Interior. See GCR 21.

Comment: *Four airstrips are identified in the RMP but almost no additional details are given. There is no mention of an additional 7 to 11 existing airstrips within the PFO (some may be on private or state land). The DRMP should: "Continue to allow the use of existing airstrips for backcountry recreation under the classification of "Casual Use". Consider creation of a separate designation for backcountry airplanes so that the restrictions for motorized use are dealt with separately from OHVs and traditional motorized vehicles. Under current rules, it could be interpreted that the airstrips are off limits to the pilots unless the airstrips are designated routes as part of the route designation plans. A separate designation may be needed to clarify the distinction.*

Response: See GCR 21.

Comment: *Page 2-39, Alternative D: The Lower Green River appears to be given an unnecessary VRM Class I designation.*

Response: Map 2-5 of the Proposed RMP/Final EIS corrects the Lower Green River VRM classification to a VRM Class III.

Comment: *Emery County has serious questions concerning the process of the Wild and Scenic River review. Early challenges concerning eligibility of dry washes were partially recognized late in the process.*

Response: See GCR 88.

Comment: According to this paragraph on page 2-6, the goal of the BLM is to manage and maintain the integrity of “those segments determined to be suitable”. The No Action Alternative describes Management of “eligible” segments.

Response: It is not necessarily incorrect that the No Action Alternative is inconsistent with BLM’s goals. In this case this particular goal would not be met by No Action since no decision would be made as to the suitability of eligible rivers. However, Since with the No Action Alternative no decision of suitability is made the BLM must ensure that all eligible streams are afforded protection until such time as a suitability determination is made. See GCRs 26 and 85.

Comment: The discussion of “protective management” of eligible river segments needs to recognize the abundance of management layers in place which affords protection to the segments, including ACEC,s, SRMA,s, WSA,s Desolation and Gray Canyon Management Plan and most recently the Three Rivers Withdrawal.

Response: The Proposed RMP/ Final EIS addresses how potential decisions for each alternative, including other protective designations, would affect the wild and scenic values (outstandingly remarkable values, tentative classification, and free-flowing condition) of each eligible river segment. The suitability considerations also recognize other means of protecting values of eligible rivers. Also see GCR 37.

Comment: Section 2.11 No Action: Third paragraph states that river segments which have been found eligible would “remain eligible and be managed to protect their outstandingly remarkable values, free-flowing nature, and tentative classification...” This perpetual maintenance of 640 miles of river segments found not to be suitable for W&SR designation is unacceptable. It is not “no action”, it is a new management strategy which creates de facto W&SR segments.

Response: See GCRs 26 and 85.

Comment: Section 2.14 Alternative C, Second paragraph. The determination to include all eligible segments as suitable in this Alternative is arbitrary. This determination is contrary to the statement made in 2.1 Introduction, which says the four alternatives were developed to present a “reasonable range of management options”.

Response: BLM Manual 8351.33C provides guidance for considering suitability in the range of alternatives. It specifies that “at least one alternative analyzed in detail shall provide for designation of those eligible river segments in accordance with the tentative classifications which have been made.” What is imperative is that each eligible river is considered for suitability at least once within the range of alternatives so that the consequences of such a decision are fully analyzed. Alternative C represents one extent to this range.

Comment: The DEIS states in 2.6 and 2.6.1, Summary of Five Alternatives, No Action Alternative, that “the No Action alternative represents current management, as outlined in the 1983 Price River MFP and the 1991 San Rafael RMP.” In fact the 1991 San Rafael RMP determines that three segments on the Green River, four segments on the San Rafael River and six segments on Muddy Creek, a total of 184 miles, are eligible for inclusion in the Wild and Scenic Rivers System. Therefore, the No Action Alternative (current management) in the PFO DEIS should be management of the segments on three rivers as eligible.

Response: The Draft RMP/EIS states in 2.6.1, Summary of Five Alternatives, No Action Alternative, “...as altered through amendment and policy...”. This section was developed to give a quick look at each alternative. Section 2.11 of the Draft RMP/EIS summarizes the management of each Alternative. Section 2.6.1 of the Draft RMP/EIS has been replaced with a revised version of Section 2.11 and is now Section

2.2. BLM policy requires that once a Wild and Scenic River “eligibility” determination is made that the “No Action” Alternative must include protection of these segments. See GCRs 26 and 85.

***Comment:** Determination of Outstanding Remarkable Values for Wild and Scenic River eligibility was done on a local basis without considering the relative values regionally as required...The region of comparison is, in effect, the region being considered. A better region of comparison would include the four corners area and Colorado River Basin.*

Response: See GCR 149.

***Comment:** Although several dry washes have been eliminated from the list of eligible river segments, there are still a couple that remain in Alternative C and should not be determined suitable. Cane Wash, Coal Wash and North Fork Coal Wash are included on Emery County's GPS Roads Map 81104 which includes motorized travel routes. They are also recognized by the PFO as open motorized routes on the San Rafael Designated Route Plan. Emery County believes that an ATV route, or unimproved but highly traveled road is unsuitable for inclusion in the NWSRS.*

Response: See GCR 88.

***Comment:** Designation of the seven segments of the Green River is in conflict with the purposes of the Colorado Compact of 1922.*

Response: Section 13 (e) of the Wild and Scenic Rivers Act clearly states, “Nothing contained in this Act shall be construed to alter, amend, repeal, interpret, modify, or be in conflict with any interstate compact made by any States which contain any portion of the national wild and scenic rivers system.” This provides explicit assurance that any existing interstate compact, including the Colorado Compact of 1922, would have precedence over any action taken relative to the Wild and Scenic Rivers Act.

***Comment:** Emery County believes designation of any segment of the San Rafael River in Alternative D would be devastating to the communities in the area. A portion of river or stream cannot be isolated from the rest of the river and be considered alone. Management decisions must be made by considering the whole river system, both up and down stream.*

Response: The BLM preferred alternative in the Draft RMP/EIS has been revised to create the Proposed RMP in the Proposed RMP/Final EIS. The suitability discussions, particularly for the San Rafael River, in Appendix C of the Proposed RMP/Final EIS more thoroughly address the manageability factors. Also see GCR 86.

***Comment:** Designation of any of the streams and tributaries or drainage areas used as a municipal water source, as Wild and Scenic Rivers could result in assertions of minimum water flows. This could impact the water rights and water flows to the communities. This would result in a direct impact to their drinking water and municipal, and consequentially a severe impact on their socioeconomics, and maybe even detrimental to their existence.*

Response: See GCR 86.

***Comment:** There is no interest from the counties, water users or energy companies to participate in funding efforts to manage any of these corridors as Wild and Scenic Rivers. The preferred alternative is objectionable to the extent it allows BLM to do interim protective management on tentative or potential segment designations. The preferred alternative is objectionable to the extent it urges, justifies or otherwise lends support to the unfounded notion that the water rights in the river segment somehow accrue to the BLM by virtue of a Wild and Scenic River eligibility or suitability determination.*

Response: Appendix C of the Proposed RMP/Final EIS is modified to include a more thorough discussion of how the suitability considerations are applied to each eligible river. The BLM preferred alternative has also been revised to create the Proposed RMP in the Proposed RMP/Final EIS based on these suitability considerations. It is BLM's policy, to the extent of its authority under the FLPMA, to protect the values which contribute to the stream's eligibility. FLPMA provides BLM with broad authority to manage the public lands including eligible/suitable river segments. Because Section 5(d)(1) of the Wild and Scenic Rivers Act requires that rivers be considered for wild and scenic purposes in planning, and because NEPA (40 CFR 1506.1) restricts actions that would limit the selection of alternatives, it is appropriate that BLM manage eligible/suitable rivers in a protective manner to protect values for possible Congressional designation. See GCRs 26, 85 and 86.

***Comment:** ES-5 Wild and Scenic Rivers: The river segments found not suitable should then be managed absent of any Wild and Scenic consideration, not continue as perpetually "eligible", as the No Action Alternative states.*

Response: BLM Manual 8351.33C provides guidance for considering suitability in the range of alternatives. It specifies that "the no-action alternative, i.e., a suitability determination is not made, should provide for on-going management, including continuation of protective management of eligible segments." Because no decision of suitability would be made with the No Action Alternative, the BLM would ensure that all eligible streams are afforded protection until such time as a suitability determination is made. See GCRs 26 and 85.

***Comment:** The lack of an alternative, which recommends no segments as suitable causes us to view the range of alternatives as incomplete.*

Response: Alternative A in the Proposed RMP/Final EIS has been change to find none of the eligible streams suitable for any Wild and Scenic River designation.

***Comment:** Almost no consideration has been given to socioeconomic impacts of designation. Emery County asks that a complete socioeconomic study be completed which addresses impact of Wild and Scenic River designation.*

Response: A socioeconomic analysis of the impacts of the designation of wild and scenic rivers on neighboring lands has been added to the Proposed RMP/Final EIS.

***Comment:** The No Action Alternative on P. 2-132, describes Protective Management of Rivers Potentially Included in the National Wild and Scenic River System for all river segments found "eligible".*

Response: See GCRs 26 and 85.

***Comment:** Wild Horses and Burros: Most permittees recognize that some herd management (HMA's) need to be maintained for wild horses in order to conform to the Wild Horse and Burro Act of 1971. We therefore recommend that wild horse HMA's be kept strictly within the numbers as indicated in the no-action alternative and that the Sinbad allocation not be transferred to the Muddy Creek allotment as proposed in Alternative D.*

Response: Maintaining wild horse and burro populations at the AML is accomplished through periodic gathers as directed by law and regulation. BLM actively implements gathers to maintain wild horse and burro populations at approved AML. Implementation of gathers is governed nationally, based on the number of horses in the wild horse system. Individual Field Offices can plan for removals, but actual removals are approved by the Washington Office before herds can be reduced.

Consolidation of the Muddy Creek HMA with the portion of the Sinbad HMA that has horses in it would not increase the number of wild horses in the area, but would simply redraw the boundaries to more accurately reflect wild horse population interactions.

Comment: *1.6.14, Non-WSA Lands With or Likely to Have Wilderness Characteristics: This section is misleading and not consistent with the settlement in Utah v. Norton and directives related to it. A brief description of the settlement terms should be in the opening paragraph of this section. This would provide the reader with an answer to why the BLM won't consider designations of new WSAs in the RMP process.*

Response: See GCR 146.

Comment: *The DEIS employs concepts of ACEC, VRM, SRMA to eliminate or unreasonably discourage previously accepted and established patterns of resource extraction and associated surface occupancy. The preferred alternative would effectively place for the first time, large tracts of public land under a de facto non-impairment mandate.*

Response: Under FLPMA's multiple-use mandate and the requirements of other federal laws, 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 routinely manages many different values and uses on the same areas of public lands. 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. The goals and objectives of the alternatives analyzed in detail are explained in Chapter 1 of the Proposed RMP/Final EIS and the impacts of the decisions of each alternative are analyzed in Chapter 4. These impacts were considered during development of the Proposed RMP. Also see GCR 37.

Comment: *The ACEC, VRM, SRMA, ROS and Wild and Scenic River concepts are tools to be used only within the context of and consistent with, the multiple use sustained yield mandate of FLPMA as well as the mineral resource development and extraction mandate of local county plans. These concepts are not to be used as excuses to de facto manage public lands as if they are or may become WSA's. FLPMA and the April 2003 Wilderness Settlement Agreement mandate that the Secretary not "establish, manage or otherwise treat public lands, other than Section 603 WSA's.*

Response: See GCRs 108, 116, and 141.

Comment: *The term "Or likely to have" should be struck from the title. Neither the settlement nor IM-2003-274 or IM 2003-275 provides for the management of such land to preserve some or all of these values as presented in the first paragraph. It is easier to understand that either land has these characteristics or it doesn't.*

Response: See GCR 116.

Comment: *Page 2-43: Alternative D states "...seasonal closures for surface disturbing activities within all crucial habitats...", and the Table of Chapter 4, P. 4-157, "...seasonal closure for motorized vehicles in crucial wildlife area" is inconsistent with Appendix 16, "Areas where stipulations apply", indicates crucial and high value areas. Also, Table on P. 4-184 where closure is in crucial habitat only, is inconsistent. Some kind of consistency must be developed.*

Response: These inconsistencies have been resolved in the Proposed RMP/Final EIS. Appendices 8 and 16 of the Draft RMP/EIS have been combined into Appendix G where it is clarified that restrictions are for "crucial" or "crucial and high value" habitat across the various Alternatives.

Comment: *Reintroduction of, or increased populations of big game by Utah Department of Wildlife Resources (UDWR) should not be supported by BLM in this Resource Management Plan unless UDWR acquires additional forage or habitat. This increase of population should only be considered when it does not interfere with livestock forage allocations. No alternatives address these issues.*

Response: See GCR 8. The Proposed RMP/Final EIS analyzes the general impacts of introductions or reintroductions. The specific impacts of introductions or reintroductions will be addressed in project specific NEPA analyses that will address the County's concerns.

Comment: *Seasonal closure (time restriction) for deer and elk calving and fawning is indicated, not NSO, as represented in Appendix 8.*

Response: See GCR 41.

Comment: *Alternative B, in Appendix 8, is actually much more restrictive than the No Action alternative and more restrictive than intended due to the cumulative effects of overlapping species habitat. Emery County suggests that there be an expectation and schedule to develop a procedure to waive or modify seasonal closure stipulations when the cumulative impact of the collective stipulations for different species would significantly hamper the development of oil and gas.*

Response: See GCR 41.

Comment: *General assumption in all alternatives that wildlife will benefit from relinquishment of grazing permits: This assumption does not have a basis of science and there are some detrimental affects to wildlife that are not discussed. The primary failure is the fact that the primary developer of water sources such as ponds and springs is the Grazing Community. In many cases, livestock ponds are the only source of water in miles and the removal of permits will remove the incentive to maintain and develop these sources.*

Response: See GCR 82.

Comment: *A number of operation and maintenance activities which may not meet BLM's definition of casual use activity should be able to be conducted during seasonal restrictions. Some examples are work over rigs, building repairs, equipment repairs, pipeline repairs, moderate excavation, road grading and snow removal which are clearly maintenance activity associated with the well be allowed in this RMP during seasonal closures. We believe that restriction of initial drilling and construction activities accomplishes the desired effect of minimizing the disturbing activities associated with oil and gas wells. Maintenance activities will have only modest, localized impacts on wildlife populations.*

Response: See GCR 42.

Comment: *Riparian Areas: Alternative D proposes NSO within 330 feet of intermittent or perennial streams, and NSO on the 100 year floodplain of the streams. This is more restrictive than the other alternatives.*

Response: In the Draft RMP/EIS Alternative C is the most restrictive imposes the buffer around intermittent or perennial stream. Alternative D is less than Alternative C.

Comment: *Appendix 8, Alternative D, "Spatial and Seasonal Wildlife Conservation Measures": The Alternative uses No Surface Occupancy (NSO), restrictions extensively. More so than in Alternative C, which is the "maximum conservation" alternative. Alt C specifies seasonal restrictions. This is inconsistent with tables in chapters 2 and 4. These tables would indicate seasonal closure, not NSO.*

Response: See GCR 41.

Comment: *Habitat for white footed prairie dogs and neotropical birds are not active habitat issues in the PFO and should not be the basis for spatial nor seasonal restrictions.*

Response: No spatial nor seasonal restrictions contained in Appendix G are related to these species.

Comment: *There doesn't appear to be any process for exception, modification, and waiver for habitat designated NSO in Appendix 8, "Spatial and Seasonal Wildlife Conservation Measures" and Appendix 16 appears to offer these processes only for seasonal closures, not for NSO designations. We suggest that if any habitat is designated NSO, then Proposals to increase areas of seasonal restrictions for mule deer and elk by including substantial and limited value habitat as well as critical and high-value habitat is inconsistent with achieving optimum multiple use development.*

Response: See GCR 41.

Comment: *Appendix 8, What is the need for " Raptor Cliff Nesting Complexes" when there is the "Known Nest Site" entry? The latter is adequate to manage nesting sites. Current management is the best management practice and further defined habitat is unnecessary.*

Response: See GCR 41.

Comment: *There are substantial inconsistencies between Appendices 8 and 16. Also timing limitations are preferred to no surface occupancy for big game.*

Response: The inconsistencies between Appendices 8 and 16 in the Draft RMP/EIS have been resolved in Appendix G of the Proposed RMP/Final EIS. Also big game restrictions are now seasonal. See GCR 8.

Comment: *The high-value breeding habitat of neotropical birds needs to be shown on a map. Please provide a map showing the breeding habitat (high-value or otherwise) of these birds.*

Response: No neotropical birds map has been included in the Proposed RMP/Final EIS because there are no spatial nor seasonal restrictions contained in Appendix G related to these species.

Comment: *There is no white-tailed Prairie Dog habitat represented on any map, specifically the "Crucial" habitat referred to in the Table.*

Response: Map 3-14, White tailed prairie dog habitat, has been added to the Proposed RMP/Final EIS.

Comment: *Appendix 8, Pronghorn: the NSO designation under Alternative D is excessive when compared with the other alternatives. We suggest that the RMP should direct the seasonal restriction or other best management practices be adopted to protect pronghorn fawning habitat, rather than NSO.*

Response: Pronghorn restrictions have been removed from Appendix G of the Proposed RMP/Final EIS because the fawning seasonal restriction was less than 60 days and BLM has discretion to move oil/gas pads without a stipulation.

Comment: *Appendix 8, Bighorn Sheep: The NSO designation under Alternative D is excessive when compared with the other alternatives. We suggest that the RMP should direct the seasonal restriction.*

Response: Appendix G of the Proposed RMP/Final EIS has been revised making the Bighorn Sheep restriction seasonal instead of NSO.

Comment: *Appendix 7, Raptors, Protection of Nest Sites and Buffer Zones, Unoccupied Nests: The seven-year nest monitoring period for unoccupied nests seems to be a new requirement. Does this imply that if the nest becomes occupied during any time during the seven year period that any surface structure would*

have to be removed? The current practice of a three-year monitoring period should be continued a seven year period is excessive.

Response: Appendix F has been replaced with a 2006 version of the raptor guidelines in the Proposed RMP/Final EIS. This appendix has a three year requirement and not a seven year.

Carbon County

Comment: In all ACEC alternatives there is no consideration for not designating an ACEC in at least one alternative. A full range of alternatives should be developed to include a full range of management prescriptions, including no designation to insure proper analysis. There was no attempt to provide prescription that would protect values of concern without an ACEC designation.

Response: See GCR 131.

Comment: Map 2-46 shows an ACEC of 17,446 acres titled "Horseshoe Canyon ". It is not listed in this section or in Chapter 4 analysis.

Response: The nominated Horseshoe Canyon ACEC was incorporated into the "Lower Green River ACEC" and should not have been identified on Map 2-46. This error has been corrected in the Proposed RMP/Final EIS.

Comment: p. 322, Impacts to Range Creek ACEC: ACEC 's are not consistent with county plans.

Response: See GCRs 130 and 29.

Comment: ACECs, p.485 Significance Criteria: Our position is that what is important is the value, not the act.

Response: The significance criteria have been removed from the Proposed RMP/Final EIS impact analysis. The impacts are discussed in terms of duration, magnitude and context.

Comment: ACEC; Decision Background, p.4- 486: add to the definition "...areas within the public lands..."

Response: The definition of ACEC in the Glossary reflects this change.

Comment: The ACEC tool was intended by Congress to be limited to only those instances where irreparable damage would be caused without designation. Most surface disturbing actions can eventually be repaired.

Response: See GCR 153.

Comment: Not considering the private lands and state school sections being located within the boundaries of the proposed ACECs is very disconcerting for us. The cumulative impacts again, were not analyzed.

Response: Access to private and School Trust Lands over public lands is required by regulation and court decisions. Nothing in this RMP can eliminate access guaranteed by Congress, case law and regulation.

Comment: Existing ACECs; 4-494, Impact analysis: No impact analysis showing impacts to the human environment since designation, advantage to learn from their past actions the cumulative impacts that these actions have created and to objectively report the impacts. Without properly analyzing these cumulative impacts, creation of more ACEC's within the same resource area is in our view, an arbitrary action.

Response: See GCR 152.

Comment: ACEC management of the CLDQ ACEC; 'p 4-511: Carbon County would like some changes in management including mandatory recreation fee requirement is not consistent with our position. Voluntary cash boxes could be used. Camping would not be allowed This issue needs to be done on a case-by-case basis, in cooperation and in coordination with the affected counties.

Response: CLDQ visitor center is a designated fee area within BLM. It is a noted recreation site, as well as a significant and unique scientific resource. The proposed management has been coordinated with Emery County and is necessary to prevent irreparable damage to these resources.

Comment: Range Creek ACEC; 4-522: Designating the 65,504-acre ACEC would greatly enhance and protect opportunities for dispersed, non-motorized recreation in the Range Creek area by limiting recreation access to hiking and horseback use. Closure of the area to OHV use and mineral development would maintain existing natural resources and levels of surface disturbance important to primitive recreation experiences. This action is not consistent with County plans.

Response: See GCR 130.

Comment: Grazing and OHV Use in ACECs; No Action Alternative: This alternative contains 1,339 more acres open for livestock grazing, 1,037 acres are not closed to for OHV recreation use, and 21,354 more acres are open for limited OHV recreation use. The additional amount open for grazing would be consistent. The amount open to OHV use is misleading since motorized use is limited to existing routes, and the 21,354 acres is a misnomer. If the addition of any lands in Carbon County is involved in the calculation of OHV use in this portion, it would not be reasonable, since the routes have yet to be determined by a cooperative approach.

Response: The alternatives, including the Proposed RMP, do not make any changes to the San Rafael Route Designation Plan except for Alternative E where certain routes would be closed to protect areas with wilderness characteristics. Maps 2-71 through 2-74 and Map 2-69 of the Proposed RMP/Final EIS display the route designations for each of the alternatives. Chapter 4 identifies the changes in miles of designated routes by alternative and analyzes the impacts of OHV decisions.

Comment: Table: Analysis 4-530, 4-551 Table 4-17 is appropriate. Any table that is used to restrict motorized use, grazing or oil and gas development is not consistent with Carbon County plans. The data used to create the table does bring forward the cumulative effects to designation. The layering hampers the ability to manage other resources or values that in the future. The table/layering moots the analysis on the management decisions under any other prescription since whatever is determined on the management levels in the issue by issue comments and analysis completely changes the uses after the layering. Any cumulative analysis, under this scenario is skewed.

Response: See GCRs 37 and 152.

Comment: Impacts to Areas of Critical Environmental Concern, No significant impact: Any action to do with access will have a definite affect on the ability to use the land.

Response: ACEC designations do not preclude access. Some of the management decisions affect certain modes of travel, but public access into any potential ACEC is not eliminated under any of the analyzed alternatives.

Comment: BLM Handbook 1613 provides that existing ACECs are to be reconsidered in the planning process, they were not. Handbook 1613 further provides, "If, however, there are issues associated with the management of the potential ACEC, the alternatives analyzed in detail shall reflect a reasonable range of management prescriptions for the potential ACEC." This was not accomplished in this document.

Response: See GCR 127.

Comment: *The ACEC tool was intended by Congress to be limited in its scope to areas where it was necessary to protect and prevent (not either/or) irreparable damage to important historic, cultural or scenic values, fish and wildlife resources or other natural systems or processes or to protect life and safety from normal hazards. The designation is not appropriate when relevant values are merely subject to some impairment. The threat must rise to a level of actual damage. Damage that is threatened or that is temporary does not fit the criteria for consideration as an ACEC. Oil and gas or grazing operations are temporary and have only a temporary effect on the landscape and should be allowable with appropriate stipulations and reclamation standards.*

Response: See GCR 153.

Comment: *Reference to the proposed Range Creek ACEC in Appendix 26: It states that this ACEC contains 80,632 acres, the chapters refer to the area as containing 64,504 acres, what is the real size?*

Response: The inconsistency in acreages between Appendix 26 and Draft RMP/EIS text has been resolved in the Proposed RMP/Final EIS.

Comment: *P 4-522, Range Creek ACEC: To enhance preservation does not support the congressional purpose of this designation, the act states to protect and prevent irreparable damage. Enhancement of preservation inferred that protection is already in place over the area. Existing policies and regulations are in place to protect resources the added layering only accomplishes management gridlock. Many examples have been shown to refute the validity, usefulness and need of the layering management policies. Cumulative impacts because of the legality and exposure to protest actions and litigation of this technique should also be considered. Management plans created individually, to address the uniqueness of each area, in cooperation and in coordination with the affected counties would create a management plan to accomplish the needed actions without layering management.*

Response: See GCRs 30 and 37.

Comment: *In Map 2-52, Transportation Utility Corridors Alternative B and D. This map also fails to show the existing gas pipeline corridor along Nine Mile Canyon.*

Response: The BLM recognizes valid existing Rights-of-Way. The Transportation Utility Corridor Maps show only existing approved corridors. Not all ROWs such as the Nine Mile Canyon gas line are corridors.

Comment: *Appendix 5, Objectives for Cultural Resource Management Categories: In the objectives portion of the Appendix it appears not to be a general guideline, but a prescription for each of the management categories.*

Response: Draft RMP/EIS Chapter 2 notes that allocation of cultural resources to a management category will be made during implementation and activity-level planning. Allocations at the implementation level will be recommended by appropriately qualified staff professionals, proposed by a planning interdisciplinary team according to NEPA, and decided by the Field Office manager. When allocated to a use category, the objectives for cultural resource management categories noted in Draft RMP/EIS Appendix 5 would be applied. These objectives are not simply general guidelines; they are management direction for specific cultural resource sites.

Comment: *The Traditional use Category, (Appendix 5): No mention of cultural users or the involved local government or affected agencies. Impacts to any cultural use to our county will be addressed by the Commission. It is also expected that the SHPO be involved.*

Response: Management objectives for cultural sites allocated to Traditional Use are sufficiently broad as they include “traditional user groups”. In Chapter 2, such language is also present, including coordination with “tribes and/or other cultural groups” in identifying and managing traditional cultural properties. As no traditional cultural properties have officially been identified, specific impacts cannot be analyzed.

Comment: Chapter 1, Section 1.6 of the Draft RMP/EIS identifies planning issues; Carbon County made suggested language changes to 12 of the identified resources.

Response: None of language changes suggested by Carbon County have been incorporated in Section 1.6 of the Proposed RMP/Final EIS. The reason that these changes have not been made is that BLM has revised and shortened the section. With the rewrite, the suggested changes are not necessary.

Comment: 2.2.4, Cultural, Add: Cultural resources also include the historic uses and lifestyles on man and his work on the land. This plan will support and protect the ability for this to continue without undue impact.

Response: The suggested language has not been added because the definition of cultural resources used in this document (see Glossary) includes “historic human activities”. Therefore, the added language would be redundant.

Comment: Cultural Resources, page 2-34, Goals: This Goal needs to recognize that man's use of the land is a cultural and historic resource. The language added in the goal should be in the final draft to protect this resource equally: Preserve and protect significant cultural resources and ensure that they are available for appropriate uses by present and future generations (FLPMA Section 103(c), 201(a), 202(e); National Historic Preservation Act [NHPA] Section 110(a); Archeological Resource Protection Act [ARPA] Section 14(a)), Recognizing that man's continuing uses of the land on going over a period of many years is also a cultural and historic resource to be protected.

Identify priority geographic areas for a new field inventory, based on a probability for unrecorded significant resources to reduce imminent threats from natural or human-caused deterioration or potential conflict with other resource uses (ARPA Section 14(a); NHPA Section 106, 110).

Response: The definition of cultural resources used in this document (see Glossary) is from law and BLM policy. BLM will continue to manage cultural resources according to existing law and policy.

Comment: Section 2.16, Cultural Resources Management Categories, page 2-35: The priorities are not acceptable because they do not account for priorities if areas of concern or importance do not actually exist. Example: a Nine Mile Canyon and Range Creek inventory should be a priority.

Response: The priority list has not been adjusted because the first two areas would include any known or potential area of eligible cultural sites including Nine Mile Canyon and Range Creek.

Comment: Section 2.16, Management of Traditional Cultural Properties: page 2-36; Add bullet: BLM would coordinate with SHPO, the state and local counties and/or county staff representatives to identify impacts of managing traditional cultural properties to help mitigate any possible negative impacts.

Response: The bullet was not added to the Proposed RMP/Final EIS because consultation with SHPO and coordination with state and local governments is required by law and is not necessary in the RMP.

Comment: Chapter 4; CULTURAL RESOURCES, Assumptions; page 4-92: Carbon County disagrees with the third assumption because in the case of the Range Creek takings, the artifact robbers walked in a number of miles to take cultural treasures on the Wilcox Ranch. Public knowledge and media hype is our biggest problem.

Response: While site specific examples exist of vandals and robbers exerting great effort to access cultural resources, such examples are rare and usually limited to high-profile resources such as Range Creek Canyon. The assumption that the level of vandalism and theft of cultural resources is related to the distance from routes is associated with more common events of vandalism such as casual and/or uninformed users.

Comment: Chapter 4, Cultural Resources; New Field Inventories: page 4-100: The county's concern, based on past BLM actions, is that resource users are delayed in their activities, and often the cost to mitigate cultural sites is overwhelming.

Response: The decisions related to new cultural resource field inventories are to prioritize areas in which to implement inventories required under NHPA Section 110. This decision does not include cultural resource inventories required under Section 106.

Comment: Management of Traditional Cultural Properties: page 4-111, Decision Background: This type of resource could also belong to the progeny of settlers or other affiliated groups. The local counties should also be involved and notified on action of this nature. This decision would be appropriate with added language: Traditional cultural properties are a type of historic property of traditional, religious, and cultural importance to an Indian tribe. The involved county will also be notified and consulted. The following decisions provide direction for the management of cultural resources. These decisions are included to clarify standard operating procedures.

Response: The Proposed RMP/Final EIS includes Section 5.2 clarifies traditional cultural property.

Comment: p. 4-112, Impacts to Cultural Resources: Alternative D preferred, with appropriate language added: With notification and consultation with the affected county.

Seeking agreements with Native American Tribes or other cultural groups could result in long-term impacts that are not quantifiable. These agreements could allow identified cultural resources to be identified and preserved for traditional, spiritual, or other uses.

Response: The suggested additional language is decisional and not appropriate in an impact analysis. Additionally, agreements between BLM and Native American Tribes do not require consultation with local governments.

Comment: Chapter 4, FIRE AND FUELS MANAGEMENT, page 4-215, Actions Common to all: Stronger language needs to be inserted to for the need to coordinate and consult with the county.

Response: The existing language provides for such coordination. Counties are one of many agencies BLM coordinates with as required by FLPMA, NEPA, and other laws and regulations. This requirement for consultation is common to all RMP alternatives.

Comment: Fire and Fuels Management:, page 2-50, Goals: amend "Manage fire and fuels to protect watersheds, life, firefighter safety, property, and critical resource values".

Add to Common to all Alternatives: "Work with partners in the WUI in wildland firefighting, hazardous fuels reduction, fire prevention and education, and technical assistance".

Hazardous fuels reduction: Add : "Integrate forests as part of viable, robust, and sustainable economies in the planning area, forests should contain a diversity of timber species, disease or insect infestations in forests should be controlled using logging or other best management practices.

Response: The goal has not been amended because watershed is already mentioned since it is considered a "high resource value". Under Actions Common to All Alternatives, Table 2-10 has been amended. The use of forest resources is addressed under the forestry and woodland products heading.

Comment: Section 2.16, Actions Common to All Alternatives, P.2-55: Add; “Coordinate the development and implementation of FWMP with local counties and appropriate State agencies”.

Response: The suggested language is not necessary because implementation plans, including the FWMP, would be developed in accordance with applicable laws, regulations and policies which would include public participation and county and state coordination.

Comment: Section 2.16; Hazardous Materials and Waste: Need to add that BLM would inform the affected Counties and State agencies on these actions and keep them advised for the protection of our residents. p.2-137.

Response: “Work with other agencies in rapid response to HazMat releases.” has been added as an objective to Table 2-23 of the Proposed RMP/Final EIS.

Comment: 1.6.11 Lands and Realty: Add bullet: Allow for sale of property to land owners for the purpose of adjusting boundaries and clearing legal titles of land ownership with terms as allowed in FLPMA, section 1713 (j) (2) “to recognize equitable considerations or public policies, including but not limited to, a preference to users, he may sell those lands with modified competitive bidding or without competitive bidding. In recognizing public policies, the Secretary shall give consideration to the following potential purchasers: (3), adjoining landowners.

Response: Section 1.6 is a summary of Lands and Realty planning issues raised by the public, organizations, tribal governments, federal, state, and local agencies as well as BLM resource specialists throughout the planning process. Land Tenure adjustments (land ownership changes) are identified as one of the planning issues.

The criteria for land tenure adjustments are described in Table 2-16.

Comment: 2.3.4 Lands and Realty: Add: Allow for sale of property to land owners for the purpose of adjusting boundaries and clearing legal titles of land ownership with terms as allowed in FLPMA, 1713 (f) (2) “to recognize equitable considerations or public policies, including but not limited to, a preference to users, BLM may sell those lands with modified competitive bidding or without competitive bidding. while recognizing public policies, the Secretary shall give consideration to the following potential purchasers: (3), adjoining landowners.

Response: The language has not been added because Table 2-16 of the Proposed RMP/Final EIS allows for the sale of lands identified in Appendix H. The sale of any other lands must first have a land use plan amendment.

Comment: Section 2.16; Lands and Realty: Goals- page 2-88: Add the following: “To sell or trade out certain public lands, clearing titles on private lands and making management of public lands more efficient.”

Response: The concept of managing and protecting public lands better through land tenure adjustments has been added to Table 2-16 of the Proposed RMP/Final EIS.

Comment: Section 2.16; Lands and Realty; Goals: Carbon County provided specific language to be added to the Land Tenure Adjustment Criteria related to coordination with the County.

Response: The specific language was not added because it relates to the coordination with the County which BLM must do and not the specific details on when a LTA could occur.

Comment: p. 4-386: Common to all Alternatives: Appropriate with added Language: To sell or trade out certain public lands, clearing titles on private lands and making management of public lands more

efficient. An action that reduces the net amount of private lands in Carbon County is not appropriate and not consistent with County plans. Comply with goals and objectives for resource management prescribed in the RMP.

Requests will be processed on a case-by-case basis, with consideration given to the goals, objectives and decisions of this RMP and applicable County and state plans. BLM will comply with existing county plans and encourage No Net Loss of Private Lands or Tax Base. BLM, when considering an acquisition of private lands will make available for private acquisition an equal amount of public land and water rights as a condition of their purchase of the private land.

Response: The Lands and Realty management actions under the “Common to All Alternatives” (Table 2-16) do not specifically prescribe actions that would reduce the net amount of private lands in Carbon County. Under the Lands and Realty program, certain portions of public lands would be disposed and private parcels could be acquired. The preferred method of land tenure adjustments is land trade.

Regarding consistency with county plans, in Section 1.1 of the Draft RMP/EIS BLM commits to coordinating the management of public lands within the Price Field Office with other land management agencies, Carbon and Emery counties, municipalities, and private entities. It is also stated that, “Land use plans of the Secretary under this section shall be consistent with State and local plans to the maximum extent he finds consistent with Federal law and the purposes of this Act” (FLPMA, Sec 202(c)(9)).

Comment: *Lands and Realty 'Management of Acquired Lands, page 4-390, Decision: BLM would comply with County plans by notifying Carbon County prior to purchase of any land acquisition, giving the County an opportunity to follow our goals and objectives.*

Response: In Section 1.7 of the Proposed RMP/Final EIS, BLM commits to coordinating the management of public lands within the Price Field Office with other land management agencies, Carbon and Emery counties, municipalities, and private entities. BLM would coordinate with Carbon County during the NEPA process for any land transaction.

Comment: *ACEC, VRM and any other layering stipulation are not acceptable to restrict Utility ROW's.*

Response: “Layering” is necessary because BLM National planning and program guidance requires that planning decisions be made for each program. Corridors and ROW avoidance and exclusion areas must be identified during planning to protect resources and uses under the objectives of the RMP. As required by FLPMA, the RMP must be consistent with State and local plans to the maximum extent consistent with Federal law and the purposes of FLPMA. Consistency with State and Local plans is addressed in Chapter 5 of the Proposed RMP/Final EIS. See GCRs 29.

Comment: *Throughout this document grazing is referred to negatively in such a way that a citizen wishing to make a comment on the RMP would be so inclined after reading the BLM's references to grazing in the DEIS.*

Response: See GCR 33.

Comment: *In the DEIS, even though much of the data is present to show continued range improvement since the last RMP/MFP, the DEIS never acknowledges by a comparison statement that the land is generally continuing to show improvement, even through periods of drought. This document nowhere takes into account or enumerates that much of the wildlife habitat, watering facilities and existing vegetation is a direct result of the livestock permittee's work.*

Response: Chapter 3 and 4 of the Proposed RMP/Final EIS have been changed to note the use of livestock guzzlers by wildlife and the impact to wildlife if livestock permittees no longer maintain the improvements. Draft RMP/EIS page 3-42, Table 3-23 shows that over 90 percent of lands on which

Rangeland Health Assessments have been completed are functioning. Table 3-26 on Draft RMP/EIS page 3-45 notes the changes in livestock grazing since the last land use plans.

Comment: *Within the Grazing portion of the DEIS (Chapter 2, page 2-51 is a proposed action labeled Criteria for Voluntary Relinquishment and Disposition of Grazing Permits or Grazing Preference. It is Carbon County's position that this is contrary to policy.*

Response: See GCR 82.

Comment: *Why were the cattle really removed? No data existed in the 1984 MFP to substantiate this action. Couldn't rest rotation, or a change in season of use relieve this concern, or possibly a change in the flows in the Green River have caused this to happen also? What about other impacts that might have occurred to cause the action? What does this have to do with surface water quality? Is coliform itself a health hazard? How did the older trees grow with a 100-year history of cattle grazing on the Green River? Or is this problem from recent elk introduction?*

Does fecal coliform exist in Rock Creek? Is it a health risk? Or is this statement added to somehow justify the impacts on the permittee by the BLM who, by slow, questionable attrition has taken complete use of this area away from a legitimate rancher?

Response: See GCR 105.

Comment: *Richard Denton and Bill Moellmer with Utah Water Quality explained to us that fecal coliform to fecal streptococcus ratios are not the most conclusive method of confirming the identity of species. This science, in fact it is an archaic approach. An accurate finding using this method (which is not close to 100% reliable) calls for strict temperature controls on the sample and allows only a 6-hour window before incubation, which is for 24 hours. Taking samples out of Desolation Canyon would make getting into the lab within that window questionable. Additionally, given the right conditions, (ambient and soil temperature with a certain level of humidity) even soil could show fecal coliform bacteria. Given this information, and by stating "cattle as being the most likely source of this pollution," also doesn't take into account or inform the public that cattle are only in the area for about 4 months out of the year, where Elk and deer are in the area all year long, and not herded, so no management is present.*

Response: See GCR 105.

Comment: *In section 2.3 RESOURCE USES, it states, "These uses include forest and woodlands, livestock grazing, recreation, lands and realty, and minerals and energy development."*

In many areas throughout the DEIS BLM attempts to pit livestock use against wildlife. If wildlife populations are competing for grazing AUMs against livestock, and BLM allows DWR or sports groups to continue buying out grazing allotments to retire them for conservation, using a resource for one sector's gain, then in that context wildlife should not be considered as a resource and should be treated to the same use type stipulations and requirements as all other commercial resource uses. Carbon County's position is that it is illegal for BLM to permit this action under the Taylor Grazing Act, pursuant to DOI Solicitor William Myers opinion and the 1999 10th circuit court decision. This EIS must be prepared to address these impacts. Accurate numbers of wildlife need to be accounted for. Issues of trespassing onto other allotments by wildlife should be prosecuted, and the associated forage losses should be compensated, as BLM does with illegal livestock use. This alternative should be carried throughout the DEIS pertaining to this issue. Carbon County does not support this type of action. It is our position that in this issue, alternatives should be given to the public review process that would promote actions to increase the health of the land, such as cooperative management planning and cooperative monitoring through consultation, cooperation and coordination to benefit both livestock and wildlife use.

Response: See GCR 83.

Comment: *The Range Creek Grazing Allotment and the ACEC layer propose the transfer of the AUM's to wildlife use, and adding it to the Grey Canyon WMA will not benefit wildlife. Long-term this action will prove to degrade the land by lack of stewardship and a lack of maintenance on existing range improvements.*

Response: Table 2-14 in the Proposed RMP/Final EIS have been modified to allow for livestock grazing of the Range Creek allotment.

Comment: *The DEIS attempts to remove a very large area within the existing grazing district from the status of "chiefly valuable for grazing" by using the language, "lands no longer available for grazing" to accomplish this, even in the land use planning process.*

Response: The RMP does not propose to remove large areas from grazing. The Proposed RMP/Final EIS has been revised to clarify this. The document is formally incorporating previous decisions into the plan. For example when the Grey Canyon Wildland Management Area was created it excluded grazing.

Comment: *It does not show loss of the existing economic infrastructure throughout the resource area when ranchers can no longer use or acquire these allotments. BLM doesn't address the feasibility, or the impact of a young rancher no longer being able to acquire grazing privileges to continue this traditional lifestyle. It does not reveal the cumulative impacts to the community in loss of sales and services caused by the proposed actions, the loss of the additional income or the future foreseeable income potential.*

Response: See GCR 132.

Comment: *Appendix 2 (Grazing portion); implies that Alternative D would apply no matter what changes are made during public comments.*

Response: The Appendix refers to Alternative D of the Draft RMP/EIS as it is the preferred alternative. Appendix B in the Proposed RMP/Final EIS states that grazing will be managed according to the Proposed RMP.

Comment: *Chapter 1, 1.6.9 Livestock Grazing: in the opening statement add to the front of the next to the last sentence: BLM will continue to monitor with utilization and trend studies, to identify and address in cooperation with the permit holder any instances of resource degradation occurring in site-specific areas. Degradation, particularly associated with seasons of use and forage allocation will also be addressed when identified on an allotment level basis. This RMP will also ensure resolution of rangeland health concerns by addressing the following: etc.*

Amend the 2nd bullet to read: "Evaluate forage needs for livestock, and readjust wildlife, and wild horses and burros numbers to maintain the historic AUM levels, and balance wildlife habitat needs for protection of riparian and watershed values."

Add 3rd bullet to read: "Work with grazing permit holders as outlined in the Memorandum of Understanding concerning cooperative rangeland monitoring to improve quality and quantity of short and long-term allotment level monitoring information from which to make decisions."

Response: See GCR 83.

Comment: *Section 2.16; Livestock Grazing; Common to All Actions; Lands Allocated for Grazing; page 2-57: This section is illegal. Lands within grazing districts were reserved specifically for grazing and will continue as such until a finding and withdrawal is made by the Secretary that identifies the land as no longer chiefly valuable for grazing. This action cannot be done at the Field Office or State level. Additionally, to retire allotments for conservation use is also illegal.*

Response: Table 2-14 (Livestock Grazing -Common to All Actions) in the Proposed RMP/Final EIS has been revised and this specific has been removed.

Comment: Section 2.16; Livestock Grazing; P.2-58; Horseshoe Canyon South Allotment: We suggest placing in this summary, the number of AUM's for each allotment, and the acreage involved next to the allotment name, to show the actual loss of active AUM's in the grazing district.

Range Creek and Buckskin Allotments P.2-58: Carbon County suggests that the Range Creek Allotment be put out to application by a local rancher, to conform with the intent of the TGA.

Forage in the Buckskin Allotment would be allocated to other resource uses. (56 AUMs).

The private land that this allotment is attached to is being considered for yet another land trade and these AUMs should stay in private livestock use.

Response: The Proposed RMP/Final EIS has been changed. In the Proposed RMP, the Buckskin allotment would remain open for livestock grazing in conjunction with other private land in the allotment. The Range Creek allotment would remain open for livestock use upon development of a prescriptive management plan including UDWR lands that would provide for wildlife objectives cooperatively developed by BLM and UDWR.

The number of AUMs and acres for the Horseshoe Canyon Allotment have not been included because this was a previous decision.

Comment: Chapter 4, Soil, Water, Riparian impacts to livestock grazing; 4-51: Grazing can damage riparian areas. Good herd management is the key to mitigation. Continued pasture rotation is a good method to alleviate much of the problem. Many of the resource area permit holders are now enjoying the benefits of good grazing management. The cumulative impact of grazing with appropriate management is the creation of larger areas in proper functioning condition.

Response: This impact is discussed on page 4-276 of the Draft RMP/EIS.

Comment: Chapter 4, Vegetation Impacts to Livestock; 'P.4-57: We are not sure what the last sentence entails? The overall basis of this planning action would be acceptable, with the understanding that livestock displacement is only temporary, and delaying is also not a permanent conclusion for livestock in this analysis. Horse reduction would also help to move this action to the intended goal. This action done after a Horse removal process, and in better climatic years, can cumulatively be a valid range improvement technique.

Response: In Section 4.3.2 of the Proposed RMP/Final EIS the analysis of vegetation impacts to livestock grazing has been revised.

Comment: In alternative D Impacts to Livestock, p. 4-170: If UDWR acquires additional habitat or if studies indicate that additional forage is available naturally, supporting increasing wildlife populations is not anticipated to significantly change the amount of permitted use. The sentence is arguable at least, It is illegal for DWR to acquire allotments. It is also not legal to use them for conservation use. Additional habitat means forage, and that forage is to be used by the preferenced user until all of the given AUM's are satisfied, then the excess forage can be split equally between livestock and wildlife. Any use that reduces or changes a permit is significant. It calls for an amendment to the AMP in coordination and consultation with the permittee. It also gives the permittee 30-days to comment and more time to protest the decision.

Allotments with overlapping crucial habitats could change the season, duration, and levels of use for livestock grazing. In coordination and consultation with the permittee, this is a reasonable action.

Changing the season of use may influence the quantity and quality of forage available for livestock grazing. If the forage quantity and quality decreased, livestock productivity may decrease. This is a reasonable assumption.

Response: Impact analyses were revised to reflect changes in the alternatives and to improve the clarity and readability of the document.

Comment: *Decisions, p. 4-275: In the last bullet, what does the term unallocated lands mean?*

Response: The term “unallocated lands” means lands that are currently open for livestock grazing but that are not currently authorized for grazing under an active permit.

Comment: *LANDS NO LONGER AVAILABLE FOR LIVESTOCK GRAZING – PROGRAM SUMMARY UPDATE, page 27: This is not consistent with county plans. We submit that before land in a grazing district becomes “no longer available for grazing,” BLM has the burden to show by documented monitoring and scientific data that the health or other factors of this land will no longer support livestock. Slip. Op. at 14. The Court went on to note that a land use plan that denied grazing privileges would be subject to judicial challenge (id), and this notion was emphasized in Justice O’Connor’s concurrence. O’Connor Concurrence at 2. BLM should also attempt to mitigate the loss pursuant to Sec 4110.3-2 (b) and, or Sec. 4110-3-3 (a).*

Implementing reductions temporary closure in permitted use: The TGA adequately addresses temporary reduction or closure due to certain conditions making the removal of grazing use unnecessary. Losing AUM’s long term has caused much economic hardship for many ranchers and the local economies in the west. It is understood that grazing allocations may be adjusted for protection of resources on the public lands. It is our contention that to temporarily rest an area is healthy for the land; to lose livestock use on lands that have been historically grazed for 100+ years will change the ecosystem of the land and take away the present stewardship. This can have adverse and sometimes devastating effects on the long term health of the land. In many places it has caused wildlife numbers to reduce. Cumulatively, losing grazing permits can cause ranchers to go out of business, selling their private lands to development, causing the loss of more productive private lands that would impact larger numbers of wildlife and watersheds. For these reasons as well as others, designating lands no longer available for grazing is an un-acceptable action. Further this action is not consistent with good land management, and Carbon County's Plans.

Response: See GCR 83.

Comment: *CRITERIA FOR VOLUNTARY RELINQUISHMENT AND DISPOSITION OF GRAZING PERMITS OR GRAZING PREFERENCE, p. 4-275: Not consistent with county plans.*

1. Other uses of the land serving public benefit; Grazing preference is not subservient to other uses. The Supreme Court concluded that, under the existing regulations, “a permit holder is expected to make substantial use of the grazing permit and that “the Secretary has represented to the Court that ‘[a] long-standing rule requires that a grazing permit be used for grazing.’ Slip Op. at 18-19.

2. Adverse terrain characteristics such as steep slopes. Even in an allotment with steep slopes, wildlife will still be able to forage these slopes whether livestock is present or not.

3. Sensitive soil, vegetation, or watershed values; Generally all of these potential threats to the health of the land increases when grazing is removed, however since monitoring stops when grazing is removed no one knows.

4. Presence of noxious or poisonous weeds and other undesirable vegetation...80% of noxious or poisonous weed management in Utah is done by farmers and ranchers, and with personal funds, or program money that only they are eligible to receive.

5. Presence of other resource values that may require special management/ protection; Most resource values are managed better with grazing present.

6. The need for establishing grazing reserves. The Utah RAC removed this issue during the hearings on the Sustaining Working Landscapes Initiative last year, making this an inappropriate decision, without policy support. This action is not consistent with County Plans. The first announcement of this action was in this DEIS, and without IDT review, which circumvents NEPA. The fact that this appears to be a creation of a policy that was not announced through the Federal Register or given a comment period on its own merits, inserted into only one DEIS throughout the west. And added to a DEIS whose demeanor reflects a direct bias for livestock grazing, to anyone reading the document, would point to an agenda. Possible reconsideration of this action might be in order.

Response: See GCRs 29 and 82.

Comment: Common to all Alternatives, Impact Analysis 4-276: Add the following information: “Livestock hoof actions on soils would break down vegetation and the upper crust of soils. This would lead to compaction and breakdown of soils that would result in an increase in erosion. In dense herd situations this is true, but on open range, only small areas around water and minerals are impacted in such a manner. Generally hoof action on open range tends to hold water from rain and slows runoff. Hoofs of all animals can break surface crusting needed for seedling penetration and water permeation on much of the soils that is present in the resource area, cumulatively increasing vegetative density and decreasing erosion.”

Response: The requested language was not added to the Proposed RMP/Final EIS because it applies to certain specific conditions but is not appropriate for a general RMP analysis of impacts of the decisions.

Comment: Impacts to Vegetation Resources, p. 4-276: Livestock grazing impacts vegetation by direct removal and through compaction of soil from hooves or concentrated use (e.g., near salt blocks, watering areas, and shade). Grazing affects on vegetation depend on the interaction of several factors. Antelope do the same thing on the desert; and elk do it on the mountain. Since no wildlife monitoring is done, no reporting is needed. Again these are small areas.

AUMs (the number of animals grazed), intensity (the number of animals per acre), duration (length of the grazing period), and season. Livestock can introduce noxious weed and invasive plant species by transporting them on their hooves, coat, and fecal matter. Wildlife do the same thing. But since cattle do not digest all of the hard solid seeds they consume, they plant more species, much of it preferred vegetation and indicator species to different locations providing an ideal seed bed for germination and growth. This transference of vegetation increases ground cover, reduces erosion and increases forage to wildlife as well as livestock. Utilization of grazing at the right time of year allows much of the noxious and unwanted exotic species of grass and weeds to be consumed before the seed has ripened, preventing the spread of unwanted vegetation.

Response: The Proposed RMP/Final EIS acknowledges that animals can transport seeds.

Comment: P. 4-276: Carbon County's position is that the requirements of the Utah BLM Standards for Rangeland Health are not placed on lands allocated to wildlife.

Response: The Standards for Rangeland Health do apply to all lands and activities including wildlife.

Comment: p. 4-276: Add “Wildlife presents a larger problem for noxious weed management. Elk as carriers of white top and musk thistle is documented. Permittees regularly spray and maintain weed management projects. State permittees pay for weed management through grazing fees. Area agriculturalists also pay through county taxes for the county weed management department to spray ranges. Areas where grazing is not ongoing will be left unmonitored for this problem”.

Response: Wildlife and other activities contribute to invasion and spread of noxious weeds. The analysis on page 4-276 however, deals with impacts of motorized access. Weeds and invasive species from all sources would be monitored and controlled throughout the PFO.

Comment: p. 4-276: Leaving lands unavailable for livestock grazing unallocated would not impact vegetation resources. Allotments reallocated for wildlife or watershed benefit would not impact vegetation resources. This Statement is not valid. On lands unallocated for grazing, vegetation would be impacted cumulatively, through morbidity and non-disturbance and lack of stimulation as well as range improvement neglect. Allotments reallocated for wildlife or watershed benefit would be impacted, by nonuse non-management or over use, wildlife will either over use some places or not use others, the improvements usually are not maintained, causing part of the concentration problems and vegetative monitoring and trend studies are not done. This data pointing to livestock damage and not recognizing wildlife damage will skew the analysis.

Response: BLM records do not show any large scale morbidity within the PFO. Concerning grazing that is relinquished or areas that are unallocated: historically livestock grazing has been the dominant forage consumer and wildlife use has been a lesser forage user in most allotments. Livestock tend to concentrate on lower elevation water sources and flat terrain areas. Wildlife more effectively utilize steep and rough areas that livestock tend not to use. On unallocated areas wildlife numbers would remain relatively at the same management population levels. Therefore, vegetative cover and production would presumably increase toward a more natural potential and the impacts of livestock would be eliminated. Range improvements would be removed unless required by wildlife or other resource needs in which case range improvement projects would need to be maintained by the BLM or others.

Comment: p. 4-277. Overgrazing was widespread 100 years ago. A history of accomplishments on the range is recorded in photography to illustrate the improvement in our resource area. Grazing has influenced the plant communities. In fact grazing in the west is its own “ecosystem “. It has created the environment that is supportive to many of the resource values. Removing this historic use can cause the same negative affects to the plant communities and the watersheds that the impact analysis has been blaming on the grazing.

Response: Impact analyses were revised to reflect changes in the alternatives indicate that vegetation could change if a way that would affect some resources including vegetation if livestock grazing were removed.

Comment: Chapter 4, Livestock Grazing impact on Desolation Canyon recreation, page 4-280, Decision Background: This statement is unfounded and subjective.

Response: This section has been removed from the Proposed RMP/Final EIS because it was unnecessary.

Comment: Opportunities to Eliminate Livestock Grazing to Provide More Wildlife Forage: page 4-292. Decision Background: Opportunities exist to eliminate some livestock grazing to provide more forage and habitat for wildlife species, particularly deer and elk. This is not consistent with County Plans it is also not legal.

Response: See GCRs 29 and 83.

Comment: Administrative Access-Maintaining Motorized Vehicle Access for Range Improvement Construction and Maintenance: page 4-297: The no action Alternative is preferred. Access for existing and future range projects would continue to be allowed on an allotment basis. In Chapter 1, Planning Criteria 1.5, on Page 1-7, it states, “BLM will continue to consider administrative access on a case-by-case basis.”

Response: See GCR 104.

Comment: p. 4-301, *Impact Analysis: An alternative should be written pursuant to the applicable law. Loss of grazing preference by not making the allotments available for application for use is a violation of Section 325g TGA, "Where such lands are located within grazing districts reasonable notice shall be given by the Secretary of the Interior to any grazing permittee of such lands." "Secretary of the Interior, shall entitle the applicant to a preference right to enter, select, or locate such lands if opened to entry as herein provided."*

Response: It is within BLM's authority to allocate forage in allotments that are currently not under any permit. The Price Field Office RMP determines the allowable uses of the public lands as provided for in FLPMA. FLPMA states in section 202(a) that land use planning provides for the use of the public lands "regardless of whether such lands previously have been classified, withdrawn, set aside, or otherwise designated for one or more uses". FLPMA further provides in Section 202(e) the authority to issue management decisions which implement newly developed or revised land use plans. Such decisions, including those that exclude one or more uses, are subject to reconsideration, modification and termination through revision of the land use plan. According to section 2 of the TGA, it is the objective of the act to regulate the occupancy and use of the Grazing Districts and to preserve these lands. The Grazing Districts were established through a classification system established in the TGA. Under FLPMA, uses of the land are allocated during the land use planning process. The combinations of uses proposed in the Price RMP are varied and diverse across the planning area taking into consideration the current and future needs of the public. This is consistent with both FLPMA and the TGA.

Permittees will continue to hold preference to grazing permits on the allotments allocated for livestock use within the RMP and proper notice will be given under 43 CFR 4160 if any change to their permit is taken.

Comment: *ACEC Impacts to Livestock, p.521: In all alternatives the amount of AUM's and the specific allotments and operators should have been named as to the impact implication.*

Response: Section 4.3.2 of the Proposed RMP/Final EIS has been modified to include the AUMs that would be affected by the ACEC designation in addition to the acreage. To list the specific allotments and operators is unnecessary.

Comment: *Grazing Management in Pronghorn Ranges, page 2-41: Alternative D is acceptable with the following added language: Recognize and coordinate with valid existing rights and holders of grazing preferences, current livestock-grazing prescriptions would continue and, where opportunities exist, would be adjusted to enhance forbs production on pronghorn antelope ranges. (Same as No Action Alternative).*

Response: See GCR 103.

Comment: *Sheep Grazing In/Near Bighorn Sheep Habitats; P.2-41: No Action Alternative is acceptable with the added language: Recognize and coordinate with valid existing rights and holders of grazing preferences, change in class of livestock from cattle to domestic sheep would be prohibited in currently identified bighorn sheep habitat.*

Response: See GCR 103.

Comment: *Reallocate AUMs Between Wildlife, Wild Horses and Burros, and Livestock or Other Resources; page 2-61: The preferred Alternative (D) should be amended to reflect Congressional language as follows: When monitoring data and best science identify an increase in available forage in I-IMA's which are in Taylor Grazing Act grazing districts, such increase will first go to restore domestic livestock AUM's to levels historically designated when the grazing district was established then any excess available forage will be reasonably_ allocated between horses/burros and wildlife. For increases in available forage in I-IMA's which are not in grazing districts, allocations would be adjusted*

proportionately among wild horses/burros, wildlife and any permitted livestock use in the area. When monitoring data and best science identify a decrease in available forage in HMA's which are in Taylor Grazing Act grazing districts, such decrease will first be allocated between wild horses/burros and wildlife in order to favor retention of livestock AUM levels in keeping with the Taylor Grazing Act preference. For decreases in available forage in HMA's which are not in grazing districts, allocations would be adjusted proportionately between wild horses/burros, wildlife, and an permitted livestock use in the area."

Response: See GCR 83.

Comment: *Section 2.16; Livestock Grazing; Forage Allocation Within Lands Acquired After Adoption of the PFO RMP; page 2-61: Grazing could be used, if not acquired for that purpose, to assist in rangeland management using best management practices.*

Response: Nothing in the Proposed RMP would limit BLM's authority to implement 43 CFR 4110.4 and 4130, which include authorization of livestock grazing on acquired lands.

Comment: *Administrative Access-Maintaining Motorized Vehicle Access for Range Improvement Construction and Maintenance; page 2-62: No action Alternative is preferred. Access for existing and future range projects would continue to be allowed on an allotment basis. In Chapter 1, Planning Criteria 1.5, Page 1-7, states, "BLM will continue to consider administrative access on a case-by-case basis."*

Response: See GCR 104.

Comment: *Livestock Grazing; Actions Common to All Alternatives, P.2-57: Add the following language to make this Appropriate: Manage grazing and rangeland health according to the Standards for Rangeland Health and Guidelines for Grazing Management, for BLM Lands in Utah, based on documented historical use and dependent on the availability of forage and water. Require livestock trail permit for any trailing activity that occurs on BLM-administered lands. Offer for application to graze, unallocated lands as available for livestock grazing unless documented and validated scientific monitoring shows that due to terrain, soils, vegetation, that the land is no longer chiefly valuable for grazing and is removed Dally by appropriate statutory authority. Management decisions will be pursuant to the TGA, PRIA, and CFR 4100.*

Response: BLM has carefully considered this comment and has made changes in the Proposed RMP/Final EIS as appropriate and where necessary, to reflect the elements raised by the comment.

Comment: *Appendix 21; RFD: The estimated number of wells per year is an underestimation. It also doesn't consider or address the RFD if a new reserve is found, or new technology developed that would enable more drilling.*

Response: See GCRs 48 and 51.

Comment: *Appendix 21; The appendix doesn't consider or use the EPCA policy in the DEIS. The Appendix should have mandated that the entire resource area be evaluated and inventoried for the RFD of mineral production capabilities as stated in EPCA.*

Response: See GCRs 51 and 52.

Comment: *Appendix 21 and the data in the DEIS is not recent, as it mentions only that the EA is completed on the Stone Cabin 3D seismic. More information as to RFD potential from the latest developments would probably be appropriate in the DEIS for decision making processes.*

Response: Appendix 21 of the Draft RMP/EIS has been updated and included in Appendix M of the Proposed RMP/Final EIS. Appendix M includes more recent data on oil and gas development in the PFO.

Comment: Appendix 21: Carbon County contends that the estimated acres of disturbance to be some what inflated.

Response: The estimate of acres of disturbance per well location in Appendix M of the Proposed RMP/Final EIS is used for analyses purposes in Chapter 4. The number is similar to that being used in the West Tavaputs EIS.

Comment: Appendix 23; Energy Policy and Conservation Act (EPCA): The Draft RMP/EIS did not adequately address the impacts of EPCA.

Response: See GCR 52.

Comment: Appendix 25; Coal Report: A coal occurrence map should be prepared similar to those existing maps for other minerals.

Response: A coal occurrence map has been added to the Proposed RMP/Final EIS as Map 3-25.

Comment: Section 2.16; Minerals and Energy Resources: Carbon County wants Valid Existing Rights recognized and BLM to comply with IM 2004-089.

Response: Valid Existing Rights are recognized in Section 1.6 of the Proposed RMP/Final EIS. Compliance with IM 2004-89 is explained in Appendix M.

Comment: Chapter 4; Table 4-2. Price Minerals Reasonable Foreseeable Development (RFD); page 4-5; Alternative D: In all areas this Table is too restrictive for purposes of the RFD. The no action alternative is not conducive to foreseeing the RFD for proper cumulative impacts. The RFD fails to recognize current infrastructure.

Response: Appendix M of the Proposed RMP/Final EIS has been revised and the number of well pads has been increased for the Proposed RMP/Final EIS to be consistent with Alternative A.

Comment: Mineral Resources, p. 4-320: Until such time as the semi primitive non-motorized class is dropped from the areas where existing roads and the wells with valid existing rights within the logical drilling unit boundaries are located, Carbon County will maintain that this is not a logical or accurate base on which to render a decision.

Response: ROS designations apply to recreational activities and do not apply to permitted activities such as mineral development. However, at the time a lease is granted, stipulations may limit vehicle use.

Comment: Impact to Leasable Minerals, p.4-369: Some portions of the stipulations are quite restrictive. This should be more flexible to consider needed actions on a case-by-case basis involving resource needs.

Response: See GCR 18. Appendix G of the Proposed RMP/Final EIS provides criteria for exception, modification and waiver.

Comment: Minerals; page 4-419; Assumptions; Appropriate with amendments: In RMP review consider entire resource area, as per IM2004-089. The number of wells for each alternative that would be drilled during the next 20 years is shown in Table 4-10. This amount is too conservative; past leasing shows about 127 wells per year.

Response: Appendix M (RFD) of the Proposed RMP/Final EIS addresses compliance with IM 2004-089. The new RFD addresses well locations rather than number of individual wells.

Comment: p. 4-420, Actions Common to All Alternatives; Appropriate with amendments: Consider withdrawal of areas as follows:

- All areas recommended for withdrawal in the San Rafael RMP and Price MFP would be recommended for withdrawal in this RMP. ACEC 's are not consistent with county plans and not relevant for withdrawal purposes. The plan needs to survey the entire resource area and consider deeper mineral development potential for RFD per IM 2004-089.

- Gordon Creek Wildlife Management Area (WMA) would be recommended for withdrawal from entry under the General Land and Mining Laws. If sub-surface use does not impact the surface as per the reasons for withdrawal, this action would not be reasonable. Only surface disturbance would be enumerated as restricted within the withdrawal document, and sub-surface use without surface disturbance should continue to be allowed.

- Oil and gas leases would be managed under the stipulations that were in effect when the leases were issued (RMP, MFP, Combined Hydrocarbon EIS (1984), EA on Oil and Gas Leasing (1988), three EIS's addressing coal bed natural gas development ([1992, 1997, and 2001], FLPMA, etc.).

- BLM recognizes the merit of off site mitigation strategies for the purposes of habitat enhancement. Add: BLM would encourage willing partners to participate in offsite mitigation strategies.

- The site is presently listed or is eligible for listing in the Abandoned Mined Land Inventory System (AMLIS).

- AML reclamation plans would not allow reclaiming activities to re-disturb areas that are meeting good resource management needs, in order to reconstruct or attempt to reconstruct the original area as it was, before it was used, creating a less stable land area. This will be determined on a case-by-case basis in cooperation and coordination with affected counties and state agencies.

- AML hazards should be, to the extent practicable, mitigated or remediated on the ground during site development. The criteria used to establish water quality-based AML program priorities are as follows: 2) The project reflects a collaborative effort with other land managing agencies, Add. in consultation and coordination with affected counties.

Response: Offsite mitigation is only appropriate when the specific conditions of a proposed project make such mitigation appropriate. While the voluntary application of offsite mitigation is the general rule, there are circumstances where negotiation would be appropriate. In cases where one or more applicants in a specific geographic location have volunteered to perform offsite mitigation, it could be appropriate for other applicants in the same area to apply the same or similar offsite mitigation. The BLM requires onsite mitigation of impacts using best management practices consistent with rights granted.

Comment: Minerals; Conflicts between oil/gas development and Coal; p. 4-430; Impacts to the Nine Mile Canyon ACEC: This section appears out of place.

Response: Discussion of the existing Nine Mile Canyon Pipeline in the Conflicts between Oil/Gas and Coal has been removed in the Proposed RMP/Final EIS.

Comment: Impacts to Minerals and Energy 4-524, 4-525; 1: ACECs would not be located in the oil and gas development area; therefore, impacts to oil and gas exploration and development from ACEC management actions would not be significant: This is consistent with county plans.

In the Nine Mile Canyon (approximately 50,000 acres), management actions would require cultural resource inventories before oil and gas development would be permitted, which could decrease operator costs and would minimize the potential for costly delays in oil and gas exploration and development when cultural resources are identified, disturbed, or damaged during construction activities. The Nine Mile Canyon area would be open to leasing subject to minor constraints (controlled surface use), which would

limit oil and gas development and explorations. Management actions would require development to meet VRM Class IV restrictions, which would place minor restrictions on the placement of oil and gas facilities. In cooperative planning this actions could be address on a case-by-case basis and a reasonable plan would be achieved. The cumulative impacts and expected conflicts would be reduced.

Response: See GCR 18.

Comment: *Transportation and Access impacts to Minerals and Energy p. 4-574: Any action to do with access will have a definite affect on the ability to use the land.*

Response: The transportation and motorized access common to all management decisions do not propose any changes to the existing management as outlined in the Draft RMP/DEIS. Therefore, there would be no impacts to mineral and energy resources.

Comment: *Conflicts in Areas with Oil, Gas, or Coal Bed Natural Gas As Well As Coal Resource Potential; page 2-98: On this issue in the DEIS the County objects because this may be masking shifts and movements between lands open only to one type of mineral resource, and lands open only to another energy or mineral source; it is impossible to determine, based on the DEIS.*

Response: The identification of priority energy resources in conflict areas to promote safe and efficient extraction of energy resources would occur on a case-by-case basis. Site-specific factors would determine the priority energy resource.

Comment: *IM 2004-089 directs BLM to consider all of the lands in the resource area in the land use planning process. The RFD needs should be based on data encompassing the entire area to be consistent with Federal policy and County plans.*

Response: See GCR 53.

Comment: *1.6.10.1 Off Highway Vehicle Use, states: Existing OHV use categories and route designations will be reviewed and modified where needed to meet changing resource objectives.*

This DEIS cannot address this issue at this time. Only 2 IDT meetings were held to address route designation in Carbon County. We haven 't yet reviewed all of the routes within Carbon County, or evaluated the connectivity and consistency with adjoining Counties or notified them of this action. All of the routes shown on the road files submitted to BLM by Carbon County for the RMP, plus those ARCVIEW shape-files and maps also submitted by local OHV groups and others will be used by the County to determine open routes. The Carbon County Planning Commission reviewed the Master Transportation System Plan, which was added to the Master Plan for Carbon County on September 7, 2004. The Carbon County Commission held a public hearing and adopted the revised plan on September 15, 2004. The map was signed on September 20, 2004. The Carbon County Commission will determine, as needed, which routes can be used by ORV's on the public roads and right of ways in Carbon County. The County will consult and cooperate with BLM to prepare your route designation plan.

Response: The ID Team has met several times during the RMP process and the development of the route designation in the Price River area was completed in cooperation and coordination with the effected counties and the BLM. Also see GCR 145.

Comment: *P. 4-376: OHV Use and Route Designation; Additional motorized and non-motorized trail systems will be considered on a case-by-case basis. Add: in cooperation and coordination with the affected counties.*

Response: Coordination is a basic premise as discussed in Section 1.7 of the Draft RMP/EIS and would occur on all adjustments to OHV route designations.

Comment: *We are disappointed and dismayed that the draft was released with volumes of information and policy that were never disclosed or discussed in ID team meetings with Carbon, Emery, and State staff. We believe that the Price and State Office's failure to disclose this vital information and data has led to a situation of non-compliance with federal law and regulations.*

Response: Consultation and Coordination with State and local government as well as the public are described in Chapter 5 of the Proposed RMP/Final EIS. The BLM relied on internal and external scoping to define the range of alternatives, impacts and actions to address in Proposed RMP/Final EIS. Any particular concerns expressed by State and local government are responded to in Chapter 5. Any specific instance of perceived non-compliance with Federal law and regulations has been addressed.

Comment: *We do not believe that you have developed a full range of alternatives in this draft plan. You did not consider an alternative which would reflect our point of view as to how these lands should be managed. If you had considered our Master Plan and the adopted plans of Emery County, with their precepts, you may have had a complete document. As is the Draft is incomplete.*

Response: See GCRs 2, 39, 130 and 137.

Comment: *A RMP is designed to be a framework in which the main goals and objectives of future land management are enumerated. It should be flexible and provide for needed changes with consultation and coordination of local governments and state agencies on a case-by-case basis for actions that may arise.*

Response: See GCR 2.

Comment: *The comprehensiveness of this plan will complicate the NEPA process. Because the DEIS attempts to address the smallest detail of every foreseeable action, which appears to be an effort to forgo doing Environmental Assessments (EA's), or Environmental Impact Statements (EIS's), this plan has actually made performing the NEPA process more complicated. More issues will need to be addressed in the RMP than are needed if just a framework were to be reviewed, before the unique portions or onsite issues of the proposal are even reviewed.*

Response: The NEPA is this land use plan does not preclude the need to site-specific NEPA on individual projects. Each project will have its' own NEPA.

Comment: *Carbon County is concerned with the layering of one decision on another such as ACECs, SRMA, VRM, etc. That this can devalue private property and cause financial loss to the landowners and the local tax base by attrition. Another aspect of losing the land as an economic base is the loss of a culture and a traditional, unique and historic pattern of man's use of land in a manner, by layering of BLM management, could be lost for all time.*

Response: See GCRs 37 and 132.

Comment: *Carbon County has previously developed its Master Plan related to privately owned lands in the County. This plan is now directed toward management of federally and state managed lands. With adoption of this Plan the County put into place a "Comprehensive Plan" which includes "all land within the jurisdiction of Carbon County."*

The Carbon County Commission now calls upon the federal and state management agencies to coordinate in advance with the county, any proposed actions which will impact the county's custom, culture or economy in any way. This includes investment backed expectations of citizens of the County, the economic stability and historically developed custom and culture of the County, or provisions of the Master Plan. Such management agencies are requested to so coordinate their actions by providing to the Commission in a timely manner, prior to taking official action, a report on the proposed action, the purposes, objectives and estimated impacts of such action, and the economic impact.

In other words, the County Commission requests no more from the federal management agencies than what is required by the federal laws governing their management processes as well as Executive Order 12630 issued by former President Reagan on March 15, 1988 and implemented by guidelines prepared for all federal agencies by the Attorney General of the United States.

Response: BLM has coordinated with State and local government during the development of the plan and has committed to future coordination and consultation as plans are implemented. Consultation and coordination efforts are described in Chapter 5 of the Proposed RMP/Final EIS. Chapter 5 also responds specifically to comments on the Draft RMP/Final EIS and describes inconsistencies between the alternatives analyzed in detail and State and local plans.

Comment: *Appendix 24: Multiple use Requires Multiple Management; Carbon County is concerned about the cumulative impacts by use of the various tools available to the BLM for management prescriptions within the Price RMP. This Appendix discusses this issue, but doesn't recognize that each of the programs and responsibilities of the BLM bring the need for management prescriptions.*

Response: See GCR 37.

Comment: *Chpt. 1, 1.5: Add bullet point: Land use plans of the Secretary under this section shall be consistent with State and local plans to the maximum extent he finds consistent with Federal law and the purposes of this Act.*

Response: The concept is included in Section 1.7 of the Proposed RMP/Final EIS.

Comment: *1.6.10: The 4th bullet states: Management policies, regulations or instructional memorandums to provide for recreational uses of resources will not influence or denigrate uses allotted by valid existing rights, or by acts of Congress. Add: In relation to other resources, recreation does not contribute a majority of the income to the economy of the community.*

We agree that increased recreation would be a welcome addition to our economy and the RMP should plan and manage for it. However, when this planning action started, PFO attempted to promote recreation as an economic substitute for mineral development. This is simply not possible or true. Recreation is a viable industry and an accepted multiple use, but it is not worthy of the lofty goals set by this DEIS. It should not be used to drive the land planning process in this DEIS. Other uses are also substantial and should not be denigrated by a recreation agenda to the exclusion of other uses. This plan direction is not supported by any policy or regulation. FLPMA stipulates that BLM is a multiple land use agency.

Response: See GCR 1.

Comment: *Section 2.16; Wild Scenic Rivers, P.2-133: Carbon County is concerned about how water rights might be affected by a Wild and Scenic River determination of suitability. Further, all alternatives should recognize the State's ownership of the water and the Colorado Compact agreement, which by judicial decree could be endangered were any segments allowed to be designated?*

Response: Any Wild and Scenic River designations would have no affect on existing, valid water rights or water law. Section 13 (b) of the Wild and Scenic River Act states that jurisdiction over waters is determined by established principles of law. The BLM fully recognizes the states authority over water resources. However, this does not in any way preclude the BLM from fulfilling its mandate by Congress to consider these potential Wild and Scenic Rivers in the current planning process as clearly expressed in Section 5 (d) (1) of the Wild and Scenic Rivers Act. Regarding the Colorado Compact agreement, Section 13 (e) of the Wild and Scenic Rivers Act clearly states, "Nothing contained in this Act shall be construed to alter, amend, repeal, interpret, modify, or be in conflict with any interstate compact made by any States which contain any portion of the national wild and scenic rivers system." This provides explicit assurance

that any existing interstate compact would have precedence over any action taken relative to the Wild and Scenic Rivers Act. In addition, Appendix C of the Proposed RMP/Final EIS is modified to include a more thorough discussion of how the suitability considerations are applied to each eligible river.

Comment: *Common to All and Common to all Alternatives; page 4-315: Appropriate, except, Layering management techniques are not consistent with county plans.*

Response: See GCRs 29 and 37.

Comment: *ROS page 4-318 Layering management techniques are not consistent with county plans.*

Response: See GCRs 29 and 37.

Comment: *Chapter 4, Recreation Decision, page 4-318: Add “When a cooperative route designation plan is completed, travel will be limited to designated routes, including all BLM and county system roads. Until then BLM and Carbon County will determine routes on a case by case basis cooperatively.”*

Response: When the ROD is signed for the RMP the route designation plan (Map 2-74) will be implemented. BLM’s route designations would apply only to BLM routes. County and State roads are shown on the map for continuity.

Comment: *Nine mile Canyon ERMA, 4-363: The use of this description as a management plan to be used in certain areas alone, is appropriate as another tool for reaching layering management objectives, but is not acceptable to Carbon County. Layering management is not consistent with county plans. Carbon County will respond and comment on this action as though it is an individual planning action, used to designate management over a individual area, and not used consecutively with other layers of restrictions.*

Response: See GCR 37.

Comment: *Lands and Realty; Withdrawals; p. 4-391: Some areas are appropriate for withdrawa; ACEC's are not.*

Response: Management plans for ACECs are individually created. A withdrawal is not automatically part of an ACEC but would be recommended if needed to protect the relevant and important values for which the ACEC was proposed.

Comment: *Wind and Solar Energy Development; 4-414: Alternative D is preferred with the following caveat: With the excepting of the references to restrictions because of layering i.e. RR's ACEC's etc. that are not consistent with county plans.*

Response: BLM's decisions must be consistent with the objectives of the selected alternative across all resources and resource uses. It would be inconsistent to allow wind and solar development in areas that are closed to leasing for oil and gas or in areas where visual resources are protected. Therefore, the restrictions are appropriate as stated. Also see GCR 37.

Comment: *AREAS OF CRITICAL ENVIRONMENTAL CONCERN, page 4-485: Assumptions are incompatible with the need. The assumption is not consistent with county plans. “Manage in cooperation and in coordination with the affected counties” would create a management plan to accomplish the needed actions without layering management schemes.*

Response: See GCRs 29 and 37.

Comment: *BLM states that these lands are not subject to the prescribed management of the ACEC, but does not give thought to the negative affect that a federal zoning layer and restriction levied on these*

private lands will cause. These lands are taxed and lie within a State, not a territory, On some of these lands trustees have a fiduciary responsibility given to them in the State Enabling Act. BLM is using a Congressional act, usurping power, to layer private lands and restrict any future development while making BLM's land use plan un-manageable for any agency. to accomplish. In time this layering will devalue private property, increase restrictions for our residents and cause financial loss to them. The local tax base will be reduced by attrition. Another aspect of losing the land as an economic base is the loss of a culture. It is that traditional historic pattern of man 's use of land in a unique manner that will be affected. Because of layering management, this lifestyle could be lost for all time. Since this action is agenda driven, it does not take appropriate account of or respect the interests of persons with private ownership or other legally recognized interests in land and other natural resources. It does not properly accommodate local participation in federal decision-making; or does it provide that the programs, projects, and activities are consistent with protecting public health and safety.

Response: See GCRs 37 and 132.

***Comment:** Based on this impact analysis Carbon County finds the use ACEC 's within the boundaries of Carbon County repugnant. The method by which ACEC's are being proposed, demonstrates a violation of our resident's constitutional rights, a usurpation of State's rights and an overwrought exercise brought forth as a tool to accomplish an agenda, not related to resource protection. This plan appears to have been formulated to force out any private land or property right owners from Nine Mile Canyon and the Tavaputs Plateau.*

Response: The FLPMA, BLM Washington Office Manual 1613, and the BLM planning manual and handbook, H-1601-1, all require consideration and planning for ACECs. The objective of ACEC designations is to protect, and prevent irreparable damage to, important historic, cultural, and scenic values, fish, or wildlife resources or other natural systems or process; or to protect human life and safety from natural hazards.

***Comment:** Wild and Scenic Rivers; p. 4-552: It is our contention that there are no Wild And Scenic Rivers within the boundaries of Carbon County, or the Price Resource Area. The Act was created to be used in areas where precipitation is much larger, and the need to restrict some actions on rivers were possible without undue impact to the human environment. The act was not created to be used in the arid west.*

Response: As part of the RMP planning process BLM conducts wild and scenic river reviews for all rivers within the planning area and identifies those rivers segments that are considered eligible and then determines if those eligible segments are suitable. River segments that are included into the national wild and scenic river system are those that have either been authorized by an act of congress, or are designated by or pursuant to an act of the legislature of the State or States through which they flow. A decision regarding free-flowing is subjective in nature. There are no specific requirements concerning minimum flow for an eligible segment. Flows are considered sufficient for eligibility if they sustain or complement the outstandingly remarkable values for which the segment would be designated. Rivers with intermittent flows have been designated into the national system, and rivers representative of desert ecosystems should also be considered for inclusion.

***Comment:** Appendix 14; Evaluation Factors -- Commercial, Competitive and Organized Group SRPs: Most of the evaluation factors are not appropriate. The group sizes are not sufficient to suit groups who have been using areas for more than 50 years. The layering management is not consistent with county plans.*

Response: Appendix 14 of the Draft RMP/EIS and Appendix J of the Proposed RMP/Final EIS summarize the BLM evaluation criteria policy for issuing SRPs. Also see GCRs 29 and 81.

Comment: Appendix 15; Recreation Opportunity Spectrum - Classification Standards: According to the ROS analysis, Primitive Class recreation areas require a 3-mile buffer from any roads, while Semi primitive non-motorized requires a 1-1/2 mile buffer. Based on this information, the ROS map is not accurate.

Response: Appendix 15 of the Draft RMP/EIS and Appendix K of the Proposed RMP/Final EIS identify a 1-mile buffer for primitive class recreation. Also the ROS inventory has been updated and corrected (Map 3-17).

Comment: Chapter 1, Section 1.5: The last bullet point is not reasonable since the ROS portion of the plan does not adequately portray all of the existing routes in Carbon County. Additionally, the ROS is not a planning tool it was designed to be used as a recreation management layer.

Response: Section 1.6.2, Planning Criteria in the Proposed RMP/Final EIS have been revised and ROS has been deleted from these criteria.

Comment: 2.3.3 Recreation: 2-5 Add to the second bullet: without reducing other multiple uses or substituting recreation for other multiple uses.

Response: The suggest language has not been added. Because recreation must be given full consideration in a multiple use context when making resource allocation. Recreation may be preferred over other use in specific incidents.

Comment: Section 2.16; Recreation; Common to All Actions; Desolation Canyon SRMA: P.2-67-68: A plan is in place to manage the Desolation Canyon recreational activities. The RMP does not require the formulation of a SRMA to accomplish this goal. The use of the SRMA and/or ROS classification appears to violate valid and existing grazing rights, oil and gas leasing and development rights, and other certain grandfathered rights, and also the least restrictive conditions mandate of EPCA.

Response: See GCR 107.

Comment: Price Field Office Extensive Recreation Management Area (ERMA); 2-82, 83: The use of this description as a management plan to be used in certain areas alone, is Appropriate, as another tool for reaching layering management objectives, it is not acceptable to Carbon County. Layering management is not consistent with county plans.

Response: According to the Land Use Planning Handbook (H-1601), Appendix C any areas not delineated as a SRMA are extensive recreation management areas (ERMAs). Therefore, BLM does not have the option of not delineating these areas. See GCR 37.

Comment: Section 2.16, Recreation, Special Recreation Permitting; P 2-84: Organized Group Special Recreation "Permits would be required for organized groups occupying an area for more than 2 hours, greater than 25 participants, or more than 8 vehicles outside of designated large group areas": This requirement appears to be unworkable.

Response: Table 2-15 of the Proposed RMP/Final EIS has been revised as related to the group size for SRPs. See GCR 81.

Comment: Chapter 4, Recreation impacts to Cultural Resources, p. 4-319: ROS is skewed, making determinations from this base inappropriate.

Response: See GCR 50.

Comment: Impact Analysis, p. 418-420: All portions of the impact analysis concerning ROS are not consistent with County Plans.

Response: See GCRs 29 and 50.

Comment: *Desolation Canyon SRMA, p. 4-421: A plan is already in place to manage the Desolation Canyon recreational activities. This corridor does not require the formulation of a SRMA to accomplish this goal. This portion should read, "Recreation and river corridor management for the Desolation Canyon would be managed according to the provisions of the Desolation and Gray Canyons of the Green River, River Management Plan." The affected counties in cooperation and coordination with the BLM will review and amend this plan as needed. The Counties will contribute to and be involved in the implementation of the plan.*

Response: See GCR 107.

Comment: *p. 4-325: Primitive and SPNM ROS Class areas of the SRMA would be closed to OHV use, and limited to designated routes in SPM areas. The Range Creek Jeep Trail would be designated for OHV use to the present barricade.*

All layering is inconsistent with county plans. All existing routes will remain open for use by motorized traffic. Routine patrols will be needed to allow this. Leaving routes open will create less conflict and public disregard for federal land management. We agree that the Range Creek Jeep Trail should be designated, for OHV use to the present barricade. Until such time as the semi primitive non-motorized class is dropped from areas where existing roads and wells with valid existing rights within the logical drilling unit boundaries are located, Carbon County will maintain that this is not a logical or accurate base on which to render a decision.

Response: See GCRs 29, 37 and 50.

Comment: *p.4-322;Lower Gray Canyon High-Use Area: Add to the decision; "Areas that would reflect and standards of roaded natural (RN) class areas in the ROS may contain visitor facilities, directional signage, interpretive materials, and infrastructure to support visitor health and safety, visitor appreciation of cultural resources, and resource protection. Private enterprise on private lands in support of public visitation would be encouraged by the BLM. BLM will not pursue goals that would directly compete with private entrepreneurial endeavors."*

Response: The specific language has not been added to the decision. However, the decision in Table 2-15 of the Proposed RMP/Final EIS has been revised to emphasize facilities development.

Comment: *Chapter 4; Recreation impacts to Wild Horses, Burros, Fire and Fuels Management, Forest and Woodlands and Livestock; page 4-327: This chapter states no significant impact to these resource issues. Carbon County disagrees.*

Response: Sections 4.2.9, 4.2.10 and 4.3.1 of the Proposed RMP/Final EIS discuss the impacts of recreational decisions on these resources.

Comment: *NINE MILE CANYON, p. 4-356: Layering management is not consistent with county plans for that reason Carbon County would recommend that BLM create a unique management plan for every recreation area. This plan would be either created or reviewed and commented on in cooperation and coordination with the affected counties and appropriate state agencies. Below are our comments pertaining to such a plan. The Nine Mile area would be managed according to the 1995 Recreation and Cultural Area Management Plan except as modified by the management alternatives listed below. Such changes include; Oil and gas leasing would be areas open to leasing, subject to minor constraints determined on a case-by-case basis (timing limitations, controlled surface use, lease notices) in Nine Mile Canyon. On a caseby-case basis, determination of visual restrictions will be considered to meet the cooperative guidelines determined by BLM, Carbon County and any affected state agencies pertaining to the Nine Mile Canyon. The 2-2 map would be the closest reflection to Carbon County's position if VRM*

standards were used ONLY to demonstrate the desired visual conditions, and will not be used as a management tool to restrict use on public lands.

Response: See GCRs 37 and 93.

Comment: *Recreation, ERMA, Decisions; Alternative D; 4-363: Carbon County would add to the analysis that any new sites developed in response to user demand, amenity value, and critical resource protection needs would be done in cooperation, coordination and consultation with the affected counties and state agencies.*

Response: Coordination is a basic premise as discussed in Section 1.5 of the Draft RMP/EIS and Section 1.7 of the Proposed RMP/Final EIS.

Comment: *Developed Recreation Sites: 4-368 Appropriate with added language: CLDQ, Cedar Mountain, Buckhorn Pictograph Panel, San Rafael Bridge Campground, Swasey Cabin, Little Wild Horse Canyon, Wedge Overlook, and Temple Mountain Recreation Site (proposed). Sites located in other field office areas and maintained by the PFO are Nefertiti Rapid, Butler Rapid, Stone Cabin, Swasey Beach, Swasey Boat Ramp, Mineral Bottom Boat Ramp, and Sand Wash. Existing developed recreation sites would be maintained. New sites would be developed in response to user demand, amenity value, and critical resource protection needs and in coordination and cooperation with affected counties and state agencies.*

Response: See GCR 93.

Comment: *Common to All Alternatives, p. 370: Carbon could support the D Alternative as the preferred, with the below amendments. If not then the No action Alternative would be preferred.*

BLM will cooperate and coordinate permitting with affected counties. The need for exchange of information for emergency service response, and possible county permitting requirements and added oversight into possible restriction of our historic cultural uses would demand this. When needed, BLM would develop site-specific requirements on actions in coordination with the affected counties to prevent this problem from occurring.

Response: Coordination is a basic premise as discussed in Section 1.5 of the Draft RMP/EIS and Section 1.7 of the Proposed RMP/Final EIS.

Comment: *Organized Group, p. 370: Special Recreation Permits would be required for organized groups occupying an area for more than 2 hours, greater than 25 participants, or more than 8 vehicles outside of designated large group areas. Unless BLM is willing to issue permits in perpetuity to family groups, organization, religious groups, etc that have had annual meetings or get-togethers for many years in the same location, and where this practice has at present become a historic and cultural part of the community's lifestyle, then Carbon County would be adamantly opposed to this action.*

Response: See GCR 81.

Comment: *Recreation impacts to recreation; p 4-373: Carbon County does not believe that opportunities for primitive recreation exist within Nine Mile Canyon.*

Response: Baseline inventory indicates primitive recreation opportunities exist in Nine Mile Canyon between Franks Canyon and the Green River.

Comment: *Recreation Decisions; Small open areas for OHV use: Add :BLM will notify and meet with mayors and City councils when requests are received.*

Response: If the R&RP is with local communities, then BLM must coordinate with them. The suggested language is redundant.

Comment: Activity plans addressing all reasonable foreseeable actions should be created uniquely, as part of each recreation site in consultation and coordination with affected state agencies and counties. Cooperative periodic review would be in order to address new or unforeseen circumstances.

Response: See GCR 93.

Comment: The ROS mapping is incorrect. BLM failed to recognize various roads on mapping. A Close look using Arc View identified roads not within the motorized area of the ROS map.

Response: See GCR 50.

Comment: Section 2.8.3, Recreation; Actions Common to All Alternatives: Modify to include consultation and coordination with state, county and local governments.

Response: The specific language has not been added to the decision because Section 1.5 in the Draft RMP/EIS and Section 1.7 of the Proposed RMP/ Final EIS identifies coordination with other agencies as an overall commitment. Therefore, there is no need to add the requirement for consultation and coordination to all decisions in the RMP.

Comment: Recreation Activity Prescriptions and Guidance; page 2-66: Appropriate with the following additions: Developed recreation sites will be recommended for withdrawal from mineral entry and either NSO or closed to mineral leasing. Developed recreation sites would be closed to grazing use. These actions will be determined on a case by case basis in consultation and cooperation with affected state agencies, and counties.

Response: See GCR 92.

Comment: Special Recreation Management Areas (SRMA); page 2-67: SRMA'S are not consistent with county plans. With the elimination of any SRMA designation, these objectives would be appropriate with the following additional language: "All SRMAs would be designated as special areas (Land and Water Conservation Fund definition) and where needed could require permits and payment of fees for recreation use." Carbon County is opposed to layering type regulations and levying of fees for recreation use, other than voluntary drop boxes at recreation sites.

- Activity plans would be reviewed or created for all SRMA as designated in the RMP.

- Activity plans should be created as part of each recreation site in consultation and coordination with affected state agencies and counties.

- All recreation management activities and developments in the SRMA would be in support of the individual SRMA goals and objectives.

This can happen by creating individual plans as needed for each recreation site in consultation and coordination with affected state agencies and counties.

Response: See GCRs 29 and 93.

Comment: The second release of the socio-economic portion of the DEIS shows that the BLM has not added any alternatives in the DEIS that would assist in adding employment, increasing income or stability for the economy or to create actions that would stabilize the ongoing use of resources on public lands. Maybe this is why a socio-economic analysis from any rural resource area in the west could be substituted for an in-depth study of our resource area.

Response: See GCRs 2 and 132.

Comment: *It is Carbon County's opinion that in this DEIS, the PFO has not yet achieved a reasonable range of alternatives in the Socio Economic portion or many of the other portions of the DEIS for managing our resource area.*

Response: The Proposed RMP/Final EIS evaluates the socioeconomic impacts of having access to BLM lands for multiple uses. Measures used to analyze the impacts to the human element of the local communities, such as Emery and Carbon counties, include employment, earnings, and quality of life changes. A discussion of this analysis is provided in Section 4.6. No additional alternatives will be considered. The BLM believes the five alternatives which range from conservation management to complete development along with the No Action Alternative address a reasonable range of alternatives.

Comment: *The most alarming issue in the DEIS to Carbon County is the fact that no reasonable impact analysis was made or reported to the public to show the possible affects to the resource area because of the proposed changes and actions. This fact alone should call for complete administrative review of this document.*

Response: See GCRs 2 and 132.

Comment: *If the preferred alternatives in the grazing portion of the DEIS are adopted, the Price Resource Area could lose a total of 402,813.87 acres in the grazing district. This does not include other retirements, that are not added to this DEIS, and have happened over many years.*

Total AUM's on all of the allotments in question are not available at this time. The numbers used are based on the best information. The loss is estimated conservatively at 6,000 AUM's. As mentioned, much of the allotments were removed in 1989 when DWR, and other sports groups purchased them and subsequently turned the ownership and management over to DWR. The others are parts of ongoing trades or actions considered to remove cattle directly from the Green River. These retirements have the potential to cause a large loss in the economy of Carbon and Emery Counties. Presuming that these allotments were put into full use, the loss from calf sales alone would be approximately \$400,000.00 to \$500,000.00 per year if this action took place. It is possible that at least a \$200,000.00 per year income loss has occurred since the original takings of the Grey Canyon WMA. The 15-year cumulative loss of approximately \$3,000,00.00. The long-term impacts to the associated area businesses from the loss of income would be many times more than this, considering losses in taxes, area purchases and impacts from the agricultural infrastructure loss and the related reduction of personal assets.

Response: Table 4-69 in Chapter 4 of the Proposed Plan/FEIS details the expected impact on grazing employment and income across all alternatives. The data in this table indicates that the Proposed Plan will provide the highest level of employment and income of all the plan alternatives.

Comment: *Carbon County could find no area that addressed the economic impacts either positive or negative in any of the alternatives throughout this draft. Based on this, we believe that the draft fails to ensure that the economies of the resource area will not be adversely affected by the proposed actions taken through the DEIS.*

Response: See GCRs 2 and 132.

Comment: *Carbon County feels that nowhere in the draft did the socio-economic analysis accurately address grazing use in the resource area.*

Response: See GCR 132. The socio-economics section of the Proposed RMP/Final EIS has been augmented to include an evaluation of the economic contribution of energy production, grazing, and recreation to local communities, such as Emery and Carbon counties. IMPLAN was used to predict direct,

indirect, and induced employment and income effects. A discussion of this analysis is provided in Section 4.6.

Comment: *Pertaining to the CBM production, BLM considered that an additional \$49 million will be spent annually to drill and complete coalbed natural gas wells along with conventional natural gas wells within the Field Office area but failed to consider new opportunities for direct support industry jobs in the resource area, or state and local revenues generated from a variety of taxes collected by the state and local governments. BLM also failed to consider lease rentals, lease bonus payments, and royalties generated from these activities on public lands, 50 percent of which is returned to the state, which, in turn, apportions appropriate revenue to the counties.*

Response: See GCR 132. The socio-economics section of the Proposed RMP/Final EIS has been augmented to include an evaluation of the economic contribution of energy production, grazing, and recreation to local communities, such as Emery and Carbon counties. IMPLAN was used to predict direct, indirect, and induced employment and income effects. A discussion of this analysis is provided in Section 4.6.

Comment: *The BLM fails to recognize the socioeconomic impacts associated with water development and use of water resources in the resource area.*

Response: There is absolutely no effect whatsoever on water rights or in-stream flows related to suitability findings made in a land use plan decision, barring Congressional action. Even if Congress were to designate rivers into the National Wild and Scenic Rivers System, any such designation would have no affect on existing, valid water rights. Section 13 (b) of the Wild and Scenic River Act states that jurisdiction over waters is determined by established principles of law. In Utah, the state has jurisdiction over water. Although the Wild and Scenic Rivers Act implies a federal reserved water right for designated rivers, it doesn't require or specify any amount, and instead establishes that only the minimum amount for purposes of the Act can be acquired. Because the State of Utah has jurisdiction over water, BLM would be required to adjudicate the right as would any other entity, by application through state processes. Thus, for Congressionally designated rivers, BLM may assert a federal reserved water right to appurtenant and unappropriated water with a priority date as of the date of designation (junior to all existing rights), but only in the minimum amount necessary to fulfill the primary purpose of the reservation. In practice, however, federal reserved water rights have not always been claimed if alternative means of ensuring sufficient flows are adequate to sustain the outstandingly remarkable values.

The BLM is fully evaluating and considering potential impacts related to these Wild and Scenic River decisions in this planning process. Congressional designation of suitable streams is evaluated in the cumulative impacts analysis of the Final EIS, and Appendix C is modified to include a more thorough discussion of how the suitability considerations are applied to each eligible river.

Comment: *The social economic baseline profile (2003) contradicts itself and is in conflict with the Draft RMP/EIS.*

Response: See GCR 132. A new socioeconomic technical report was prepared in 2008 which augments the 2003 baseline report (Booz Allen 2008a). The new report explains the methodology used to analyze the socioeconomic impacts from having access to BLM lands for multiple uses. It provides the calculations and results for energy production, recreation, and grazing under each alternative allowing for socioeconomic impact comparisons across those alternatives. The report also discusses the input/output model IMPLAN used to model additional economic activity associated with the direct industries tied to the multiple uses on BLM land. This discussion explains in detail how direct industries, such as energy production, generate additional income and employment for indirect industries (trucking, lodging, etc.). This 2008 report was the basis for the preparation of Section 4.6 of the Proposed RMP/Final EIS.

Comment: *Alternative A in Chapter 2, purports to allow the maximum amount access and development of mineral resources, including oil, gas, CBM, and coal allowed by law, with mineral resource development given primacy over other uses and resource consideration. The analysis of this increase, as presented at page 4-584, does not agree with this position.*

Response: Section 4.6.5 of the Proposed RMP/Final EIS that evaluates Alternative A socioeconomic impacts has been revised using IMPLAN. The increase in jobs is over 200.

Comment: *The Socioeconomic section (4.12 though 4.15.4) also is inadequate in relation to the discussion of the potential impacts to the power generation industry in the area.*

Response: Sections 3.6 and 4.6 of the Proposed RMP/Final EIS include information on power generation facilities.

Comment: *Carbon County, Emery County and the state are concerned by the apparent inaccuracies and the inadequacy of the Baseline Socioeconomic Profile, the Socio-economics section of Chapter 3, and the socioeconomic impact analysis in Chapter 4.*

We recommend that the baseline profile should be reviewed for inaccuracies and corrected as necessary. The inconsistencies between the baseline profile and the DRMP/EIS should be reconciled, and the Socio-economics section of Chapter 4 should be revised to present a detailed analysis of social and economic consequences of implementing the various alternatives, for each community in the Price Field Office area, in such a manner that the information can be clearly understood.

Response: See GCR 132.

Comment: *Chapter 4, p.4-7; The Hiawatha cogeneration plant is proposed, but does not exist. Also on page 4-7, Potential Expansion at Hunter Plant: Again BLM fails to mention the further potential jobs created in other areas by the delivery of electricity produced here. Or the approximately \$15, 000, 000.00 increase in income plus the added operations needs which can be supplied by local vendors.*

Response: The Hiawatha cogeneration plant has been removed from the discussion of existing power plants. The Draft RMP/EIS and Proposed RMP/Final EIS evaluate the socioeconomic impacts including an evaluation of the economic contribution of energy production to local communities, such as Emery and Carbon counties (Section 4.6). Additionally, further detail on power generation facilities has been provided.

Comment: *Impact Analysis, page 4-421: The Cumulative Impacts to the local communities from the economic diversity and increase in potential jobs, in both direct and indirect support of CBNG productions are not addressed, and the trend should be carried over to the Impact Analysis.*

Response: See GCR 132.

Comment: *Impact Analysis 4-426: This analysis does not address the existing historic benefit to the communities because of coal mining in our area. It doesn't state the historic and cultural connections into the lifestyle of the residents. It also doesn't address any of the cumulative impacts of the RMP decision on the industry to bring to the impact analysis.*

Response: See GCR 132.

Comment: *Chapter 3, page 3-7 the paragraphs under section "Surface Water Quality" are confusing and misleading related to fecal coliform bacteria and cattle impacts on the Green River.*

Response: In the Proposed RMP/Final EIS this section of Chapter 3 has been written to eliminate confusion and remove incorrect information that was in the Draft RMP/EIS.

Comment: *The DEIS detailed analysis on surface water quality disappoints Carbon County. Not to mention the fact that the DEIS clearly documents and admits that the PFO has been slowly relinquishing the economic value of grazing allotments, while in other parts of the document it states that elk numbers in this same area are increasing, it also begs the questions: Why were the cooperators not given data to support these statements? Why has this statement been released for public review without due interdisciplinary team review ?*

Why has the PFO singled out two unsubstantiated issues to address surface water quality throughout the area, using archaic and inconclusive science to make a decision and made statements about the loss of Cottonwood being a direct result of cattle grazing when their own documented research shows river flows, wildlife and human impact is also responsible?

Response: See GCR 69 and 145.

Comment: *Using the information put forth to the public in this DEIS alone, to attempt to describe an environment in order to justify an action, when reasonably, many other examples could also be given to demonstrate the surface water quality issues in the resource area, seems to indicate that the author(s) could be attempting to slant or spin the public's opinion on grazing. If that was the intent, then these are arbitrary, capricious and biased statements designed to tilt the public's opinion on grazing as a legal and accepted use of public lands. Through this tactic, it appears that this agenda has been accomplished, now that the public has reviewed the statement. It will be hard to un-ring that bell.*

Response: See GCR 69.

Comment: *On Page 3-8, Irrigation, It states, "As a result, water during summer consists mainly of irrigation return flow that is slightly to moderately saline (BLM, 1991a). This statement is no longer totally correct. In the last 13 years since that particular BLM study, most of the agricultural users in both Carbon and Emery Counties have been using sprinkler systems to irrigate their lands. This practice has caused a considerable savings of water and dramatically decreased the return flows and TDML into the Price and other rivers and creeks in the resource area.*

Response: The "Irrigation" Section of Chapter 3 in the Proposed RMP/Final EIS has been modified.

Comment: *Section 2.16, 2-26; Ground Water Protection of Natural Springs: Should be amended as follows: "The distance would be set based on site specific analysis and would be no greater than the least amount necessary to protect the water quality of the spring, based on geophysical, riparian, and other factors. If these factors could not be determined, a 660 foot-buffer zone would be maintained, if necessary to accomplish the desired resource protection." Also, this action as written, would not allow for spring improvements or protection.*

Response: Table 2-2 of the Proposed RMP/Final EIS has not been changed as suggested because the concept is the same as currently written. Appendix G has been modified to allow for an exception of this restriction.

Comment: *Section 2.16, page 2-29, Maintenance of Wetland and Riparian Areas: Alternative D should reflect the No action Alternative: "Wetlands and riparian areas would be maintained or restored." The preferred alternative, acquiring water to maintain wetlands and riparian areas that in desert areas, where wetlands often dry up on drought years, would reduce water supplies in the long term which are needed for more critical uses.*

Response: Obtaining water rights to protect, enhance or restore the water table may be a wise or beneficial action depending on the need to maintain the water table. Riparian/wetland management developed in RMPs and activity plans should initiate management to maintain, restore, improve or expand riparian/wetlands.

Comment: 2.16, Establishment of Buffer Zones for No Surface Disturbance Around Riparian-Wetlands Habitats, page 2-29: Appropriate with the added consideration: In keeping with BLM IM 2003-233 and 2003-234, “The distance would be set based on site specific analysis and would be no greater than the least amount necessary to protect the water quality of the spring, based on geophysical, riparian, and other factors. If these factors could not be determined, a 660 foot-buffer zone would be maintained, if necessary to accomplish the desired resource protection.” For fairness, alternative D should reflect more directly this intent.

Response: See GCR 68.

Comment: Decisions, pages 4-34 to 4-45: Alternative D is preferred. Add: In keeping with BLMIM2003-233 and 2003-234, “The distance would be set based on site specific analysis and would be no greater than the least amount necessary to protect the water quality of the spring, based on geophysical, riparian, and other factors. If these factors could not be determined, a 660 foot-buffer zone would be maintained, if necessary to accomplish the desired resource protection. “ BLM would allow development of spring sources but would require protection of the spring source to maintain water quality and avoid detrimental impacts. (See BLM Manual 9000.).

Response: See GCR 72.

Comment: Impacts to Soil, Water, and Riparian, p. 4-88; Amend the word “requiring” to “encourage” in all areas applicable. It is Carbon County's position that mandatory mitigation may not be legal. Wise judgment would dictate BLM to ask rather than demand.

Response: The mitigating measure is based on Federal authority established by the Clean Water Act of 1987, Presidential Policy and 43 CFR 4180. In order to be effective, mitigating measures must be enforceable, i.e. “required” rather than suggested.

Comment: Minerals; Conflicts of oil/gas and coal; p. 4-430; Impacts to Soil, Water and Riparian: Add to the analysis: “We don't anticipate a greater number of acres being disturbed by this action”. The submitted plan plus the companies' willingness to mitigate any impacts would assist. Most of the analysis hasn't addressed biological remedies or the newest range management and vegetative manipulation and rehabilitation techniques to solve many of the perceived impacts.

Response: Section 4.2.2 impacts to soils, water, and riparian in the Proposed RMP/Final EIS has been revised related to impacts of mineral development on these resources.

Comment: Impacts to Soil, Water and Riparian, p 4-430: The analysis given on this topic pertaining to the increased erosion and etc. on roads is not a reasonable conclusion. Most of the roads used to develop minerals are existing routes. The companies realign them and improve them with culverts, drainage, and cattle guards, they raise the travel lanes with gravel mostly, and regularly maintain them. The older roads in the area are already contributing to the stated problem. Development companies are, by their use, mitigating the problem. There are some new roads created and pads but these are generally reclaimed when shut-in occurs, and become revegetated causing only short term impacts. The pipeline corridors are the same. Within two years in burial areas vegetation is back. When reviewing a submitted plan, consider the companies willingness to mitigate any impacts. Again, this analysis has not addressed biological remedies, the newest range management and vegetative manipulation and rehabilitation techniques to solve many of the perceived impacts. This analysis needs to look into this science, to resolve conflicts.

Response: See GCR 72.

Comment: 2.2.7 Special Status Species: Add: “ Work and cooperate with local governments, their committees, organizations and affected state agencies to promote increased habitat for threatened species to prevent listing.”

Response: Section 2.3 (Special Status Species) has been amended to include State Agencies. The others suggested changes have not been added because this section is restricted to those agencies that by law have responsibility for these species.

Comment: Section 2.16; Special Status Species, page 2-39;Goals: Carbon want the designation of Critical habitat of federally listed Threatened, Endangered, or Candidate plant or animal species to include State of Utah Division of Wildlife Resources and County participation.

Response: The designation of Critical Habitat for T&E species is the responsibility of the US Fish and Wildlife Service and not BLM.

Comment: Section 2.16; Special Status Species; Actions Common to All Alternatives: add to the list; “Plans, guidelines, and protocols must not be developed or implemented without the full involvement of the County and full public disclosure. All recovery plans must provide for indicators to track the effectiveness of the plan and identify at what point recovery is accomplished.

Response: See GCR 64.

Comment: Section 2.16; Fish and Wildlife, page 2-40; Common to All Actions:

Add: “Work with UDWR and Counties cooperatively to limit motorized travel within crucial wildlife areas to designated routes year round.”

Consider co-location of facilities, including utility corridors and oil and gas wells: ADD: “on a case-by-case basis in cooperation and coordination with counties, state and affected parties.”

Add: “In Cooperation and consultation with UDWR and Counties, minimize road densities by reclaiming redundant roads when new roads access the same general area or when it is agreed by all cooperating parties that the intended purpose for the roads has been met and they are no longer necessary.”

Add: “Maintain, protect, and restore riparian and wetland areas to a proper functioning condition, within capability to achieve a selection of multi-layered, obligate-dominated, vegetation community to support an optimum selection and density of wildlife species.”

Response: Table 2-8; Fish and Wildlife; Goals, Objectives, and Common to All Actions. This section of the Proposed RMP/Final EIS has been rewritten and includes the concepts but not the specific changes requested.

Comment: Common to All Alternatives, p. 4-150: Add language: “Follow guidelines and implement management recommendations presented in species recovery or conservation plans (including but not limited to those listed below) or alternative management strategies developed in consultation with USFWS, and in consultation with affected counties.”

Response: See GCR 64.

Comment: Chapter 4, Impacts to Special Status Species, p 4-140: The finding of a special status species will cause use restrictions in large areas. Mitigation will be required. It is Carbon County's position that any species be handled in a way that would create the opportunity to reduce the impacts of its presence on the local economy.

Response: See GCR 7.

Comment: *Impacts to Special Status Species, p. 4-277: Add, “Managed grazing is viewed as a method to reestablish the mosaic landscape needed to support this type of obligate species. It is well documented that when cattle numbers were much higher on public land than they now are, sage grouse were much more plentiful”.*

Response: The analysis assumes that the Standards for Healthy Rangelands and Guidelines for Livestock Grazing Management would be implemented. When the guidelines are followed, BLM recognizes that grazing returns vegetation to a mosaic composition and benefits many species. However, mosaic habitat may benefit some species while negatively impacting other species. Therefore, it is relevant to acknowledge that livestock grazing does alter vegetation.

Comment: *Adhere to and use the recommendations found in the UDWR Strategic Management Plan for Sage Grouse (UDWR Publication 02-2002). Additional management strategies may be incorporated when the BLM Sage-Grouse Habitat Conservation Strategy is signed. Add: “Plans, guidelines, and protocols must not be developed or implemented without the full involvement of the County and full public disclosure.” All recovery plans must provide for indicators to track the effectiveness of the plan and identify at what point recovery is accomplished.*

Response: See GCR 64.

Comment: *Visitor Service Facilities: (Appendix 2): BLM is effectively saying only Alternative D will be used in the ROD.*

High Use Areas: No Alternatives or mapping will be considered, High use zones are identified on Map 2-25 in this volume the other map alternatives will be considered.

Rights-of-way: In this portion, there is no mention of the BLM's acceptance or proposed actions concerning existing rights-of-way. Because access is one of the most critical aspects of any proposed designation, it affects all of the other uses associated with these lands; BLM needs to explain their position.

Response: The Proposed Plan/Final EIS was developed after considering all of the public comment received on the Draft RMP/DEIS. The term “High Use Zones” has been changed to “Recreation Management Zones” in order to be consistent with BLM management.

Applications for amendment of existing rights-of-way would be considered on a case-by-case basis.

Comment: *Transportation and Utility ROW Corridors; pages 2-92,93: Alternative A would be the preferred Alternative, but still not acceptable to the County unless the below areas are amended to conform with county plans:*

- *ACECs where outlined in ACEC management and necessary for protection of resource values.*
- *Areas closed to leasing for oil and gas.*

Both bullets are not reasonable. We agree, where outlined in ACEC management and necessary for protection of resource values. BLM/PFO needs to identify the resource to be protected if it meets with the irreparable damage qualifier set by Congress, then designate only the amount of land needed to protect it, fence it and install signage on it. However this goal can be accomplished by individual management prescription and not by layering.

- *Areas classified as VRM Class I: Strike this bullet. It is not a reason to restrict Corridor establishment, especially if it is to be buried, VRM is not used to determine the use, it is used to help put the use visually into the landscape.*

•*On or within 1 mile of sage-grouse leks: In development of new areas would include—WSAs. This bullet needs to be evaluated on a case by case basis in cooperation and consultation with the county and involved state agencies. (See Map 2-51).*

Response: In its normal course of business, BLM provides public notification and notification to affected parties for all land management activities. In cases where the county is an affected party, consultation and coordination is appropriate and will take place.

VRM, and ROS management classes and SRMA identification are not inconsistent with county plans. The county plans do not contain similar management and are in fact silent on these issues. The BLM under FLPMA has an obligation to manage the public lands for scenic resources and recreation [FLPMA section 102(a)(8)]. VRM, ROS and SRMA are the methods used by the BLM to manage these resources as prescribed by the BLM Planning Handbook, H-1601 and VRM Manual H-8410-1.

FLPMA sec. 202(c)(9) requires consistency with State and local plans to the extent consistent with the laws governing the administration of public lands. It would be inconsistent with Federal law to remove VRM, ROS and SRMA from the RMP merely to be consistent with the silence of county plans on these issues.

Use of a backcountry airstrip for commercial use would require an ROW authorization or equivalent such as being an approved, on lease facility under the Mineral Leasing Act. This is consistent with FLPMA Sec. 102(a)(9) which establishes a policy of the United States receiving fair market value for the use of public lands and resources.

Under the Proposed RMP, the BLM does not propose to close any of the existing backcountry airstrips. There is a statutory provision mandating BLM consultation with the FAA and State Division of Aeronautics prior to the closure of any publicly used airstrip on public land. These agencies are referenced to point out and re-enforce the statutory requirement of Public Law 106-914 sec. 345. BLM would consult with local government on airstrip closures as a matter of policy (W.O. Instruction Memorandum No. 2001-219).

Comment: *Section 2.16; Transportation and Motorized Access; P.2-136: Add to Common to All Actions, "In coordination and cooperation with local counties."*

Response: The coordination was added to Section 2.3 of the Proposed RMP/Final EIS.

Comment: *p. 4-397: Decision Alternative A preferred. In Alternative D the inclusion of layering that is not consistent with county plans prevents us from selecting this alternative. ACEC, VRM management and the prohibitions attached to WSA 's are too restrictive, not reasonable or needed.*

Response: VRM, ACEC and WSA requirements are mandated by BLM policy and federal law. BLM strives to be consistent with county plans where possible and where consistency will not conflict with the law. See GCRs 29 and 37.

Comment: *Lands and Realty; Corridor Decisions: page 4-398: Areas classified as VRM Class I should not be used restrict energy/utility corridor establishment, especially if lines are to be buried.*

Response: The purpose for the establishment of "corridors" is to concentrate major ROWs (i.e. pipelines, transmission lines, canals). Therefore, where scenic values are important to protect with a VRM Class I designation a major corridor would be incompatible with that objective. Hence continuing to use VRM Class I areas as avoidance areas is appropriate.

Comment: *Land and Realty; Nine Mile Canon Pipeline ROW Decision; p. 4-407: Modify as follows: 75-ft. buffer on either side of the existing pipeline. New ROWs for aboveground structures would not be permitted on or within 1 mile of sage-grouse leks, subject to consultation with applicants, UDWR and affected counties on a case-by-case basis. ACEC 's, VRM and any other layering stipulation are not acceptable reasons to restrict Utility ROW's.*

Response: In the Proposed RMP/Final EIS the Nine Mile Canyon Pipeline ROW has been combined with the other major ROW corridors that are identified on Map 2-54. Sage grouse leks are one of the restrictions.

Comment: *Impact from Transportation and Motorized Access: Add: "Travel for mineral resource development purposes will continue in previously permitted areas where valid existing rights to drill and explore within the WSA is present."*

Response: Development of valid existing mineral permits and associated administrative features is allowed under FLPMA and provided for in the IMP for lands under wilderness review. Any such future development would be implemented in accordance with BLM-H-8550 Chapter III(B).

Comment: *Common to All Alternatives 4-574; Impacts to Recreation: Reclamation of redundant road system and/or roads would reduce opportunities for motorized recreation in any areas where closures would occur. Continuing to manage byway and backway corridors would maintain opportunities for motorized recreation and scenic driving on designated byways and backways in the PFO. Installation of signage throughout the field office would alter the recreation experience by providing information and directing users. Continued use of backcountry airstrips in the PFO would maintain unique opportunities for recreational backcountry aviation. Any closure of these backcountry airstrips would result in a loss of a regionally unique recreation opportunity.*

The comments relating to management or maintaining roads, signage installation, and the continued use of the back country airstrips is consistent with Carbon County plans. The Caveat is that all of these actions are accomplished in cooperation, consultation and in coordination with the affected Counties.

Response: See GCR 21.

Comment: *Impacts to Transportation and Motorized Access; p. 4-574: Establishing and implementing maintenance agreements with the counties to maintain system roads and requiring reclamation of redundant road systems and/or roads that no longer serve their intended purpose would yield long-term, direct benefits for transportation and motorized access by reducing required road maintenance and associated costs.*

As this action is performed in cooperation and with consultation with the affected counties it will be consistent with county plans.

Directional, informational, regulatory, and interpretive signage at appropriate locations throughout the PFO would improve visitor safety.

As this action is performed in cooperation and with consultation with the affected counties it will be consistent with county plans.

Response: See GCRs 15, 29 and 39.

Comment: *p. 4-574: The following document is Carbon County's Transportations Master Plan, it is expected that the BLM will be consistent with this document when both BLM and Carbon County create the route designation plan for Carbon County: (SEE HARDCOPY OF LETTER FOR CARBON COUNTY'S TRANSPORTATION MASTER PLAN).*

Response: See GCRs 29 and 39.

Comment: Carbon County views access as the most important issue in the development of a land use plan. Access sets the stage for the ability to develop, recreate, or achieve any action. We will work in conjunction with and support the BLM in their goals as long as the agency attains the needed consistency with our goals and objectives. The cumulative impacts of this action will be the reduction of conflicts and the creation of the efficiency in implementation needed to protect and yet utilize the resources within the resource area.

Response: BLM is required by NEPA, FLPMA and other laws and regulations to coordinate on the management of public lands within the Price Field Office with other land management agencies, counties, municipalities, and private entities. Regional partnerships and cooperative efforts are welcomed by BLM.

Comment: Recreation; p. 4-322: Impacts to Range Creek ACEC: Established, existing rights-of-way shall stay open to public use by motorized vehicles.

Response: The discussion here is related to recreational OHV use, for which BLM has discretion of which routes are designated. Existing ROWs will remain for the purposes for which they were issued. In some cases public access to a ROW may not be allowed.

Comment: 2.2.3 Goals and Objectives of Vegetation: To comply with the Taylor Grazing Act a statement needs to be added related to the Rangeland Health Standards.

Response: A goal has been added to Table 2-3 (vegetation) related to the Standards for Rangeland Health and Guidelines for Grazing Management.

Comment: Section 2.16 (Vegetation) pages 30, Common to All, Off-Site Mitigation: Modify to include: “BLM recognizes the merit of off-site mitigation strategies for the purposes of habitat enhancement. BLM would encourage willing partners to participate in off-site mitigation strategies.”

Response: The “Common to All” Table 2-3 of the Proposed RMP/Final EIS has been modified to include this concept.

Comment: Chapter 4 Wetland Vegetation Decisions: page 4-77: This is a reasonable action, but only in some years, forage needs to be grazed off periodically. A rotation system in such areas will accomplish the needed goal analyzed in this section.

Response: The decision does not preclude grazing, but rather, provides specific guidelines for riparian/wetland management. Avoiding grazing in meadow, marsh, and riparian areas in the spring reduces the potential for damage to these areas from surface disturbance during the wet season. Grazing could occur every year as long as adequate herbaceous cover is maintained to reduce the potential for erosion and subsequent sediment loading into water bodies.

Comment: Chapter 4, Fish and Wildlife impact to Vegetation, p. 166: Prohibiting domestic sheep from grazing allotments in a 9-mile buffer surrounding occupied bighorn sheep habitat increases the percent cover of forbs in those areas and changes the vegetation structure. This sentence changes the use of allotments from cattle to sheep.

Response: The RMP determines what kinds of livestock and wildlife will be provided for and at what level as long as the rangeland health is maintained.

Comment: ACEC designation impacts to vegetation 4-517: How can the PFO determine that not designating an additional ACEC impacts vegetation by reducing the area of relict vegetation available for monitoring and research? Since designation of the existing ACEC, no impact analysis has been done, to demonstrate this statement. The cumulative impacts to the human environment, the rural communities, or the nation were never considered.

Response: Alternative A of the Proposed RMP/Final EIS includes the decision to not manage Big Flat Tops and Bowknot Bend as ACECs which are managed for the relevant and important value of relict vegetation. Under this Alternative, the acres designated as an ACEC to protect or manage relict vegetation would be reduced.

Comment: *Appendix 6; Visual Resource Management: This practice is not consistent with county plans or objectives. The practice of inventorying and evaluation of lands for the purpose of giving visual ratings or management classes, which will determine the amount of modification allowed to the basic elements of the landscape is not consistent with county plans.*

Response: Management of visual resources is part of the BLM's multiple use mandate. Appendix 6 of the Draft RMP/EIS defined objectives of each class. The application of those classes to public lands is identified in Chapter 2 of the Draft RMP/EIS. See GCR 29.

Comment: *Section 2.16, Visual Resources: page 2-38; Goals: Reword as follows:*

- *Manage public lands in a manner that protects the quality of scenic (visual) resource values without negatively impacting domestic livestock grazing... mineral exploration and production... timber production or other principal and major uses of the land.*
- *Recognize and manage visual resources for overall multiple use and quality of life for local communities who enjoy the land and who rely on balanced, sustained-yield economic use of natural resources in the planning area, and visitors to public lands.*
- *Manage BLM actions necessary to protect against permanent and irreparable damage to those scenic vistas that are deemed most important.*

Response: The goals for Visual Resources contained in Table 2-6 of the Proposed RMP/Final EIS have not be rewritten as suggested because the suggested changes would not enhance the meaning of the goals.

Comment: *Section 2.16; Visual Resources; Actions Common to All Alternatives: Carbon County opposes the use of VRM as a management tool and believes other tools can resolve the concerns.*

Response: The BLM is required to be consistent with county plans where possible. However, BLM cannot choose to ignore visual resources in the RMP. Management of visual resources is part of BLM's multiple use mandate, and BLM is required to establish objectives for management of those values in land use planning.

Comment: *If BLM will not follow Carbon County plans, the following is the least onerous: Alternative A: Manage the following acreages, as indicated on Map 2-2, for the objectives defined for each VRM class (see Appendix 6): Class I: 668,049.*

Response: See GCR 137.

Comment: *Chapter 4, Visual Resources impacts Leasable Minerals, p. 4-135; Oil and Gas: The use of this management scenario has reduced the uses of land with prior valid existing rights. The WSA was formed over existing logical drilling units.*

Response: See GCR 139.

Comment: *Decision Background, p. 4-136: Scenic resources are an important component of landscapes within the PFO. Scenic resources are highly valued by visitors to the area, as well as by local communities. Visual resources are assigned one of four management classes (I through IV). Each class provides management actions and structural developments with an allowable degree of visual contrast.*

The more restrictive VRM classes (I and II) may preclude some types of development or require mitigation actions.

Carbon County sees VRM, or any layering management tool as a lazy way to set an unattainable goal. Even if all of the conditions are met and every law and regulation is followed local management layers can restrict the progress of or stop a potential development. An objective impact analysis would show that layering management scenarios will cause long-term negative impacts to an already over priced market for energy. This action is in opposition to the stability, good order, and security of the nation.

Response: See GCR 37.

Comment: *Should visual impacts be a part of a management plan to allow use in an area and create a circumstance that would make the development less observable, but not restrict its development or use, as is done in county planning activities; then Carbon County would select the mapping with the most reasonable and allowable uses, which would be Map 2-2 as depicted in Alternative A.*

Response: When BLM sets visual resource management objectives through a planning decision, it must ensure that objectives are met or that plans are amended to allow activities that would not meet the objectives. Plan amendments can be done to amend VRM objectives to allow other activities that maybe in the public interests.

Comment: *Impacts to Visual Resources, p. 4-277: Many people like to see cattle on the land. Part of the reason that many people vacation in the west is to see the range, with cattle and cowboys. The American people are proud of their heritage. The public land cattle industry is part of that heritage. Range Improvements are part of that landscape. The standards and guidelines also mitigate visual impacts because of the stubble and other health monitoring requirements. The wildlife areas unfortunately are not kept up as such, and apparently BLM will not address an impact analysis with the same standards for wildlife as they require for grazing and some levels of recreation or mineral development.*

Response: The impact described in Section 4.2.6 expresses the fact that the visual characteristics of the landscape would change. It does not attempt to make a value judgment of those impacts.

Comment: *Development would be required to meet standards more closely aligned with VRM III and IV restrictions. (See Map 2-2.) Alternative A in the mapping should be the preferred Alternative. When a cooperative route designation plan is done, travel will be limited to designated routes, including all BLM and county system roads. Until then BLM and Carbon County will determine routes on a case-by-case basis, cooperatively. Areas that reflect standards of roaded natural (RN), using the ROS, may contain visitor facilities, directional signage, interpretive materials, and infrastructure to support visitor health and safety, visitor appreciation of cultural resources, and resource protection. Private enterprise on private lands in support of public visitation would be encouraged by the BLM. BLM will not pursue any goals that would directly compete with private entrepreneurial endeavors.*

Response: See GCR 135.

Comment: *WSAs should not be managed as VRM Class I areas because must comply with IMP.*

Response: The prescribed management objective for visual resources in WSAs is to manage it as VRM Class I in accordance with IM 2000-096. See GCR 115.

Comment: *Appendix 3; Wild and Scenic Rivers Study Process; Carbon County opposes any attempt to designate Wild and Scenic Rivers on any stream creek or river segment in the resource area. Further, we believe that Congressional approval is necessary before a stream can be designated suitable.*

Response: Neither the Wild and Scenic Rivers Act, BLM regulations, nor any other policy require the BLM to receive Congressional consent prior to making a determination on the suitability of a stream for designation under the Wild and Scenic Rivers Act.

Comment: Appendix 22; Classification Criteria for Wild and Scenic Rivers; There is no mention of the suitability criteria.

Response: See GCR 25.

Comment: 1.6.16 Wild and Scenic Rivers: Responding to first statement: The Price River MFP did not make wild and scenic river considerations. This is not true! Pages 12 and 13 of the 1984 Price River MFP states as follows: Wild and Scenic Rivers Study Areas: “The National Rivers inventory identified portions of the Price and Green Rivers, and Range Creek as potential additions to the National Wild and Scenic Rivers System. Thirty miles of the Green River within Desolation and Gray Canyons, approximately 16 miles of the; Price River, and approximately five miles of Range Creek are affected by the proposed action. USDI/USDA Guidelines for interim management state that authorized uses shall not be allowed to adversely affect either eligibility or prospective classification, subject to valid existing rights.”

Response: The Price River Management Framework Plan (MFP) evaluates and considers any adverse impacts that could result to rivers listed in the Nationwide Rivers Inventory (NRI), a list of potentially eligible streams identified and maintained by the National Park Service. This was done in compliance with a 1979 Presidential directive, and related Council on Environmental Quality procedures requirement that all federal agencies must seek to avoid or mitigate actions that would adversely affect one or more NRI segments. The NRI is a source of information for agency river assessments and federal agencies involved with stream-related projects. The Price River MFP did not, however, evaluate rivers for their eligibility and suitability under the Wild and Scenic Rivers Act.

Comment: Section 2.16; Wild and Scenic Rivers: page 2-131: Carbon County does not agree that Congress has not given BLM authority to manage those rivers found to be suitable to any other degree until designation is given. Alternative C provides for designation of all eligible rivers in the DEIS, but not all of the eligible rivers have an alternative that provides for no designation in any alternative.

Response: Rivers found suitable through agency planning processes must, to the extent of BLM's authority, protect the values which contribute to the stream's original eligibility. The BLM is obligated to attempt to avoid or otherwise mitigate any adverse affects to these values in the interim until Congress has an opportunity to act on potential designations.

In addition, Alternative A of the Proposed RMP/Final EIS has been changed to provide for no designation of any stream into the national system of Wild and Scenic Rivers.

Comment: Wild and Scenic River designation is not an appropriate action and not consistent with county plans.

Response: Because resource management planning consists of allowing for multiple use, layering of management is unavoidable. Wild and Scenic River determinations are required in agency planning. Section 5(d)(1) of the Wild and Scenic Rivers Act of 1968 directs federal agencies to consider the potential for national wild, scenic and recreational river areas in all planning for the use and development of water and related land resources. Agencies must conduct Wild and Scenic River reviews as part of their land management planning process. Within the RMP, BLM only makes a determination if river segments are eligible and suitable; the designation of a river segment as Wild and Scenic requires an act of Congress. Also see GCRs 29 and 37.

Comment: *Old Spanish Trail (Public Law 107-325) page 4-113; Decision Background; Decision: Alternative D preferred, provided that Impacts to Wild and Scenic Rivers are removed from this analysis on the Old Spanish Trail. W&SR 's are not consistent with county plans.*

Response: See GCRs 29 and 150.

Comment: *p. 4-192; Alternative A: preferred with the exception of Wild & Scenic Rivers as below: Wild and Scenic Rivers designation is not consistent with County or State Plans.*

Response: The BLM is mandated by Congress through the provisions of Section 5 (d) (1) of the Wild and Scenic Rivers Act to consider streams with potential for inclusion into the national system of rivers in all resource management planning processes. Congressional designation of suitable streams is evaluated in the cumulative impacts analysis of the Final EIS, and Appendix C identifies the concerns and lack of support of the counties. Also see GCR 29.

Comment: *Special Designations and Support: page 4-330: We agree with NSI on these issues and would add that Carbon County is opposed to W&SR's and do not support designation. We are also opposed to WSR management of any segment of any creek, river or stream in the resource area until and unless any are designated. In this comment we are stating directly that by doing so, BLM, in our opinion, by your own, will usurp powers of congress, powers and authority that were never granted to the Department of the Interior.*

Response: Rivers found suitable through agency planning processes such as this are not afforded protection under the Wild and Scenic Rivers Act (Act) from proposed hydroelectric facilities or other federally assisted water resource projects that have the potential to affect the river's free-flowing characteristics and other identified values prior to Congressional designation of the stream into the national system of Wild and Scenic Rivers. However, it is BLM's national policy (Handbook 8351) to protect the values which contribute to the stream's eligibility. Through all case-by-case environment impact analysis per the National Environmental Policy Act (NEPA), the BLM is obligated to attempt to avoid or otherwise mitigate any adverse affects to these values in the interim until Congress has an opportunity to act on potential designations. In addition, the Federal Land Policy and Management Act (FLPMA) provides BLM with broad authority to manage the public lands including eligible/suitable river segments. Because Section 5(d)(1) of the Wild and Scenic Rivers Act requires that rivers be considered for wild and scenic purposes in planning, and because NEPA (40 CFR 1506.1) restricts actions that would limit the selection of alternatives, it is appropriate that BLM manage eligible/suitable rivers in a protective manner to protect values for possible Congressional designation. For an additional discussion of interim management of eligible streams, see GCRs 26 and 28.

Comment: *WILD AND SCENIC RIVERS 4-552 Assumptions: Add: Any found to be unsuitable or not appropriate to designate through local, state and congressional review, would be dropped.*

Response: This language has been added to Table 2-20 of the Proposed RMP/Final EIS.

Comment: *Wild and Scenic Rivers; Carbon County does not accept any Wild and Scenic Rivers in Carbon County.*

Response: See GCR 150.

Comment: *Transportation and Access impacts to Wild and Scenic Rivers; 9 4-574: Actions pertaining to the impacts would be subject to review by Carbon County in cooperation and consultation with BLM, not just, on the W&SR impacts, but in any area where any limits or restrictions to access is proposed to occur.*

Response: Section 1.7 and Table 2-22 Transportation and motorized access, Common to All Alternatives, of the Proposed RMP/Final EIS imply that all decisions require coordination with the Counties.

Comment: Chapter 1, 1.6.6 Wild Horses and Burros: Add to the statement: Four Herd Management Areas (HMA) exist in the planning area (Range Creek, Muddy Creek, Sinbad, and Robber's Roost). This RMP addresses the management of wild horses, including initial and estimated herd sizes, while preserving or maintaining a thriving ecological balance and continuing multiple use relationships without undue impact to other resource users and grazing preference. Actions will be to.

Response: See GCR 96.

Comment: Chapter 4, Soil, Water, and Riparian Decision Impacts to Wild Horses and Burros, page 4-57: What is the impact to Soil, Water, and riparian by the wild horses?

Response: Section 4.2.2 of the Proposed RMP/Final EIS analyzes the impacts of Wild Horses to Soils, Water and Riparian.

Comment: Chapter 4, Wild Horse and Burros; Forage Allocation, 4-214 : Alternative D should be modified to include "...would not occur at the expense of domestic livestock grazing".

Response: See GCR 96.

Comment: Section 2.7.9, Wild Horse and Burros, Actions Common to All Alternatives: Add the following bullets: "•Horse Management Plans must include provisions for periodic gathering of all horses in the unit to limit populations to planned levels, to remove trespass horses and to test for equine diseases as prescribed by the Utah State veterinarian, and adopted County plans. •Wild Horses assigned to herd units must be identified in such a way as to insure that feral or fugitive horses are not assimilated into wild horse herds on public lands. •Remove natural and legal barriers which prohibit the construction and maintenance of watering facilities, springs, seeps or ponds, which benefit other wildlife".

Response: Language was not added because: 43 CFR 4700 provides guidance on removal of wild horses and stray domestic stock, health and identification, maintenance, destruction, use of air craft, etc... During planned gathers all horses are inspected by the local brand inspector for brands and then each animal that is removed is tested for equine diseases and vaccinated. If a domestic horse is not marked in any way, unless it does not conform to the size and characteristics of the herd it may or not be easily identified as an introduced horse. Construction and maintenance of watering facilities are implementation decisions that are beyond the scope of the RMP.

Comment: Prefer Range Creek HMA Alternative D as amended: 75-125 horses with 100 horses being the target number. Gathering needed at numbers beyond the target. Explanation: to allow no more than 100 wild horses, and zero (0) burros is consistent with Carbon County's plans.

Response: An AML is a population range between which a wild horse or burro herd will be managed. For the Range Creek HMA, any number of wild horses between 75 and 125 is considered appropriate and thus will not warrant population reductions under normal conditions. Maintaining this range also allows for a 3-4 year gather cycle, reducing wild horse numbers to 75 and allowing them to reproduce naturally for 3-4 years until they reach a population of 125, then removing excess wild horses. This is necessary to maintain a thriving natural ecological balance on the public lands in the HMA while maintaining a genetically viable population of wild horses.

Comment: Page 2-48: Alternative D should be amended to comply with Congressional intent. When monitoring data and best science identify an increase in available forage in HMA's which are within Taylor Grazing Act grazing districts, such increase will first go to restore domestic livestock AUM's to levels historically designated when the grazing district was established, then any excess available forage

will be reasonably allocated between horses/burros and wildlife. For increases in available forage in HMA's which are not in grazing districts, allocations would be adjusted proportionately among wild horses/burros, wildlife and any permitted livestock use in the area. When monitoring data and best science identify a decrease in available forage in HMA's which are in Taylor Grazing Act grazing districts, such decrease will first be allocated between wild horses/burros and wildlife in order to favor retention of livestock AUM levels in keeping with the Taylor Grazing Act preference. For decreases in available forage in HMA's which are not in grazing districts, allocations would be adjusted proportionately between wild horses/burros, wildlife, and any permitted livestock use in the area.

Response: See GCR 96.

Comment: 1.6.14, Non-WSA Lands With or Likely to Have Wilderness Characteristics: Under the terms of the Settlement agreement in *Utah v. Norton*, Utah BLM may identify those lands where wilderness characteristics as well as other multiple uses and resources exist. But in the DEIS, BLM may only consider wilderness characteristics in a manner equal to those of other resource information.

Response: See GCR 108.

Comment: Assumptions, the following assumptions regarding construction : Average initial and long-term disturbance for ancillary facilities (e.g., compressors, power lines) per facility 20.0 acres in the Tavaputs Plateau, an area with high potential for the occurrence of energy resources, oil and gas exploration and development and OHV travel would affect wilderness characteristics. In the remainder of the PFO, an area with low potential for the occurrence of energy resources, only OHV travel would affect wilderness characteristics. Throughout the PFO, management of SRMAs and ACECs would affect the wilderness characteristics of portions of the WSAs. If the SKIM 's and ACEC 's were managed according to a site by site management plan, and not layers, many conflicts would be mitigated. OHV use on Carbon County ROW's will be determined by the County Commission.

Response: Most designations identified in Chapter 2 have decisions to prepare site specific management plans as the commenter suggests. Site-specific issues will be resolved in site-specific management plans.

Comment: Decision Background, p. 4-473: Decisions considered common to all alternatives are easily lumped into two categories: decisions that address management of wilderness characteristics within WSAs under the IMP; and decisions that address management of WSAs if released from wilderness consideration. The decisions concerning interim management (IMP) of WSAs are included to emphasize and clarify existing policy. For the other decision, Appendix C of the BLM Planning Handbook (BLM-H-1601) directs BLM to identify in RMPs a management direction for WSAs should they be released from wilderness consideration by Congress and therefore are no longer subject to management under the IMP. Management for any WSA's released from wilderness consideration by Congress should have been a topic of consideration and conversation during the interdisciplinary meetings. The future uses of these areas are of great importance to the counties and the state.

Response: See GCR 112.

Comment: WSA Decision, p. 4-473: Add: Motorized travel in areas of Jacks Canyon for mineral development of valid existing mineral permits will be allowed.

Response: Language was not added because the BLM recognizes valid existing rights for mineral development. See Section 1.5 in the Draft RMP/EIS and Section 1.6 of the Proposed RMP/Final EIS. Also see GCR 110.

Comment: Common to all Alternatives: page 4-474. 3, Impact Analysis: WSAs are managed according to the IMP, which is current policy for these areas. This analysis does not analyze the impact of interim management (IMP) on other resources and resource uses. That analysis was conducted in the Utah

Statewide Wilderness FEIS. If the WSAs are released, impacts to other resources and resource uses would not be expected to be significantly different from the impacts identified in this analysis. If Congress releases the WSAs, the impacts from management of wilderness characteristics would be contained within the management prescriptions for all other resources as described in text, tables, and maps under the selected alternative. Any attempt to manage lands released from WSA 's for wilderness characteristics is not in accordance with the wilderness settlement.

Response: See GCR 112.

Comment: Management of WSAs if Released by Congress: page 4-475, Decisions : SRMA or any other management layering is not consistent with county plans.

Response: See GCRs 29, 37 and 112.

Comment: p.4-475: Should Congress release the following WSAs from management under the IMP, they would be managed as part of the San Rafael SRMA as described in the alternatives that follow: Crack Canyon, Devil's Canyon, Link's Flat ISA, Mexican Mountain, Muddy Creek, San Rafael River, Sid's Mountain, and Sid's Cabin. Any alternative direction taken on this issue, after the WSA is released, should be from a plan created in cooperation, coordination and consultation with the affected County.

Response: See GCR 112.

Comment: Non-WSA Lands with Wilderness Characteristics, page 4-480: The county does not think that the BLM has authority to consider protection of these lands under the Utah v. Norton settlement agreement.

Response: The BLM addresses its authority to development management prescription for Non-WSA lands with Wilderness Characteristics in the Supplement to the draft released in Sept 2007 which detailed an Alternative E. Also see GCR 146.

Comment: Transportation and Motorized Access, Impacts to Wilderness Study Areas, page 4-574, No significant impact: Any action to do with access will have a definite affect on the ability to use the land.

Response: Because WSAs would be managed according to BLM's Wilderness IMP (H-8550-1) Transportation and Access decisions were determined to not result in impacts to WSAs when other RMP decisions and BLM policies are implemented.

Comment: Appendix 7; Best Management Practices for Raptors: The requirement that all activities must be at least 1/2 mile away, with no allowance for variation, would have made it impossible for Conoco/Phillips to develop at least 25% of their existing wells. This is also true in other areas. There should be an allowance for variation, based on a case-by-case analysis.

Response: The proposed RMP/Final EIS, Appendix F (raptor guidelines) has been updated given the latest guidance from US Fish and Wildlife Service, Utah Division of Wildlife Resources, and BLM and includes variances.

Comment: Appendix 8; Wildlife Stipulations: Carbon county has numerous concerns about the restrictions and the confusion in this Appendix.

Response: See GCR 41.

Comment: Appendix 8: Mandatory dates of disturbance should not apply to certain administrative needs or improvements, such as pond cleaning or building. Management practices sometimes need to be accomplished during times when they can be done in an efficient manner.

Response: See GCR 42.

Comment: Appendix 8: We support the elimination of mandatory 1:1 acre-for-acre off-site mitigation for any action that would result in surface disturbance to crucial value habitats. This statement is inconsistent with Appendix 8, in the Spatial and Seasonal Wildlife Conservation Measure area, where it is stated that, “off-site mitigation is required for mule deer/elk crucial winter habitat and Rocky Mountain and Desert bighorn sheep.”

Response: See GCR 41.

Comment: Appendix 16, Page 116, 121, To all surface disturbing activities, Seasonal Closures: This Appendix mandates seasonal closures for both Critical Range and High Value Range. In the manual it only mentions the Critical Range. Adding High Value Range to this matrix makes the standards too restrictive. The guidelines don't leave room for exceptions. Administrative or other issues might occur that require that issues be addressed separately.

The Appendix doesn't give habitat managers the leeway to grant variances or waivers in cases such as if no animals are found in the area etc. Local habitat managers need more flexibility in the exception category.

Response: See GCR 41.

Comment: Section 2.16; Fish and Wildlife, page 2-39; Goals, Actions Common to All: Add: “Maintain, protect, and enhance fish and wildlife habitats to support a natural selection of healthy, self-sustaining density of wildlife and fish species.

- Maintain, restore, protect, and enhance important habitats, recognizing crucial and high-value habitats as management priorities.
- Recognize and support the role of the Utah Division of Wildlife Resources (UDWR) in managing wildlife and fisheries populations and in regulating hunting and fishing.
- Recognize and support the role of the USFWS in managing migratory...”.

Response: The Common to All Actions contained in Table 2-8 of the Proposed RMP/Final EIS have been revised. The specific additions suggested in the comment have not been made as new bullets; however, the concepts of the bullets are now included.

Comment: Actions common to all Alternatives: P. 2-39: Add: “Wildlife numbers will remain at the allocated level until studies and analysis are completed to determine the ability of forage resources to support the increase and species population trends.

No increases in wildlife numbers or the introduction of additional species may be made until the increase in forage or habitat has been provided for. The impacts to other wildlife species will be assessed prior to managing for increases or introduction. For example: It has been theorized that elk numbers in our region are extreme, exceed historical populations, and are affecting the deer population. Reduction in forage allocation resulting from forage studies, drought, or other natural disasters will be shared proportionately by wildlife as well as livestock.

Wildlife target levels and/or populations must not exceed the forage assigned to wildlife in the RMP forage allocations.

In evaluating a proposed introduction of wildlife species, priority will be given to species that will provide for increased recreational activities.

Predator and wildlife numbers must be controlled to a level that protects livestock and other private property from loss or damage and to prevent decline in populations of other wildlife species.

Through wildlife habitat mitigation banking, impacts of development can be mitigated in a more efficient and planned manner.” When implemented, this system could provide much-needed habitat for wildlife and livestock alike, while providing for multiple use.

Response: See GCR 8.

Comment: *Predator Control, Page 2-40: Alternative B preferred. Predator control action will be implemented by allotment area through proper revisions to the MOU with APHIS to target species-specific needs for livestock grazing.*

Response: See GCR 47.

Comment: *Section 2.16, Fish and Wildlife; P.2-40, Identify Actions and Area wide Use Restrictions to Achieve Desired Fish and Wildlife Populations and Habitat Conditions: Modify to read “Recognize and coordinate with valid existing rights and holders of grazing preferences, Big game winter range would be managed to maximize browse production, using class of livestock and season of use (Same as No Action Alternative).”*

Response: Table 2-8 of the Proposed RMP/Final EIS has not been modified to include the suggest change because BLM must coordinate with grazing lessees in making changes to grazing permits.

Comment: *Section 2.16; Fish and Wildlife; Forage Allocation, page 2-42: Add the concept that any additional forage must first restore livestock to historically levels then the remainder can be allocated to other uses.*

Management of Migratory Bird Habitats: pages 2-43, 44: Add “recognizing prior exiting rights and grazing preference”.

Prairie Dog Habitat: P.2-45: Add; “Recognizing prior existing rights and grazing preference”, Habitat Manipulation for Fish Population Maintenance, Recovery, and Enhancement, P.2-45: Add “recognizing prior existing rights”.

Response: The forage language was not added because forage is not considered to be additional until the existing livestock grazing permits are restored to their permitted levels. “Recognize prior existing rights” was not added to each of the decisions because BLM recognizes valid existing rights. See GCR 110.

Comment: *p. 164, Decision Alternative D: Preferred, provided it is changed as below: “Big game winter range would be managed to maximize browse production, using class of livestock and season of use. If the area is a grazing allotment, the preference use is acknowledged and the AMP will be amended as such, only in consultation and coordination with the grazing permittee”. In this issue the benefits need to be also in favor of the permit holder.*

Response: Historical levels of AUMs established at the time of TGA may not be possible to attain in some areas due to the intervening years of management or natural succession events that have permanently changed plant communities. Additionally, passage of laws and changes in regulation or policy require consideration of other resources in addition to livestock grazing.

TGA contains fundamental protection and conservation under the principles of multiple use and sustained productivity. In accordance with 43 CFR 4110.3: “The authorized officer shall periodically review the permitted use specified in a grazing permit and shall make changes in the permitted use as needed to manage, maintain or improve rangeland productivity. These changes must be supported by monitoring, field observations, ecological site inventory or other data acceptable to the authorized officer.” Increases or decreases in permitted use will be proportioned among users in accordance with their contribution, stewardship or monitoring data identifying those who are responsible for the increase or decrease in productivity.

Comment: Chapter 4, Fish and wildlife impacts to Soil, Water and Riparian; p 4-164: Change analysis to “Changes in grazing practices to improve forage availability would provide long-term benefits in preserving soil, water, and riparian resources. Habitat and stream restoration projects would have short-term impacts to soil, water, and riparian/wetland resources. These short-term impacts could include displacement of vegetation associated with the riparian resources and increased siltation and sediment loading from reshaping and preparing stream banks for placement of instream structures. There may be impacts from equipment used in stream restoration projects. However, there would be long-term benefits to stream geomorphology by slowing rapidly moving water, improving the function of riparian/wetland complexes, reducing soil and stream bank erosion, reducing water depletions, and increasing filtration of silt and nutrients. Protecting wildlife habitats through the use of seasonal closures for surface-disturbing activities could provide long-term benefits in preserving soil, water, and riparian resources. Protecting soil, water, and riparian resources during periods when they are most fragile would prevent the breakdown of soils that would lead to erosion, siltation, and sedimentation. This would enhance the habitat to the benefit of both wildlife and livestock. The cumulative impact of this statement is that it now recognizes the grazing preference as intended, to provide Congressional intent back into the land use planning document. This will allow continued long-term recognition of grazing and its Congressionally mandated right.”

Response: The TGA does not specifically state that in grazing allotments livestock have preference for use of forage. The suggested wording has not been incorporated into the Proposed RMP/Final EIS because the changes would not logically relate to the stated intent for the changes.

Comment: Identify Actions and Area-wide Use Restrictions to Achieve Desired Fish and Wildlife Population and Habitat Conditions, p. 171: General Statement: BLM has, in this area almost completely dismantled the TGA, overlooked CFR 4100 and its mandates to grazing preference, and compensatory use. BLM is also not looking at statements within the Supreme court documents that assured grazers that even though the Secretary could take areas out of grazing in the land use planning process that it provided the right to protest this action if reasonable scientific data is not provided to support the decision; “if it can be grazed, it must be grazed”. The purpose of this chapter is to analyze and disclose potential significant impact of the “federal action” on the “human environment.” BLM has done just that in exposing its intent to take valid grazing use and convert it to other uses. The impact of this action is the total decimation of the public lands livestock industry. The cumulative impact is the loss of the historic cultural lifestyle that has contributed to the building and settling of the west. Existing for over 150 years, this recently maligned but honorable industry has become a legend in this great nation, and around the world. As the cattle and sheep industries do all of this, they also provide healthy affordable food by conversion of a natural renewable resource for the benefit and security of the American people.

Response: Historical livestock grazing use does not preclude other uses of the public lands; nor do other uses always preclude livestock grazing. Passage of laws and changes in regulation or policy, as well as the application of scientific data, has been utilized during this RMP process to analyze the impacts of different resource uses appropriate for multiple-use management of public lands in the Price Field Office.

BLM recognizes the impact public lands have on the livelihood and economy of local communities. Under all RMP alternatives BLM would continue to work closely with local communities to consider the needs of the parties involved as directed by law, regulation, and policy. Also see GCR 132.

Comment: Chapter 4, Fish and Wildlife; Grazing Management in Pronghorn Ranges, page 4-172: Edit to read, “Current Pronghorn populations in cattle grazing ranges reduce the availability of the forage necessary to sustain the preferred use.”

Response: The referenced grazing statement says that forb production on antelope ranges can be improved by altering the season of use by cattle. It would be a management option, not a directive. Antelope are a native species and were present historically.

Comment: Chapter 2, p 4: Change Pronghorn Antelope to read, "Current livestock grazing prescriptions would continue. In consultation and coordination with the permittee, BLM will continue to find opportunities to continue to enhance forb production for pronghorn."

Response: The suggested language has not been added to Table 2-8 of the Proposed RMP/Final EIS because under current regulations applicable to all alternatives any adjustments in grazing prescriptions must be coordinated with the permittee.

Comment: Introduction, Transplantation, Augmentation, and Reestablishment of Fish and Wildlife Species, page 4-200, Decision Background, Decisions: Acceptable with additional language: "When planning activities consider turn out, augmentation or establishment of native or non-native species in Carbon County this will be done in coordination and consultation with the County."

Response: Planning Criteria 3 on Draft RMP/EIS page 1-6 (carried forward in Section 1.6.2 of the Proposed RMP/Final EIS) notes that planning decisions will be made observing principles of multiple use and sustained yield as set forth in FLPMA and other applicable laws. Reiteration of broad principles for each specific resource/use decision is not necessary. BLM coordination with the State and County is required by FLPMA.

Comment: Chapter 4, Fish and Wildlife Impacts, p. 203, Alternative D: Carbon County's position is that there are very significant impacts in every introduction or reintroduction of the larger and also some of the smaller species of wildlife into the resource area. These introductions or reintroductions impact the owners of the grazing allotments, private lands and their families.

Response: The Proposed RMP/Final EIS analyzes the general impacts of introductions or reintroductions. The specific impacts of introductions or reintroductions will be addressed in project specific NEPA analyses that will address the County's concerns.

Comment: Decisions: Alt. D, p. 204, "BLM would continue to cooperate with and provide support to UDWR in reintroducing fish species into suitable habitats as determined appropriate through NEPA analysis. Reintroductions or introductions of both native and non-native species would be considered. (Same as Alternative B)": Any decisions allowing this action will require notification of and consultation with the County.

Response: Planning criteria 3 on Draft RMP/EIS page 1-6 notes that planning decisions were made observing principles of multiple use and sustained yield as set forth in FLPMA and other applicable laws. Reiteration of these broad principles for each specific resource/use decision is not necessary. BLM coordination with the State and County is required by FLPMA.

Comment: Big Game, p. 4-278: The term prescriptive grazing is by this dialog subverting livestock preferenced rights to wildlife. This is not in keeping with the TGA. Cooperative grazing to the benefit of both wildlife and livestock would be a better way to reduce the conflicts that the psychology of this analysis proves exists, and at the same time, accomplish a valid workable management system.

Response: The alternatives allow for continued livestock grazing use in a manner consistent with the Taylor Grazing Act. This would not subvert livestock grazing to wildlife use, but would allow for use of forage by both wildlife and livestock.

Comment: Chapter 4, Livestock Grazing, Impacts to Fish, p 4-278: The impacts from livestock grazing are consistent with impacts from overgrazing by elk.

Response: This section of the Draft RMP/EIS discusses the impacts from livestock grazing on fish. The impacts from fish and wildlife decisions are detailed in a different section of the Draft. The Proposed RMP/Final EIS has been formatted to describe impacts on Fish and Wildlife from all decisions in Section 4.2.8.

Comment: *Section 2.16 Recreation; Lower Gray Canyon High-Use Area: The affected counties and appropriate state agencies should be involved in the development of a suitable management plan in coordination and cooperation with the BLM to enable the cooperators to give relevant input to meet social and economic needs.*

Response: An activity level plan such as a plan for the Lower Gray Canyon Recreational Management Area would be developed in coordination with the State and County.

Comment: *Coal impacts to Fish and Wildlife, p. 4-438: Add to the impact analysis, “The fact that the mines are going to be located in and adjacent to sage grouse, elk, and mule deer habitat does not pose a long term impact to any of these species. In fact much of the habitat requirements will develop closer to the mine sites as a result of the development. Given the surface foot print of mining facilities, permanent habitat abandonment, habitat fragmentation, and harassment due to increased human presence is quite unlikely.”*

Response: The proposed language was not added because the existing language of “temporary impacts” is accurate. Temporary is short-term.

Comment: *Impacts to Fish and Wildlife, page 4-444: Seasonal use restrictions should not apply to maintenance activities on existing oil and gas facilities.*

Response: Appendix G of the Proposed RMP/Final EIS exempts maintenance activities from these restrictions.

Comment: *Gray Canyon Wildland Management Area (WMA), pages 2-41, 42: The no Action Alternative, with added language, should be the Preferred Alternative. Add: •The Gray Canyon WMA would continue to be managed for wildlife, watershed, and recreation. •Off-highway vehicle (OI-IV) use in Gray Canyon WMA is partially open and partially limited to designated routes, as is consistent with applicable County plans. (See Map 2-12.). •Grazing is excluded, until such time as grazing removal has been shown to: Disrupt the orderly use of the range, Disrupt or impair the fiduciary responsibilities of States under the provisions of their Enabling Act, Breach the Secretary's duty to adequately safeguard grazing privileges, Be contrary to the protection, administration, regulation and improvement of public lands within grazing districts, Hamper the government's responsibility to account for grazing receipts, or Impede range improvements as foreseen by the TGA, PRIA and FLPMA, Have violated 1712(e)(2), of FLPMA, the appropriate regulations in CFR 4100. TGA or PRIA.*

Response: The comment is not consistent with the objectives of the Gray Canyon WMA. The area is proposed for special restricted use management that would not be protected as proposed in the comment. The laws referred to in the comment protect the public lands from degraded conditions. All of these laws contain fundamental protection and conservation under the principles of multiple use and sustained productivity. The laws also have provisions for changing management practices that result in deterioration or are superseded by other laws or orders. Each requires periodic collection of data or evaluation to determine the effectiveness of current management and to make any adjustments as needed or mandated.

Comments that Change the Alternatives Including the Proposed RMP

Special Status Species

Comment: *The Draft RMP/EIS does not provide for sufficient management and conservation of greater sage-grouse populations in the PFO area.*

Response: Several documents were published relative to greater sage-grouse and their habitat after the Draft RMP/EIS was released for public comment. In June 2004, the Western Association of Fish and Wildlife Agencies (WAFWA) released the Conservation Assessment of Greater Sage-Grouse and Sagebrush. The Proposed RMP/Final EIS complies with the greater sage-grouse and sagebrush habitat strategies and will apply suggested conservation measures to reduce the threats not only to greater sage-grouse populations and their habitats, but also to other sagebrush obligate species. In addition, the Proposed RMP includes goals, objectives, and actions that will maintain or enhance the quality of existing sagebrush habitat and will provide for rehabilitation or restoration of degraded or historic sagebrush rangelands.

Fish and Wildlife

Comment: *Changes to the predator control MOUs are not an RMP level decision.*

Response: BLM agrees with USDA APHIS/Wildlife Services that the existing MOU between APHIS and BLM at the national level, signed on March 21, 1995, and the statewide MOU signed in July 1996, authorize APHIS/Wildlife Services to conduct animal damage control activities on public lands in Utah pursuant to guidelines and policies agreed to in the aforementioned MOUs. Because no addendum to the statewide MOU is anticipated relative to conducting predator control activities within the PFO planning area and because predator control activities were not identified as a scoping issue for the RMP revision, predator control decisions from the previous land use plans should have been carried forward under the “Actions Common to All Alternatives” section. The Proposed RMP/Final EIS will not provide a range of alternatives for predator control, but will defer to the existing national and statewide MOU or their revisions for direction in carrying out this program.

Livestock Grazing

Comment: *BLM has violated the Taylor Grazing Act by proposing voluntary relinquishments.*

Response: The Proposed RMP determines the allowable uses of the public lands as provided for in FLPMA. FLPMA states in Section 202(a) that land use planning provides for the use of the public lands “regardless of whether such lands previously have been classified, withdrawn, set aside, or otherwise designated for one or more uses.” The proposed plan has replaced the specific criteria based voluntary relinquishment of grazing permits and preferences with a generalized discussion per the Taylor Grazing Act; however, voluntary relinquishments are still considered for portions of three allotments in the Desolation Canyon/Green River Corridor. Using voluntary relinquishments as a means to adjust land use plan allocations on these allotments will help mitigate impacts on the permittees. No other changes are proposed at this time through a voluntary relinquishment process.

As provided for in FLPMA, the Proposed RMP proposes to allocate less AUMs to livestock and more to wildlife than in the previous land use plan to meet the plan’s objectives and to recognize the importance of wildlife values. These changes in use are made within the rangeland’s ability to sustain the use allocations. The Secretary has the discretion under FLPMA to use the land use planning process to close areas to grazing, change levels of use, or to devote the land to another public purpose in accordance with the relevant land use plan. While it is BLM’s goal to enhance rangeland health while providing for and recognizing the need for domestic sources of minerals, food, timber, and fiber, there is no requirement in the Taylor Grazing Act (TGA) or other applicable law for BLM to “maximize the number of domestic livestock AUMs” or to continue allocations “at historical levels.” According to Section 2 of the TGA, the

objective of the Act is to regulate the occupancy and use of the grazing districts and to preserve these lands. The grazing districts were established through a classification system established in the TGA. The combinations of uses proposed in the Proposed RMP are varied and diverse across the planning area and take into consideration the current and future needs of the public as well as what is consistent with FLPMA and the TGA.

Recreation

Comment: *BLM needs to provide a rationale for limits on group size, dispersed camping, and OHV access.*

Response: The requirements for organized group special recreation permits (SRPs) have been changed in the Proposed RMP. All organized groups of more than 14 people within a WSA and 24 in all other locations would be required to contact BLM. It is anticipated that most family gatherings could be accommodated without an SRP. Contact by an organized group and BLM's determination that a permit is not required would be documented in a Letter of Agreement. The criteria BLM will use to determine if such groups need an SRP is provided in Appendix I, Criteria for Large Group Area Designation.

This plan does not reduce dispersed camping in the PFO, and dispersed camping will be allowed throughout the PFO except in recreation management zones. Vehicle camping in the identified recreation management zones (referred to as high-use areas in the Draft RMP/EIS) will be allowed in developed and designated sites. Dispersed and vehicle camping regulations and number of designated sites outside the identified recreation management zones within the San Rafael Swell SRMA will be determined at the time the San Rafael SRMA activity plan is completed.

Some portions of the planning area are closed to OHV use while other areas are limited to designated roads and trails. BLM system roads and any "designated" routes are not limited to licensed vehicles.

Comment: *Motorized use in the Desolation and Gray Canyons should be allowed to continue.*

Response: The alternatives in the Proposed RMP/Final EIS have been adjusted and will maintain existing management regarding the use of motors, particularly two-stroke motors, in Desolation Canyon. BLM has decided to defer a decision on this issue to activity level planning. The issue of motor use is most appropriately dealt with at the activity plan level. In that venue, BLM can look at additional alternatives such as allowing motors with limitations on noise and visible exhaust plumes. This action will also provide an opportunity for more effective dialogue with affected users.

Comment: *BLM should keep existing trails, OHV routes, transportation routes, and roads open. BLM should adopt a travel plan or an effective trail enforcement plan that limits OHV travel to designated trails in order to protect areas with proven wilderness values or areas currently being considered as wilderness by Congress and that would allow for a reasonable balance between motorized and non-motorized travel. Designate and clearly sign motorized routes, but only where conflicts with other users or resource values do not exist. BLM must accurately disclose all changes that each alternative could make to the San Rafael Route Designation Plan.*

Response: BLM has the authority to close routes that cause resource damage or no longer serve a purpose. Under the Proposed RMP, redundant routes (multiple routes going to the same place) or routes that appear to serve no purpose are not being considered for designation. Potential conflicts between motorized and non-motorized uses have been taken into consideration in the route designation process. Recreational demands and opportunities as well as management of current trails are analyzed in this Proposed RMP/Final EIS. The recreational motorized route designation plan is designed to balance protection of these natural resources while allowing for public access and transportation through the area. BLM, with the assistance of its cooperators (including Carbon and Emery counties), has evaluated these

routes against a standard set of criteria to consider resource impacts, safety considerations, landscape settings, and recreational opportunities. These criteria include cultural resources, watershed, Special Status Species, wildlife, and other uses. During activity level planning or as resource conditions warrant, route designations may be changed. Open areas will be considered on a case-by-case basis under the Recreation and Public Purposes Act. Several trail systems are being established for OHV use. Most routes designated for motorized use do not include vehicle type restrictions. Motorcycle routes include the Chimney Rock/Summerville Trail System, Temple Mountain Motorcycle Trails, and Waterfall Trail. Routes for vehicles 52 inches or less in width include portions of the Behind the Reef Route and portions of the Chimney Rock/Summerville Trail System.

The IMP allows for OHV use on existing ways that were identified during the inventory in WSAs as long as impairment of wilderness values does not result from this use. WSAs are closed to OHV use in the Proposed RMP/Final EIS with the exception of the four routes in the Sids Mountain WSA. Further, the *San Rafael Motorized Route Designation Plan*, February 2003, is being carried forward without modification and the criteria developed in that plan applied to the remainder of the PFO.

The outcome of the Proposed RMP/Final EIS and ROD will be a network of routes designated for recreational motorized use that will be mapped, signed, and enforced on the ground. This map will be published and made available to the public. The marking of trails on the ground and enforcement will be part of implementation. These actions are dependent on available funding and are beyond the scope of the Proposed RMP/Final EIS. A multiple use travel plan that would include designating hiking or horse routes is not part of this phase of planning but will come later at the activity planning level. Travel management activity planning will include public involvement and analyze levels of detail. In addition, travel management planning is dynamic and is anticipated to change as resource demands and uses change.

Comment: *Chimney Rock/Summerville/Humbug Trail system was not included on Map 2-56.*

Response: While the Chimney Rock/Summerville/Humbug Trail system was included in Alternative map 2-54 of the DEIS it was inadvertently left out of the preferred alternative map 2-56. The Proposed RMP/Final EIS has been changed to reflect this and now includes the Chimney Rock/Summerville/Humbug Trail system in all appropriate alternatives.

Comment: *The ROS inventory is flawed. The SRMA management goals and objectives aren't well defined and activity plans have not been prepared. Additional designations such as "high-use areas" and ACECs overlap and provide different and sometimes inconsistent management*

Response: The ROS inventory was updated and corrected as a result of public comment and meetings with cooperators (Carbon and Emery Counties). There were errors in the mapping and these have been remedied. The text of the document has also been revised to remove the term, "High Use Zone," and replace it with the more correct, "Recreation Management Zone." SRMA goals are defined in the proposed RMP and in fact, activity plans exist for all SRMAs with the exception of the San Rafael

Lands and Realty

Comment: *The Transportation Utility Corridor maps are not accurate and do not reflect the existing transmission lines.*

Response: The Utility Corridor maps in the Proposed RMP/Final EIS has been revised to reflect the location of the existing transmission lines.

Energy and Mineral Development

Comment: *The RFD limits the number of wells that can be drilled.*

Response: The RFD does not constitute a limit on the number of well locations that can be authorized; it is a best estimate of what will occur in the future. This number could change based on factors such as the price of oil and gas, the success or failure of exploration in unproven areas, and the willingness of investors to invest their money in risky exploration for oil and gas in unproven areas. Future drilling projects will be analyzed in environmental assessments or environmental impact statements on a project-specific basis. The number of well locations in the Proposed RMP has been modified to reflect the number expected under Alternative A because of recent interest in the PFO.

Comment: *The coal occurrence potential map was not included in the DEIS.*

Response: The document has been revised and includes a coal occurrence map.

Wilderness Characteristics

Comment: *The Draft RMP/EIS does not adequately protect areas with or likely to have wilderness characteristics.*

Response: BLM is not required to protect all lands with wilderness characteristics. FLPMA and BLM policy require that FLPMA Section 603 WSAs be managed to preserve their wilderness characteristics until Congress either designates them wilderness or releases them for other uses. WSAs will be managed under BLM's "non-impairment" standard (IMP) until Congress acts. Other "non-WSA lands with or likely to have wilderness characteristics" are found in the PFO. These non-WSA lands include those lands found to have wilderness characteristics in the 1999 Utah wilderness inventory and those lands the field office preliminarily determined were likely to have wilderness characteristics through an interdisciplinary review of new information that was submitted by the public. Although BLM is precluded from managing non-WSA lands under the IMP and the Section 603 non-impairment standard, FLPMA Sections 201, 202, and 302 and IM Nos. 2003-274 and 2003-275—Change 1 provide that BLM may elect to manage non-WSA lands with or likely to have wilderness characteristics using other prescriptions to protect those characteristics. The PFO released a Supplement to the Price Field Office Draft RMP/EIS for non-WSA lands with wilderness characteristics (September 2007). This supplement proposed an Alternative E which would provide protection for these non-WSA lands with wilderness characteristics.

Comment: *Concerns with RMP decisions for management of WSAs if released by Congress from consideration as wilderness.*

Response: The Price Field Office manages 11 WSAs in a manner consistent with the IMP. After considering comments on the Draft RMP/EIS, management of WSAs if released by Congress from wilderness consideration was revised in the Proposed RMP/FEIS. Should any WSA, in part or in whole, be released by Congress from wilderness consideration, proposals in the released area would be examined on a case-by-case basis for consistency with the goals and objectives of the RMP decisions. When appropriate, a land use plan amendment or amendments may be initiated.

ACECs

Comment: *BLM did not explain what happen to all nominated ACECs such as Price River, Desolation Canyon, and White-Tailed Prairie Dog.*

Response: This oversight was corrected with publication of the Supplemental Information and Analysis to the Price Field Office Draft RMP/EIS for ACECs in June 2006. Appendix L has been expanded to include information about all nominated ACECs.

Comment: *The Draft RMP/EIS did not contain an adequate range of alternatives in ACEC management, and it did not indicate that BLM reconsidered existing ACECs in the planning process.*

Response: The decisions by alternative in Chapter 2 have been clarified to better identify how existing and potential ACECs would be managed if not designated as ACECs. Maps are also used to display resource allocations by alternative.

The relevant and important values for which existing ACECs were established in the *San Rafael RMP* are addressed in detail in that document. In the NOI to prepare the Price RMP/EIS (*Federal Register*, Vol. 66, No. 216, November 7, 2001, Notice of Intent, Environmental Impact Statement, Price Resource Management Plan, Utah), BLM identified the 13 existing ACECs created in the *San Rafael RMP of 1991*. The NOI explained BLM's intention to bring these ACECs forward into the Price RMP/EIS. A scoping report was prepared in May 2002 to summarize the public and agency comments received in response to the NOI. The few comments that were received were supportive of 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."

There has been no change in information or circumstances regarding these areas. These existing ACECs were identified in Appendix 26 of the Draft Price RMP/EIS, and the relevant and important values are listed. The existing ACECs are addressed across the array of alternatives. All of them would continue as ACECs in the No Action Alternative. Many of them would not continue as ACECs in other alternatives considered. How implementation of each alternative would affect the relevant and important values is discussed, including whether the values are at risk of harm by decisions in each alternative.

Comment: *The Draft RMP/EIS does not include a discussion on the nature or type of threat of "irreparable damage" or the regional significance of relevant and important values in its review. BLM misinterprets irreparable damage when reviewing and analyzing ACECs in the Draft RMP/EIS. The ACEC tool was intended by Congress to be limited to only those instances where irreparable damage would be caused without designation. Most surface disturbing actions can eventually be repaired.*

Response: The ACEC evaluation appendix (Appendix L) has been modified and a section added to Chapter 2 discussing threats to the relevant and important values; however, whether threats currently exist does not preclude a potential ACEC from being considered in the action alternatives. All nominated areas with relevant and important values are identified as potential ACECs and addressed in the action alternatives. Threats to relevant and important values are likely to vary by alternative. The Proposed RMP/Final EIS has been revised from the draft document to better address potential threats and impacts by alternative.

On August 27, 1980, BLM promulgated final ACEC guidelines (45 *Federal Register* 57318) that clarify that the term "protect" means: "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 property." Thus, BLM is to consider the potential for both repairable 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. 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.”

Comment: *The ACECs are too large. They must be limited in size and programmatic scope to only those areas necessary to protect the relevant and important values or the ACECs are too small to protect the relevant and important values.*

Response: The BLM interdisciplinary team considered the acreage needed to protect and prevent irreparable damage to relevant and important values. Nominated ACECs or portions of nominated ACECs that failed to meet both relevance and importance criteria were not considered in the Draft RMP/EIS alternatives. As noted in the DEIS Appendix 26, “in some cases the interdisciplinary team review resulted in...modified boundary configurations for some potential and existing ACECs based on the information provided in the nominations.”. Some adjustment to ACEC boundaries have occurred in the Proposed RMP/Final EIS.

Wild and Scenic Rivers

Comment: *The Draft RMP/EIS does not include an alternative which recommends no river segment as suitable under the Wild and Scenic Rivers.*

Response: In the Proposed RMP/Final EIS, Alternative A has been changed to find none of the eligible streams or rivers suitable for the Wild and Scenic River designation.

Public comments on ACECs contained in the Draft RMP/EIS

A supplemental NOA was published in the *Federal Register* on December 13, 2005, soliciting public comments on ACECs contained in the Draft RMP/EIS. This NOA published supplemental information about each existing and potential ACEC as required in 43 CFR 1610.7-2. This initiated a 60-day public comment period. During the ACEC public comment period, approximately 7,000 comment letters were received. The most commonly addressed ACEC themes were that additional ACEC should either be added to or deleted from the Preferred Alternative. Table 5-10 is a list of all commentors on the ACEC NOA.

Table 5-10. Commentors on ACECs Contained in the Draft RMP/EIS

<u>Organizations</u>	
<ul style="list-style-type: none"> Center for Native Ecosystems/ Wilderness Society/ Utah Native Plants Society Independent Petroleum Association of Mountain States National Outdoor Leadership School Southern Utah Wilderness Alliance/ Wilderness Society 	<ul style="list-style-type: none"> Uintah County Western Gas Resources Inc
<u>Individual</u>	
	<ul style="list-style-type: none"> Logan MacMillian

Summary of Major Comments, Concerns, and Issues

The most commonly addressed ACEC themes were that additional ACEC should either be added to or deleted from the Preferred Alternative. Also a common theme was that existing and nominated ACECs were not addressed in Appendix 26. The following selected comments and responses represent a cross section of the comments received. A complete listing can be found on the enclosed CD.

Comment: BLM did not address some nominated ACECs in any alternative. BLM must reconsider its decision not to designate these ACECs, ensuring protection.

Response: A BLM interdisciplinary team determined that some nominated ACECs that had relevant and important values were omitted from the Draft RMP/EIS. These were discussed in the Price ACEC supplemental information and analysis that was made available to the public on June 8, 2006. Appendix L of the Proposed RMP/Final EIS was amended to discuss why some nominated ACECs did not have relevant and important values. The appendix was also revised to include a discussion of the relevant and important values for the existing ACECs.

Comment: The proposed Range Creek ACEC designation constitutes a direct attempt to extend the boundaries of the Turtle Canyon and Desolation Canyon WSAs.

Response: The Range Creek ACEC has been dropped from the Proposed RMP. However, Range Creek was added as a SRMA in the Proposed RMP/Final EIS to allow BLM to manage the recreational opportunities provided by the outstanding cultural resources that exist in the area.

Comment: BLM has failed to consider critical factors that reduce its ability to actually manage Nine Mile Canyon as an ACEC.

Response: The BLM has reduced the size of the Nine Mile Canyon ACEC in the Proposed RMP/Final EIS to protect just the outstanding cultural resources in the Canyon and has proposed management to protect such values.

Public Comments on the Supplemental Information and Analysis to the Price Field Office Draft RMP/EIS for ACECs

BLM published the NOA for the *Price Supplemental Information and Analysis to the Price Field Office Draft RMP/EIS for ACECs* for public review and comment in the *Federal Register* on June 9, 2006. The supplemental information provided additional documentation regarding the disposition of ACECs nominated during scoping, provides a description of four additional potential ACECs, and analyzes any potential impacts relating to the inclusion of these ACECs in Alternative C of the Price Draft RMP/EIS. This initiated the 90-day public comment period. During the Supplemental ACEC public comment period, approximately 25 comment letters were received. Table 5-11 is a list of all commentors on the ACEC supplement.

Table 5-11. Commentors on the 2006 Supplemental Information Analysis to the Price Field Office Draft RMP/EIS for ACECs

<u>Organizations</u>	<u>Individuals</u>
<ul style="list-style-type: none"> • Bill Barrett Corporation • Bjork Lindley Little PC • Carbon County • Center for Native Ecosystems, Utah Native Plants Society/ Wilderness Society • Environmental Protect Agency • IPAMS • National Outdoor Leadership School • Rocky Mountain Power 	<ul style="list-style-type: none"> • Scott Ammons • Jim Culver • Roland K Griffith • Leon Jones • Martin McGregor • Paul Pokomy • John Swanson • Robert Telepak

- School and Institutional Trust Lands Administration
- Southern Utah Wilderness Alliance/ The Wilderness Society
- State of Utah
- Utah Rivers Council
- Wasatch Mountain Club
- James Thompson

Summary of Major Comments, Concerns, and Issues

The most commonly addressed ACEC themes were that additional ACEC should either be added to or deleted from the Preferred Alternative. The following selected comments and responses represent a cross section of the comments received. A complete listing can be found on the enclosed CD.

Comment: *Some area should not have been considered for an ACEC because the reasons for consideration did not meet the threshold of relevant and important values.*

Response: A BLM interdisciplinary team reviewed the submitted information and determined that the areas did qualify for consideration as an ACEC. Appendix L of the Proposed RMP/Final EIS was amended to clarify why these areas did have relevant and important values.

Comment: *All ACECs considered in the supplement should be made part of the Proposed RMP.*

Response: There is no requirement in FLMPA to designate all potential areas as ACECs. The requirement is to analyze the impacts to the potential areas. The rationale for designation of individual ACECs in the proposed RMP will be provided in the ROD. The analyses that will provide rationale for the final decision to designate or not designate an ACEC is located in Chapter 4 of the Proposed RMP/Final EIS. The Proposed RMP/Final EIS has been revised to address impacts by each ACEC in terms of impacts to relevant and important values.

Cooperating Agency Comments

State of Utah

Comment: *Concerned about layering. Multiple designations for the same area, especially associated with WSAs.*

Response: Layering of program decisions is not optional for BLM, but is required by FLPMA and national BLM planning and program-specific regulations. FLPMA directed that management of public lands be on the basis of multiple use (Section 102(a)(7)). As a multiple use agency, BLM is required to implement laws, regulations, and policies for different and often competing land uses and to resolve conflicts and prescribe land uses through its land use plans. BLM's Planning Handbook H-1601, Appendix C, requires that specific decisions be made for each resource and use. The required 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 the other program decisions and inconsistent decisions are identified and modified to be compatible with the objectives of the alternative and the other resource programs. The potential conflicts between programs have been analyzed for each of the alternatives in the Final EIS. The Proposed RMP includes decisions and will ensure that allowable uses and allocations are compatible and meet the objectives.

Comment: *Belief the R&I values for Desolation Canyon are river based and do not apply to the entire ACEC and that the ACEC boundary includes lands that do not have R&I values.*

Response: Many of the cultural features extend many miles up the side canyons to Desolation for example Nine Mile Canyon and Range Creek are both tributary canyons and have extensive cultural features many miles from the canyon and river corridor. The ID team reviewed the information presented and determined the appropriate size of the ACEC based on all of the relevance and importance criteria that are met.

Comment: *For areas that are “NSO” there should be exception, waiver, modification language that will allow for development*

Response: Exception language has been added for ACECs that are NSO solely because of cultural values. There is no exception language where it was not appropriate, such as for scenic values.

School and Institutional Trust Lands Administration (SITLA)

Comment: *It is unnecessary to create an ACEC over the Desolation Canyon WSA (layering) and no additional acreage should be included as a restrictive ACEC. This would create a buffer zone to the WSA.*

Response: Layering of program decisions is not optional for BLM, but is required by FLPMA and national BLM planning and program-specific regulations. FLPMA directed that management of public lands be on the basis of multiple use (Section 102(a)(7)). As a multiple use agency, BLM is required to implement laws, regulations, and policies for different and often competing land uses and to resolve conflicts and prescribe land uses through its land use plans. BLM’s Planning Handbook H-1601, Appendix C, requires that specific decisions be made for each resource and use. The required 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 the other program decisions and inconsistent decisions are identified and modified to be compatible with the objectives of the alternative and the other resource programs. The potential conflicts between programs have been analyzed for each of the alternatives in the Final EIS. The Proposed RMP includes decisions and will ensure that allowable uses and allocations are compatible and meet the objectives.

Comment: *The Mussentuchit Badlands does not meet R&I because the igneous lava dikes are not unique, the invertebrate fossils are also not unique to this area, and there is insufficient information on cultural sites to set this area apart from other areas.*

Response: Appendix L has been modified to explain the importance of the “chert” trade.

Comment: *Oil and gas activities within the White-Tailed Prairie Dog ACEC should not be restricted until it is demonstrated that these activities impact the animals.*

Response: ACEC considerations, including decisions on what constitutes special management attention, are made during planning efforts, not at the time of plan implementation.

Comment: *Lower Muddy Creek does not need special management to protect the area from mineral extraction. The impact section should address the potential loss of mineral production. There is no evidence that it should be considered as a potential ACEC simply because it is in proximity to Goblin Valley State Park.*

Response: The impact section has been expanded to address the potential impact from ACEC designations on potential mineral extraction.

Comment: *BLM must allow access to Trust Lands*

Response: According to the Cotter Decision, BLM must allow reasonable access to the state for development of State Trust Lands.

Comment: BLM must not devalue Trust Lands by their actions or they must compensate the State.

Response: Impacts to state lands that would result from the various alternatives are addressed in chapter 4. Whether or not state lands would be devalued from BLM management of public lands is questionable, as BLM must allow reasonable access to the state for development of State Trust Lands. BLM is under no obligation to manage public lands in such a manner that would assure optimum development potential of state lands.

Carbon County

Comment: Carbon County states that Congress put restrictions on the use of ACEC designations, and that even if a threatened negative effect on a relevant value rises to the level of outright damage, designation is inappropriate when the threatened damage is temporary or reclaimable. The threatened negative effect must rise to the level of “irreparable damage,” that is damage that cannot be reclaimed.

Response: On August 27, 1980, BLM promulgated final ACEC guidelines (45FED REG 57318) that clarify that the term “protect” means: “To defend or guard against damage or loss to the important environmental resources of a potential or designated ACEC. This includes both 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 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.

Comment: The R&I values used as a rationale for the potential Desolation Canyon ACEC are consistent with the purposes for the designation of the WSA (all wilderness related) and not an ACEC.

Response: In order to be considered for an ACEC an area must have relevant values that are considered important. These values are specific and do not include the mandatory wilderness characteristics of the appearance of naturalness or solitude or primitive recreation. They could include natural systems or other supplemental wilderness values, but only where they are consistent with the R and I criteria.

Comment: The WSA and other restrictions afford adequate protection and there is no need to designate as an ACEC.

Response: If a nominated area is found to have to have relevant and important values, BLM by policy must include the area in at least one alternative.

Comment: The ACEC is an attempt to create de-facto wilderness by protecting WIA areas and areas that are part of the “Red Rocks Wilderness” bills that have previously been introduced into Congress. It appears that in no RMP in any other western state has such vast acreages been used for ACEC designation as in Utah, indicating that BLM is attempting to skirt the April 2003 Wilderness Settlement Agreement. See that any designation does not violate the April 2003 Wilderness Settlement Agreement, which made no provision for the management of wilderness characteristics.

Response: In order to be considered for an ACEC an area must have relevant values that are considered important. These values do not include wilderness characteristics except for natural processes or other supplemental wilderness values. The settlement agreement does make provision for the management of wilderness characteristics, just not the establishment of new WSAs.

Comment: The logic that Desolation Canyon is a migratory corridor for many migratory birds and a nesting area for waterfowl and shorebirds is not a viable reason for ACEC designation.

Response: Appendix L of the Proposed RMP/Final EIS identifies the area as wintering grounds for the bald eagle and that there are at least four nesting pairs of peregrine falcon in the canyon. Also additional information about migratory birds including neotropical and raptors can be found in chapter 3. The river corridor is important because it is one of the few north-south running rivers and this provides an extensive water source for migratory birds.

Comment: *The Supplement does not address “valid existing rights.”*

Response: “Valid existing rights” is an overriding planning issue that is presented in Chapter 1. Any management decisions made as a result of this RMP revision effort are subject to valid existing rights. Although at the time of lease development BLM may approach a lessee with conditions of approval, any terms that are above and beyond the original lease terms or that are not required by law can be refused.

Comment: *Carbon County is opposed to BLM’s desire to consolidate federal ownership within WSAs, ACECs, or other sensitive lands. Drawing polygons around large segments of open public lands containing private and state lands is not acceptable or needed. The traditional uses and material needs of citizens should not be negatively affected in the designation of ACECs.*

Response: BLM’s position is that to effectively manage these special lands and acquiring federal ownership will improve that ability and lessen the impact on private land owners.

Comment: *Carbon County does not believe that any of these potential ACECs meet the criteria for designation as an ACEC.*

Response: BLM has improved the documentation of the relevant and important values. The purpose of the Proposed RMP/Final EIS is to analyze a range of alternatives and the impacts that will occur. BLM does not designate any ACEC until the ROD is signed. Until that process is completed, BLM can adjust its proposed decision.

Comment: *ACEC designations must be consistent with County Plans and State Laws.*

Response: ACEC designations must be consistent with the intent of FLPMA and implementing regulations.

Comment: *We believe that criteria intended by Congress and the State Master Plan are not met by any of the potential ACECs being considered.*

Response: Regarding the intent of Congress we disagree. Although there can be some subjectivity in the process, using an interdisciplinary team to review nominations and allowing for public input, assures that a hard look is given to each nomination.

Public Comments on the Supplement to the Price Field Office Draft RMP/EIS for Non-WSA Lands with Wilderness Characteristics

BLM published the NOA for the *Supplement to the Price Field Office Draft RMP/EIS for Non-WSA Lands with Wilderness Characteristics* for public review and comment in the *Federal Register* on September 14, 2007. The PFO Supplemental Draft RMP/EIS presented Alternative E which provided specific management actions to protect, maintain, and preserve the wilderness characteristics of non-WSA lands with wilderness characteristics. This new alternative ensured that: (1) adequate consideration was given to wilderness characteristics; (2) an adequate range of alternatives was considered for these lands; and (3) an adequate analysis was prepared from which to base future land use decisions. This initiated the 90-day public comment period. During the Supplemental Non-WSA lands with Wilderness Characteristics public comment period, approximately 14,000 comment letters were received; many were

form letters or e-mails. Table 5-12 is a list of all commentors on the non-WSA lands with wilderness characteristics supplement.

Table 5-12. Commentors on the 2007 Supplement to the Price Field Office Draft RMP/EIS for Non-WSA Lands with Wilderness Characteristics

<u>Organizations</u>		
	• Navajo Historic Preservation Department	• Denise Dragoo
• State of Utah - Public Lands Policy Coordination	• Petro-Canada Resources (USA) Inc.	• Robert Enriquez
• Emery County - Public Lands Department	• Hopi Cultural Preservation Office	• Shandon Erickson
• Carbon County Public Lands Department	• National Rifle Association	• Dale Grange
• Utah State Office of Education	• Wasatch Mountain Club	• Rainer Huck
• Southeastern Utah OHV Club	• Public Lands Advocacy	• William Hughes
• Sage Riders Motorcycle Club	• Utah Farm Bureau Federation	• Tyler Kokjohn
• Uintah-Piceance Consulting	• American Petroleum Institute	• Thomas W La Point
• National Outdoor Leadership School	• Colorado 500	• Laura Lindley
• Shell Exploration	• Capital Trail Vehicle Association	• Scott Maas
• Rob Bishop 1st Congressional District Representative	• Bjork, Lindley, & Little	• Ken Mantlo
• Western Lands Services	• Questar Exploration & Production Company	• David McIntire
• Western Watersheds Project, Inc.	• IPAMS	• Dan Naatz
• Williams Production RMT Co.	• Colorado Plateau Archaeological Alliance	• Christopher Olsen
• Coyote Oil & Gas Company, LLC	• Bill Barrett Corporation	• Chris Orndorff
• The Wilderness Society	• Bluerock Energy Corp.	• Timothy Ravndal
• Outward Bound Wilderness	• U.S. Environmental Protection Agency	• Kurt Reisser
• ConocoPhillips Company	• Theodore Roosevelt Conservation Partners	• Craig Royce
• EOG Resources Inc.	<u>Individuals</u>	• B. Sachau

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| • Discovery Exploration Inc. | • Paul Anderson | • Carlo Sanchez |
| • Union Telephone Company | • Charles Bagley | • Troy Scotter |
| • Fidelity Exploration and Production Co. | • John Bores | • Robert Telepak |
| • Blue Ribbon Coalition | • Steve Chapel | • Mary Wilmarth |
| • SE Utah Association of Local Governments | • Evan Day | • Michael Wolfe |

Summary of Major Comments, Concerns, and Issues

The most commonly addressed themes related to non-WSA lands with wilderness characteristics submitted by the public during the comment period were: 1) these lands did or did not meet the criteria for consideration, 2) the BLM did or did not have the legal authority to proposed protection for these lands, 3) these lands should or should not be included in the Proposed RMP. The following selected comments and responses represent a cross section of the comments received. A complete listing can be found on the enclosed CD.

Comment: *Managing Non-WSA Lands for so-called wilderness characteristics violates FLPMA, Utah Code 63-38d-401(6)(b), County Master Plans, the Norton-Leavitt Agreement and other agreements.*

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

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

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

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

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

Comment: *Many maintain that many wilderness quality lands have yet to be appropriately identified as possessing wilderness characteristics by the BLM. Many also maintain that numerous human intrusions occur within these areas such as OHV routes and therefore, they do not qualify for protection. There remain some areas that the BLM has yet to conduct an appropriate on-the-ground inventory, and has instead relied on aerial photos (which tend to exaggerate impacts because vegetation patterns from old impacts are far more visible from the air than on the ground).*

Response: As part of BLM's wilderness characteristics inventory maintenance, BLM performed a combination of data and on-site reviews. This included specific field inspections, Interdisciplinary team review of data such as range files, County and BLM GIS data, and high-resolution aerial photographs. The BLM's findings are described in the 1999-2003 wilderness reinventory documentation, as well as the 2002 and 2007 wilderness characteristics review process (findings from this review are available), and the 2003 San Rafael Route Designation. The BLM is confident of high-standard approach used to inventory the public lands and stands by its findings, particularly the findings, which involved wilderness characteristics inventory maintenance.

The BLM examined about 1,094,030 acres of lands proposed in the Red Rock Wilderness Act for the existence of wilderness characteristics. The BLM found that 937,440 acres of these lands contained wilderness characteristics and are proposed for protective management in Alternative E. The remaining 156,590 acres of the Red Rock proposal did not have wilderness characteristics based on the inventory maintenance conducted by the BLM between 1996 and 2007.

Comment: *Many commentors proposed that all, some or none of the non-WSA lands with wilderness characteristics should be included in the Proposed RMP.*

Response: As part of the BLM's wilderness characteristics process, the BLM performed a multiple use review of these lands as compared to other resources values, such as oil and gas potential, material materials availability, OHV uses, wildlife values. As a result of this review some lands are proposed for protection of their wilderness characteristics as part of the Proposed RMP.

Cooperating Agency Comments

Emery County Public Lands Department

Comment: *Emery County objects to the findings of the BLM's wilderness characteristics inventory for the Mexican Mountain area because of the presence of several prominent and highly used OHV routes both within and adjacent to the area, including about three miles of County Road #410 that lies within the re-inventory area but is not reflected in the map. Specifically, the area is bounded on the southwest by County Road #332, the main route through the San Rafael Swell to I-70 and is highly used, year round. The Black Dragon Road bounds the southern end as is visually and audibly adjacent to I-70. In addition, the Rocky Mountain Power power line ROW is adjacent to the area, with towers visible for miles, as are prominent cuts and fills from the historic railroad grade the power line follows. Finally, past and present free use permit areas include Sid's Draw, Oil Well Draw and the wash bottom in T20S, R11E, Sec 33. These gravel sources are all wash bottoms which are naturally replenishing and self reclaiming.*

Response: As part of BLM's wilderness characteristics inventory maintenance for the Mexican Mountain area, BLM performed a combination of data and on-site reviews. In association with public comments on

the 1999 inventory, additional areas were added in the 2002 revision. Many of the features raised by commentor as intrusions are on the area's boundary, and therefore not within the area. OHV routes were considered, as shown on Draft RMP/EIS Map 2-54. No new information was submitted that has not already been considered in BLM's wilderness characteristics inventory maintenance process.

Comment: *Emery County objects to the findings of the BLM's wilderness characteristics inventory for the Molen Reef area because of the visibility of extensive human activity from within the inventoried area (Rocky Mountain Power's power line is immediately adjacent to the area; a non-designated motorized route runs north-south through the extreme western end of the area with an historic coal mine and pond along this route). At least four OHV routes have been designated and are open for use on the reef. A good part of the routes are used as boundaries for the proposed area, but the fact that they are a boundary and not within the area doesn't lessen the impact of their use upon the interior of this area. Four other designated routes penetrate the area from the north and east. The southern boundary of the area is within a few hundred feet of I-70 and the associated traffic. All these disturbances within and adjacent to the area limit the opportunities associated with wilderness characteristics.*

Response: As part of BLM's wilderness characteristics inventory maintenance for the Molen Reef area, BLM performed a combination of data and on-site reviews. The 2007 review took OHV routes into consideration by incorporating the inventory from the 2003 San Rafael Route Designation Plan. Gravel potential is recognized, as shown on Supplement map 2-65. Gypsum potential is recognized, as shown on Supplement map 2-64. Several of the roads specifically identified in public comments are cherry-stemmed, and therefore are not within the area. Many of the features raised by commentors as intrusions are on the area's boundary, and therefore not within the area. No new information was submitted that has not already been considered in BLM's wilderness characteristics inventory maintenance process.

Comment: *Emery County objects to the findings of the BLM's wilderness characteristics inventory for the Muddy Creek – Crack Canyon area because of the presence of mining claims and the associated interest in the gypsum resources in this area, the presence of extensive mining activity clustered at the Lucky Strike mine, the presence of BLM system roads, designated trails and other motorized routes in the area that accommodate major motorized recreation, the presence of active mining claims in the Hidden Splendor, Little Susan areas as well as the presence of historic remnants of abundant mining activity visible in these areas, as well as along the historic routes which uranium exploration created. In addition, the vicinity of Oil Well Dome is pockmarked with gas wells and is a known reservoir for gas. Active gas and oil leases within this area are not consistent with management for wilderness characteristics.*

However, Emery County believes the Penitentiary Canyon vicinity of this WC area possesses characteristics of naturalness which may at times provide opportunities for solitude and/or a primitive type of recreation.

Response: As part of BLM's wilderness characteristics inventory maintenance for the Muddy Creek-Crack Canyon area, BLM performed a combination of data and on-site reviews. In association with public comments on the 1999 inventory, additional areas were added in the 2002 revision. The 2007 review took OHV routes into consideration by incorporating the inventory from the 2003 San Rafael Route Designation Plan. BLM was aware of past uranium mining activity, as evidenced by the potential Uranium Mining District ACEC, as well as uranium potential shown on Supplement map 2-64. Several of the roads specifically identified in public comments are cherry-stemmed, and therefore are not within the area. No new information was submitted that has not already been considered in BLM's wilderness characteristics inventory maintenance process.

Comment: *Emery County objects to the findings of the BLM's wilderness characteristics inventory for the Mussentuchit Badland area because there are certainly enough routes, ponds and other evidences to eliminate most of the area from management for wilderness characteristics.*

Response: As part of BLM's wilderness characteristics inventory maintenance for the Mussentuchit area, BLM performed a combination of data and on-site reviews. The 1999 wilderness characteristics inventory and the 2002 revisions discuss the sand dunes on the east of the area. Two roads are cherry-stemmed, and therefore are not within the area. BLM considered OHV routes by incorporating the inventory from the 2003 San Rafael Route Designation Plan. Clay potential is recognized, as shown on Supplement map 2-65. The BLM also recognizes that the eastern boundary is bisected by a County road from the western boundary of Cedar Mountain WC area. No new information was submitted that has not already been considered in BLM's wilderness characteristics inventory maintenance process.

Comment: *Emery County objects to the findings of the BLM's wilderness characteristics inventory for the Price River area because the re-inventory area is one of the most highly impacted areas being considered for management of wilderness characteristics, with a county road, BLM system roads, four wheeler trails and single track motorcycle trails nearly everywhere except where the lay of the land is simply too rough to be ridden. Active gas and oil leases within this area are not consistent with management for wilderness characteristics.*

Response: As part of BLM's wilderness characteristics inventory maintenance for the Price River area, BLM performed a combination of data and on-site reviews. The 2002 wilderness characteristics review included data on OHV routes (see also Draft RMP/EIS map 2-54). The 2007 wilderness characteristics inventory already reviewed additional acreage recommended by public comments. Oil and gas potential was considered as shown on Supplement map 3-23. No new information was submitted that has not already been considered in BLM's wilderness characteristics inventory maintenance process.

Comment: *Emery County objects to the findings of the BLM's wilderness characteristics inventory for the Eagle Canyon area because this area is adjacent to active gypsum mines and several sections within the proposed area are under active mining claims. The active mines, though not within the proposed area, impact the area visually and audibly. BLM notes in a re-inventory evaluation that "roads and ways, fences, oil and gas drill sites, stock ponds, a spring development, and gully plug check dams" were present in the area and Emery County's documentation shows these impacts are substantially noticeable, as are other developments within the unit. Additionally, Emery County Road #803 is being realigned and reconstructed. Traffic use and traffic speed are anticipated to increase, which will visually and audibly impact the area. The presence of designated motorized routes, other non-designated routes, active mining claims, an adjacent highway, visual contact with active mines and a three unit, 1100 megawatt (mw) power plant eliminates opportunities for primitive recreation.*

Response: As part of BLM's wilderness characteristics inventory maintenance for the Eagle Canyon area, BLM performed a combination of data and on-site reviews. The 2007 review took into consideration the 2003 San Rafael Route Designation Plan. Gypsum potential is recognized, as shown on Supplement map 2-64. The Moore road is a boundary, and therefore not within the area. No new information was submitted that has not already been considered in BLM's wilderness characteristics inventory maintenance process.

Comment: *Emery County objects to the findings of the BLM's wilderness characteristics inventory for the Rock Canyon area because several routes penetrate this area from the west, mostly for the purpose of accessing livestock associated features, including ponds and troughs, the presence of active mining claims in the north, west, and south portions of the area.*

Response: As part of BLM's wilderness characteristics inventory maintenance for the Rock Canyon area, BLM performed a combination of data and on-site reviews. The routes that penetrate the area from the west that public comments raised were identified in the 2002 wilderness characteristics review. No new information was submitted that has not already been considered in BLM's wilderness characteristics inventory maintenance process.

Comment: *Emery County objects to the findings of the BLM's wilderness characteristics inventory for the San Rafael Knob area because except for the slick rock feature of the Knob itself, the area is permeated by roads, designated routes, historic mine exploration routes and other evidences of human activity. The designated routes in this area and in the surrounding areas are some of the most highly used in the San Rafael Swell. BLM has chosen to manage the area to accommodate large numbers of motorized users by designating open motorized routes and maintaining roads in the area.*

Response: As part of BLM's wilderness characteristics inventory maintenance for the San Rafael Knob area, BLM performed a combination of data and on-site reviews. The 2007 wilderness characteristics review took into account the route inventory from the 2003 San Rafael Route Designation Plan. No new information was submitted that has not already been considered in BLM's wilderness characteristics inventory maintenance process.

Comment: *Emery County objects to the findings of the BLM's wilderness characteristics inventory for the Never Sweat Wash area because the BLM's acknowledgement that "numerous ATV, motorcycle and jeep trails appear throughout the unit but are not maintained except by the passage of vehicles" should make the case for not managing for wilderness characteristics. These routes are routinely used and it is Emery County's desire that they be incorporated into the proposed Chimney Rock Trail System. Emery County believes that when evidence of motorized use is apparent, the area is not suitable for management of wilderness characteristics. Additionally, active gas and oil leases within this area are not consistent with management for wilderness characteristics.*

Response: As part of BLM's wilderness characteristics inventory maintenance for the Never Sweat Wash area, BLM performed a combination of data and on-site reviews. This review took into consideration SRP's for motorcycle events, the rail road line, OHV trails shown on Draft RMP/EIS map 2-54, Chimney rock trail system, O/G leases shown on Supplement map 3-23, and gravel potential shown Supplement map 2-65. No new information was submitted that has not already been considered in BLM's wilderness characteristics inventory maintenance process.

Comment: *Emery County objects to the findings of the BLM's wilderness characteristics inventory for the Lost Springs Wash area because the northern end of the proposed area has active mining claims, including an active stone quarry. Drilling and shooting have been used to quarry the white sandstone at the site. Active gas and oil leases within this area are not consistent with management for wilderness characteristics. A new hole was drilled at the same site in 2007 and has another drill site surveyed within the area and another immediately adjacent. This area has also been managed to accommodate motorized recreation in the past and continues to be used for this purpose, as evidenced by BLM's acknowledgement that "numerous ATV, motorcycle and jeep trails appear throughout the unit" and that "Special Recreation Permits have been issued over the years for organized motorcycle events." The permits required that nearly all of the routes used in the races have archeological inventories completed. Finally, the WCR says the area is "likely to provide profound feelings of solitude" and visitors "will find conditions along the Old Spanish Trail...much as they were in the early 1800's". Emery County points out that the route of the Old Spanish Trail follows a BLM system road which is outside the boundary of the proposed area, and the uncompleted Denver, Rio Grande and Western Railroad grade is also found along the route which has substantially altered the landscape from its condition in the 1800's, as has other development visible within and adjacent to the area.*

Response: As part of BLM's wilderness characteristics inventory maintenance for the Lost Springs Wash area, BLM performed a combination of data and on-site reviews. This review took into consideration SRP's for motorcycle events, the rail road line, OHV trails shown on Draft RMP/EIS map 2-54, Chimney rock trail system, O/G leases shown on Supplement map 3-23, and gravel potential shown Supplement map 2-65. No new information was submitted that has not already been considered in BLM's wilderness characteristics inventory maintenance process.

Comment: *Emery County objects to the findings of the BLM's wilderness characteristics inventory for the Labyrinth Canyon area because of the existence of several routes throughout the area, usually leading to other human disturbances, the existence of several active gas and oil leases, that are not conducive to protection of wilderness characteristics.*

Response: As part of BLM's wilderness characteristics inventory maintenance for the Labyrinth Canyon area, BLM performed a combination of data and on-site reviews. Portions recommended for review in public comments were included from 1999 Inventory and 2002 Revision. OHV routes were identified and considered in the 2003 San Rafael Route Designation Plan. No new information was submitted that has not already been considered in BLM's wilderness characteristics inventory maintenance process.

Comment: *Emery County objects to the findings of the BLM's wilderness characteristics inventory for the Cedar Mountain area because of the presence of range developments (e.g. water developments, fences) and routes required to maintain these facilities, the presence of support facilities (e.g. staging areas and increased traffic on roads) for helicopter-assisted UDWR trapping of Desert bighorn sheep, the presence of free-use permits for a gravel borrow area, and the existence of SITLA sections (one wholly contained within the area and two partially).*

However, Emery County believes the interior portion of this area possesses characteristics of naturalness which may at times provide opportunities for solitude and/or a primitive type of recreation.

Response: As part of BLM's wilderness characteristics inventory maintenance for the Cedar Mountain area, BLM performed a combination of data and on-site reviews. Information on the area's western boundary was considered in the 1999 Inventory and 2002 Revision. BLM also reviewed OHV data in this area as part of the 2003 San Rafael Route Designation Plan. No new information was submitted that has not already been considered in BLM's wilderness characteristics inventory maintenance process.

Comment: *Emery County objects to the findings of the BLM's wilderness characteristics inventory for the Flat Tops area because of the presence of a well site and active mining claims in the southeastern portion of the area, eliminating a large portion from legitimate wilderness characteristic management. Active gas and oil leases within this area are not conducive to protection of wilderness characteristics. Emery County also has a permitted free use permit for clay on the northeastern boundary of this area.*

Response: As part of BLM's wilderness characteristics inventory maintenance for the Flat Tops area, BLM performed a combination of data and on-site reviews. The

2002 review took into consideration all available information. Existing oil and gas leases were documented, as shown on Supplement map 3-23. Clay potential is recognized, as shown on Supplement map 2-65. The inventory used OHV information from the 2003 San Rafael Route Designation Plan. No new information was submitted that has not already been considered in BLM's wilderness characteristics inventory maintenance process.

Comment: *Emery County objects to the findings of the BLM's wilderness characteristics inventory for the Devil's Canyon area because a significant portion of this area contains gypsum reserves and much of it is under current mining claims. Although the active UDOT gravel pit has been cherry-stemmed out of the area, periodic activity in the pit (including asphalt production) will visually and audibly impact much of the area. I-70 and the traffic it carries also greatly impact the northern reaches of this area. The "Copper Globe Loop" is extremely popular with ATV and motorcycle riders, and groups of varying sizes are common along this route and on other adjacent routes designated 'open' by the 2003 Route Designation Plan.*

Response: As part of BLM's wilderness characteristics inventory maintenance for the Devil's Canyon area, BLM performed a combination of data and on-site reviews. Portions recommended for review in public comments were added in the 1999 Inventory and 2002 Revision. BLM also reviewed OHV data in

this area as part of the 2003 San Rafael Route Designation Plan. Gypsum potential is recognized, as shown on Supplement map 2-64. Gravel potential is recognized, as shown on Supplement map 2-65. No new information was submitted that has not already been considered in BLM's wilderness characteristics inventory maintenance process.

Comment: *Emery County objects to the findings of the BLM's wilderness characteristics inventory for the Desolation Canyon area because of the presence of range developments (e.g. water developments, fences) and routes required to maintain these facilities, the presence of several existing and/or planned roads that are evident (visual and auditory) from within the area, the presence of reclaimed but still highly visible oil and gas exploration roads in "the Donut Hole," and prominent and visible well stems. Active coal leases and gas and oil leases within this area indicate that PFO has made management decisions for this area, and they are not conducive to protection of wilderness characteristics. In addition, current mining claims are active in the southwestern portion of the area. Most of the proposed area is not contiguous to the existing WSA atop the Book Cliffs but is separated by a BLM system road and an Emery County Road bisects the area. SITLA is advertising a Land Offering and Request for Proposal to Develop on a portion of its properties directly south and adjacent to the proposed Desolation Canyon WC area. The advertisement involves over 2,500 acres and will probably require ROWs to accommodate transportation and utilities on portions of land administrated by BLM.*

Response: As part of BLM's wilderness characteristics inventory maintenance for the Desolation Canyon area, BLM performed a combination of data and on-site reviews. Portions recommended for review in public comments were included from 1999 Inventory and 2002 Revision. OHV trails were known, as shown on Draft RMP/EIS map 2-54. Coal potential is recognized, as shown on Supplement map 2-70. Oil and gas potential is recognized, as shown on Supplement map 3-23. BLM did revise the Desolation non-WSA land with wilderness characteristics area in 2007 based on new oil and gas development activity. No new information was submitted that has not already been considered in BLM's wilderness characteristics inventory maintenance process.

Comment: *Emery County objects to the findings of the BLM's wilderness characteristics inventory for the San Rafael Reef area because this proposed area is highly used for motorized recreation. Designated routes abound in all parts of this unit. A series of single track trails within this unit are extremely popular and continually draws riders from surrounding states. Other motorized routes exist that were not designated open in the 2003 plan, but are still highly visible.*

Response: As part of BLM's wilderness characteristics inventory maintenance for the San Rafael Reef area, BLM performed a combination of data and on-site reviews. In association with public comments on the 1999 inventory, additional areas were added in the 2002 revision. The 2007 review took OHV routes into consideration by incorporating the inventory from the 2003 San Rafael Route Designation Plan. No new information was submitted that has not already been considered in BLM's wilderness characteristics inventory maintenance process.

Comment: *Emery County sees the potential impacts to the social fabric of the community as important as the economic impacts. The county has consistently communicated the importance from a social perspective of activities such as grazing, ranching, uranium mining, OHV and off-road access and related activities. The county is desirous to continue this message.*

In terms of the Economic impacts from Alternative, the proposal is so far away from where it needs to be to provide an accurate economic analysis, it is difficult to provide useful comments. Emery County has provided very specific employment numbers from a wide variety of resource based industries and their possible impacts from the original alternatives.

Response: Additional information is being provided on all economic factors used to evaluate socioeconomic impacts. Impacts of the Plan are fully evaluated in Chapter 4, section 4.6 for

socioeconomics and baseline information is provided in Chapter 3, section 3.6. An additional socioeconomic technical report is provided which explains the methodology used to analyze the socioeconomic impacts from having access to BLM lands for multiple uses. It provides the calculations and results for energy production, recreation, and grazing under each alternative allowing for socioeconomic impact comparisons across those alternatives. The report also discusses the input/output model IMPLAN used to model additional economic activity associated with the direct industries tied to the multiple uses on BLM land. The final plan and DEIS evaluates the socioeconomic impacts of having access to BLM lands for multiple uses. This includes an evaluation of the economic contribution of grazing, recreation, and energy production to local communities, such as Emery and Carbon counties under the alternatives, which all have varying levels of resource protection. A discussion of this analysis is provided in Chapter 4, section 4.6. The final plan and DEIS have been re-edited to consider, to the extent possible, the socioeconomic impacts of having access to BLM lands for multiple uses.

Comment: *Several of the proposed areas are within eyesight of two coal-fired, electrical power generating plants. Emissions stacks, steam from cooling towers and nocturnal lighting are highly visible. Emery County contends that drawing boundaries which exclude human activity within the proposed area doesn't eliminate the impact of that activity.*

Response: A required set-back from developed areas is not required to meet the naturalness criteria associated with the non-WSA lands with wilderness characteristics review. In designating other wilderness areas throughout the country, Congress has not required a set-back from busy roads and man-made structures to ensure that sights and sounds are not present from the moment a user steps into the area. Requiring such a standard for non-WSA lands with wilderness characteristics would result in a higher standard than that implemented by Congress for many designated wilderness areas.

Comment: *Emery County objects to the findings of the BLM's wilderness characteristics inventory for the Hondu Country area because of the presence of the Red Canyon Loop OHV route that receives more use all the time, the presence of two well defined routes that penetrate the area from the eastern border, and the presence of a free use permit to Emery County adjacent to the proposed area, providing the only gravel source in the McKay Flat area.*

However, Emery County believes the interior portion of this area possesses characteristics of naturalness which may at times provide opportunities for solitude and/or a primitive type of recreation.

Response: As part of BLM's wilderness characteristics inventory maintenance for the Hondu Country area, BLM performed a combination of data and on-site reviews. The Red Canyon loop is a boundary for the area, and therefore not within the area. OHV routes were identified for the 2003 San Rafael Route Designation Plan. No new information was submitted that has not already been considered in BLM's wilderness characteristics inventory maintenance process.

Comment: *Emery County doesn't recognize the validity of cherry-stemming features that are on the ground. We suggest setting back the boundary of a proposed WC from these features to a reasonable distance of between one and one half mile.*

Response: "Cherry stemming" is a land management technique that facilitates better land management by allowing ingress and egress without compromising a special designation. Where routes are adjacent to or cherry-stemmed within a non-WSA lands with wilderness characteristics, setbacks have been accorded to allow for removing the disturbance to naturalness from the inventory and to allow for maintenance of the existing route. The acreage of non-WSA lands with wilderness characteristics were determined to reflect the setbacks on boundary or cherry-stemmed routes.

A required set-back from developed areas is not required to meet the naturalness criteria associated with the non-WSA lands with wilderness characteristics review. In designating other wilderness areas

throughout the country, Congress has not required a set-back from busy roads and man-made structures to ensure that sights and sounds are not present from the moment a user steps into the area. Requiring such a standard for non-WSA lands with wilderness characteristics would result in a higher standard than that implemented by Congress for many designated wilderness areas.

Comment: *There exist many historic motorized routes within these WCs which need to be recognized even though they may not be designated as open. PFO has never completed a comprehensive inventory of these routes.*

Response: As part of BLM's wilderness characteristics inventory maintenance, BLM performed a combination of data and on-site reviews. This included specific field inspections, Interdisciplinary team review of data such as range files, County and BLM GIS data, and high-resolution 2006 aerial photographs. The BLM's findings are described in the 1999-2003 wilderness reinventory documentation, as well as the 2007 wilderness characteristics review process (findings from this review are available in the Administrative Record). The BLM is confident of high-standard approach used to inventory the public lands and stands by its findings, particularly the findings, which involved wilderness characteristics inventory maintenance.

The BLM examined about 1,094,030 acres of lands for the existence of wilderness characteristics, including all lands within the Red Rock Wilderness Act. The BLM found that 937,440 acres of these lands contained wilderness characteristics and are proposed for protective management in Alternative E. The remaining 156,590 acres did not have wilderness characteristics based on the inventory maintenance conducted by the BLM between 1996 and 2007.

Comment: *The level of restriction placed in the plan as identified above from section 2-12 is beyond the scope of the intended planning process for the RMP. The "activity level" decision making process is completely abandoned in this alternative and the plan removes the necessary flexibility for BLM land managers in the future. As an example, the exclusion of all ROWs is absurd. There is a well known, proposed national energy corridor that has been proposed for the corridor between Green River and Price Utah. The Desolation Canyon area as proposed could have significant impact on such a proposal. This project, if it progresses, would have its own NEPA based process and should not be automatically excluded from consideration just because it has been flagged as an area with wilderness qualities.*

Another example is the designation to close the area to oil and gas leasing. The Lost Springs area is one that already has current, active permits and applications for exploratory drilling. To automatically exclude the property without a full analysis of the mineral potential of the area is not in keeping with the agencies mandates.

Response: The prescription for management of non-WSA lands with wilderness characteristics contained on page 2-12 of the wilderness characteristics supplement were generated to provide the maximum preservation of these areas.

Comment: *First of all, the section concerning ERMA areas addresses management practices and signing options that are outside of the proposed areas. Why even address large group sites like Price Recreation Area that are no where near the proposed areas?*

Response: An Extensive Recreation Management Area (ERMA) includes all lands within the Price Field Office that are not part of a SRMA. Therefore, the prescriptions described on page 2-18 of the Wilderness Characteristics Supplement apply to areas that are within the Price ERMA.

Comment: *In addition to adding a massive amount of VRM 1 managed lands, which has substantial restrictive outcomes on surface occupancy, this designation, by definition, contradicts the concept of "cherry stemming" that is specifically promoted in this alternative. How can the BLM manage a viable*

VRM Class 1 area if they have a legitimate activity, such as a road or gas well that is in a cherry stemmed area? Emery County, as a matter of policy is opposed to the use of cherry stemming in this setting, however, it is important to note that as proposed, Alternative E is not a viable alternative because it effectively contradicts itself.

Response: A required set-back from developed areas is not required to meet the naturalness criteria, either on the ground or in the landscape, associated with the non-WSA lands with wilderness characteristics. In designating other wilderness areas throughout the country, Congress has not required a set-back from busy roads and man-made structures to ensure that sights and sounds are not present from the moment a user steps into the area. Requiring such a standard for non-WSA lands with wilderness characteristics would result in a higher standard than that implemented by Congress for many designated wilderness areas. Application of VRM Class I is also consistent with the rest of the proposed management of the non-WSA lands with wilderness characteristics under Alternative E. Additionally, application of VRM Class I is consistent with the existence of routes if the key observation points are located along the routes.

***Comment:** the identification of Large Group Areas seems to contradict both the designation of the areas as having wilderness characteristics, but it also seems to conflict with the management practices that are promoted throughout the alternative. Even if the Summerville/Chimney Rock Trail System is not designated, does this mean it does not exist? The very mention of the trail system seems to indicate its existence.*

Response: As with the other alternatives, the management prescriptions for Alternative E apply to the entire Price Field Office, unless specifically limited to a geographic area. The management referred to by the commentor applies to areas of the Price Field Office outside non-WSA lands with wilderness characteristics. The areas outside the non-WSA lands with wilderness characteristics would still require management under this alternative.

Concerning the mention of the Summerville/Chimney Rock Trail System, the supplement is intended to be read as part of the Draft RMP/EIS. As such, not mentioning the Summerville/Chimney Rock Trail System at all leaves the reader to question how it would be managed under Alternative E, since it is specifically noted in the other alternatives. The BLM has never denied the existence of the Summerville/Chimney Rock Trail System, but found that its existence did not eliminate the presence of wilderness characteristics.

***Comment:** 2-19 How can the plan restrict Non-motorized mechanical transportation methods to OHV routes if the routes are closed by the previous section, Off-Highway Vehicle Recreation?*

Response: Page 2-19 of the Wilderness Characteristics Supplement to the Draft RMP/EIS is limiting non-motorized mechanical transportation to the routes identified on map 2-69.

***Comment:** The county objects to the use of “cherry-stemming” routes, roads and trails to create non-WSA lands with wilderness characteristics.*

Response: “Cherry stemming” is a land management technique that facilitates better land management by allowing ingress and egress without compromising a special designation. This technique is often applied to WSAs.

***Comment:** We are disappointed to find that the PFO, in developing Alternative E, didn’t recognize that the Route Designation Plan as a complete, NEPA compliant document, but chose to eliminate two hundred miles of designated routes in the WCs.*

Response: The OHV area categories of open, closed and limited supersede the implementation-level identification of routes. Hence, any existing routes in a closed area must also be closed. Under Alternative

E, the land use plan would close some areas to OHV use that the current plan (San Rafael RMP) designates as limited. This is to ensure consistency within the alternative and in recognition of the appropriate direction of planning decision, any route within a designated closed area was closed under Alternative E.

Comment: *Emery County objects to the findings of the BLM's wilderness characteristics inventory for the San Rafael River area. Seismic lines, BLM system roads, county roads, designated routes, fence lines, water wells and other features are frequent enough within the area that it should not be managed for wilderness characteristics. In fact, Emery County maintains approximately 13.5 miles of road within this unit. Active gas and oil leases within this area are not consistent with management for wilderness characteristics.*

Response: As part of BLM's wilderness characteristics inventory maintenance for the San Rafael River area, BLM performed a combination of data and on-site reviews. The 2002 wilderness characteristics inventory summarized the area containing the features identified in public comments. Most of the miles of routes raised in public comment are cherry stemmed County roads, and therefore are not within the area. The San Rafael River bisects the area. The BLM considered OHV routes by incorporating the inventory from the 2003 San Rafael Route Designation Plan. No new information was submitted that has not already been considered in BLM's wilderness characteristics inventory maintenance process.

Comment: *The Never Sweat Wash area should not be considered for management for wilderness characteristics since a written proposal hasn't been submitted.*

Response: As part of BLM's wilderness characteristics inventory maintenance for the Never Sweat Wash area, BLM performed a combination of data and on-site reviews. This review took into consideration SRP's for motorcycle events, the rail road line, OHV trails shown on Draft RMP/EIS map 2-54, Chimney rock trail system, O/G leases shown on Supplement map 3-23, and gravel potential shown Supplement map 2-65. No new information was submitted that has not already been considered in BLM's wilderness characteristics inventory maintenance process.

Comment: *Emery County objects to the findings of the BLM's wilderness characteristics inventory for the Wild Horse Mesa area because the area is bisected by a road which follows Wild Horse Creek, and the area is bounded by SR-24 that is a two lane highway which serves as a major north-south route and a major access to Lake Powell, as well as another Emery County Road on the northeastern boundary which is currently being realigned, widened and paved to handle the increasing visitation. Additionally, Emery County has a permitted free use permit in the Little Wild Horse Wash. This is a very important material source and will be needed for future road projects.*

However, Emery County believes the interior portion of this area possesses characteristics of naturalness which may at times provide opportunities for solitude and/or a primitive type of recreation.

Response: As part of BLM's wilderness characteristics inventory maintenance for the Wild Horse Mesa area, BLM performed a combination of data and on-site reviews. In the 2002 update of the 1999 inventory, additional areas were added. No new information was submitted that has not already been considered in BLM's wilderness characteristics inventory maintenance process.

Comment: *Emery County objects to the findings of the BLM's wilderness characteristics inventory for the Upper Muddy Creek area because while the area is composed of very rugged terrain, with few routes or human created features, there are some routes, ponds, historic mining features that shouldn't be ignored. An old road parallels the Muddy Creek for probably more than half of the distance the creek travels through the area.*

Response: As part of BLM's wilderness characteristics inventory maintenance for the Upper Muddy Creek area, BLM performed a combination of data and on-site reviews. The 1999 inventory was updated

in 2002, although additional areas proposed by some commentors were not found to have wilderness characteristics and were not added. During the 2002 maintenance, the BLM identified the several routes that some commentors identified. No new information was submitted that has not already been considered in BLM's wilderness characteristics inventory maintenance process.

Comment: *Emery County objects to the findings of the BLM's wilderness characteristics inventory for the Turtle Canyon area because of the existence of historic motorized routes within the area, some of them accessing drill sites, and the presence of recoverable coal reserves underlie the area. Active coal leases are not consistent with management for wilderness characteristics.*

Response: As part of BLM's wilderness characteristics inventory maintenance for the Turtle Canyon area, BLM performed a combination of data and on-site reviews. The 1999 Inventory and 2002 Revision considered OHV trails, as shown on Draft RMP/EIS map 2-54. Coal potential is recognized, as shown on Supplement map 2-70. Oil and gas potential is recognized, as shown on Supplement map 3-23. No new information was submitted that has not already been considered in BLM's wilderness characteristics inventory maintenance process.

Comment: *Emery County objects to the findings of the BLM's wilderness characteristics inventory for the Sweetwater Reef area because of the existence of many motorized trails and roads that follow decades old seismic exploration lines that, while faint, are definitely noticeable. Free use permits issued by the PFO within or adjacent to this area includes Spire Point, Dugout Springs and Saucer Basin.*

Response: As part of BLM's wilderness characteristics inventory maintenance for the Sweetwater Reef area, BLM performed a combination of data and on-site reviews. The 2007 review took OHV routes into consideration by incorporating the inventory from the 2003 San Rafael Route Designation Plan. Gravel potential is recognized, as shown on Supplement map 2-65. No new information was submitted that has not already been considered in BLM's wilderness characteristics inventory maintenance process.

Comment: *Emery County objects to the findings of the BLM's wilderness characteristics inventory for the South Horn Mountain area. Coal bed methane gas drilling has extended to near the southern edge of unit B but has not extended into the proposed unit." Emery County has provided photographic evidence of motorized trails, non-designated roads, an historic coal mine and a cherry stemmed gas well pad in this area. Two other dry wells were punched but have been reclaimed. Several fence lines cross the area. Additionally, the proximity of the area to other human amenities should leave no doubt that the proposed area should not be considered for this type of management. PFO says "sites and sounds of man's activities are easily observed from within the unit."*

Response: As part of BLM's wilderness characteristics inventory maintenance for the South Horn Mountain area, BLM performed a combination of data and on-site reviews. In response to some public comments, it is important to note that Forest Service "roadless areas" do not equate to "wilderness areas." The BLM will only consider areas adjacent to the Forest when the Forest Service "administratively endorses" the area as wilderness or if the area meets the size criteria. The 2007 wilderness characteristics inventory considered the Rock Canyon Road, which bisects the area. No new information was submitted that has not already been considered in BLM's wilderness characteristics inventory maintenance process.

Comment: *Emery County objects to the findings of the BLM's wilderness characteristics inventory for the Sid's Mountain area because the northern portion of this unit contain the remnants of a town site constructed for a Department of Defense project, tunnels constructed for the same project as well as craters from above ground explosive discharges, an open pit gypsum mine in the first year of reclamation and a newly permitted open pit gypsum mine. These areas are also extremely popular destinations, both local visitors those coming from outside the area. The Wedge Overlook Road (County Road #405) runs directly through the midst of the proposed area and records traffic counts in the hundreds. Designated*

routes, as well as non-designated routes, are plentiful in the area and receive high use. Improved surface roads, improved campsites and vault toilets are not indicative of wilderness characteristics.

Response: As part of BLM's wilderness characteristics inventory maintenance for the Sid's Mountain area, BLM performed a combination of data and on-site reviews. In association with public comments on the 1999 inventory, additional areas were added in the 2002 revision near the "wedge". The 2007 review took OHV routes into consideration by incorporating the inventory from the 2003 San Rafael Route Designation Plan. Gypsum potential is recognized, as shown on Supplement map 2-64. No new information was submitted that has not already been considered in BLM's wilderness characteristics inventory maintenance process.

Comment: *2-19 SRPs on the Old Spanish National Historic Trail would be authorized only for heritage tours and reenactments. Since most of the recognized Spanish Trail is located directly on Emery County or BLM system roads in the area, is the BLM's intent to restrict other SRP's for other uses, ATV Tours, Competition Events, etc? This comment in the alternative is of substantial concern, also because this is a completely new management scheme for areas outside of the areas that are identified as potential WC areas. Emery County is unclear why this alternative includes management prescriptions that are for areas completely outside of the areas of concern.*

Response: The language in the Proposed RMP/Final EIS has been modified to allow for other SRPs on the Old Spanish Trail.

Carbon County Public Lands Department

Comment: *Ground observations in the Carbon County non-WSA lands with wilderness characteristics areas were conducted between October 8 and November 2, 2007. Observation of current or past human imprints within the WCA Alternative E was conducted within the WCA boundaries in Carbon County. The following features were documented:*

- *Vehicle routes, including Carbon County-claimed roads, ATV and motorcycle routes;*
- *Utility rights-of-way;*
- *Grazing activity, including fencing, fencing materials, corrals, and stock ponds;*
- *Non-native vegetation;*
- *Mineral development activity, including plugged oil and gas wells, claim markers and excavations; and*
- *Abandoned home sites, campsites, construction debris, and garbage.*

Response: As part of BLM's wilderness characteristics inventory maintenance, BLM performed a combination of data and on-site reviews. This included specific field inspections, Interdisciplinary team review of data such as range files, County and BLM GIS data, and high-resolution 2006 aerial photographs. The BLM's findings are described in the 1999-2003 wilderness reinventory documentation, as well as the 2007 wilderness characteristics review process (findings from this review are available in the Administrative Record). The BLM is confident of high-standard approach used to inventory the public lands and stands by its findings, particularly the findings, which involved wilderness characteristics inventory maintenance.

The BLM examined about 1,094,030 acres of lands for the existence of wilderness characteristics, including all lands within the Red Rock Wilderness Act. The BLM found that 937,440 acres of these lands contained wilderness characteristics and are proposed for protective management in Alternative E. The remaining 156,590 acres did not have wilderness characteristics based on the inventory maintenance conducted by the BLM between 1996 and 2007.

Comment: *When considering using buffer zones of no new surface disturbance (excluding fence lines) along any streams, BLM should consider the loss of stock watering rights on grazing allotments and the negative effects of destabilizing the livestock industry that would contravene Congress' mandate in TGA.*

Response: The definition of a surface disturbing activity has been clarified in the glossary of the Proposed RMP/Final EIS. Livestock grazing is not considered a surface disturbing activity, and therefore the no surface disturbance requirement along streams would not apply to livestock grazing or water along undeveloped streams. Any developments implemented to protect the water and/or riparian areas could be permitted using the exceptions noted in Appendix G of the Proposed RMP/Final EIS.

Comment: *Carbon County questions that reduced grazing decreases erosion. Most of the soils in our area are heavy clay type soils that resist water permeation. Grazing disturbs and breaks up surface crust, which then allows moisture into the soil perpetuating the germination of plants. Plants with healthy root systems help decrease erosion.*

Response: The types of soil crusts referred to by the commentor are generally mechanical or chemical in nature and as they form they secure the very small mineral particles. Due to the size of the mineral particles in the soils, breaking these crusts increases the potential for these particles to be eroded by wind or water. The commentor is correct in noting that plants with healthy root systems help decrease erosion, which is what Draft RMP/EIS notes as well. The commentor provides no scientific evidence that grazing soils with extensive mechanical/chemical crusts increases vegetation cover.

Comment: *If BLM chooses to consider this option, i.e. to manage forage by natural actions to accommodate the Wilderness Act of 1964 and a judicial opinion of 2006, we remind them that such action would violate a Federal Supreme Court decision pertaining to conservation use of grazing permits.*

Response: Managing vegetation using natural actions does not include reallocating forage to conservation use, but rather refers to the methodology allowed in treating vegetation communities. Under Alternatives C and E, “Vegetation would be manipulated using only natural processes, such as wildland fire, disease, and insects.” (page 2-34 of the Draft RMP/EIS)

Comment: *If forage is to be allocated to Wild Horse populations, it must first be scientifically provable that these horses are indeed descended from the Spanish Barb that became known as the wild horse population of the American West. Second, full compliance with Section 315A of Taylor Grazing Act should be met, “The Secretary of the Interior shall make provision for the protection, administration, regulation, and improvement of such grazing districts as may be created under the authority of section 315 of this title.”*

Response: The “Wild Free-Roaming Horses and Burros Act” does not limit its protections to horses descended from the Spanish Barb, but to “all unbranded and unclaimed horses and burros on public lands of the United States” (16 USC 1332 (b)). In addition to complying with the Taylor Grazing Act, the BLM is also required to comply with the “Wild Free-Roaming Horses and Burros Act.” The Draft RMP/EIS does not close any portion of the grazing district due to wild horses, and the Proposed RMP/Final EIS is consistent with the Carbon and Emery Plans, in relation to wild horses and burros management.

Comment: *How does cherry stemming improve the quality of the experience or solitude for the visitor? The Recreation Opportunity Spectrum was designed to allow for this. It would show that a three mile boundary is needed for primitive non-motorized recreation (PNMR.)*

Response: “Cherry stemming” is a land management technique that facilitates better land management by allowing ingress and egress without compromising a special designation. Where routes are adjacent to or cherry-stemmed within a non-WSA lands with wilderness characteristics, setbacks have been accorded to allow for removing the disturbance to naturalness from the inventory and to allow for maintenance of the existing route. The acreage of non-WSA lands with wilderness characteristics were determined to reflect

the setbacks on boundary or cherry-stemmed routes. A required set-back from developed areas is not required to meet the naturalness criteria associated with the non-WSA lands with wilderness characteristics review.

Comment: *Taking away 13,000 AUMs on Nine allotments would not help ensure good site productivity. Long term vegetation quality and density will be lost. Properly functioning riparian and wetland areas are managed by proper livestock distribution not livestock prohibition.*

Response: The analysis of impacts from livestock grazing has been modified to reflect the adherence to the Standards to Rangeland Health will maintain site productivity, and not the general removal of livestock. While a riparian or wetland areas can be in properly functioning condition and be grazed by livestock, they do not have to be grazed by livestock to be in properly functioning condition.

Comment: *The context that, “cultural resources could be affected in areas where livestock congregate and livestock trailing occurs.” Fencing and or avoidance would alleviate this issue. Cattle congregating and rubbing could damage standing structures and pictograph panels through abrasion. Again Fencing would alleviate any perceived problem within this scenario. Trampling at spring sources and along stream banks, as well as trailing, could remove protective vegetation cover and increase compaction, creating indirect impacts to cultural resources through the acceleration of erosion above natural rates. Removing grazing removes water improvement maintenance and stewardship. It creates a scenario in which the spring would be lost. Impacts to specific areas can be identified and mitigated through the livestock grazing permitting process as needed, modifying management practices such as salting locations or additional range improvements.*

Response: As the commentor notes, impacts to site-specific areas could be identified and mitigated through the livestock grazing permitting process as needed, modifying management practices or including the construction of fences. However, at the landscape level, the noted impacts could occur and the noted impacts to cultural resources could occur prior to the site-specific implementation action occurring.

Comment: *Desolation and Jacks Canyon non-WSA lands with wilderness characteristics: These areas do not qualify for protection because they do not possess these values. The proposed area from the Emery County line north is used for grazing complete with many range improvements, which needs maintenance with much energy potential throughout the area. While cherry stemming has been created on a map, it will not change the impact to the wilderness experience that a person could anticipate having. As far as resource use and development, mining claims are active in the southwestern portion of the area. BLM has recently issued a permit to Emery County for the construction of a road northwest of this area. The road will be designed to accommodate coal haul traffic and other traffic associated with the Lila Canyon Mine. The road will also provide access to stock ponds and other activities which occur in the area. The road is outside the proposed area, but visual and audible impacts can be expected.*

The entire northern portion of this proposed area has been used for natural gas production since the 1950's and is now under development for natural gas by Bill Barrett Corporation. Petro Canada has purchased parcels to develop in this area also. The West Tavaputs Plateau full field development EIS is now underway with a final decision expected by the middle of next year.

Response: As part of BLM's wilderness characteristics inventory maintenance for the Desolation Canyon area, BLM performed a combination of data and on-site reviews. Portions recommended for review in public comments were included from 1999 Inventory and 2002 Revision. OHV trails were known, as shown on Draft RMP/EIS map 2-54. Coal potential is recognized, as shown on Supplement map 2-70. Oil and gas potential is recognized, as shown on Supplement map 3-23. BLM did revise the Desolation non-WSA land with wilderness characteristics area in 2007 based on new oil and gas development activity. No new information was submitted that has not already been considered in BLM's wilderness characteristics inventory maintenance process.

As part of BLM's wilderness characteristics inventory maintenance for the Jack Canyon area, BLM performed a combination of data and on-site reviews. This area was inventoried in 1999 and revised in 2002. OHV trails were known, as shown on Draft RMP/EIS map 2-54. The BLM revised the Jack Canyon non-WSA land with wilderness characteristics in its 2007 wilderness characteristics maintenance based on oil and gas development. No new information was submitted that has not already been considered in BLM's wilderness characteristics inventory maintenance process.

Comment: *The Prickly Pear and Peters Point gas fields cover a large portion of the Carbon County WCA Alternative E. Active federal oil and gas leases cover much of the WCA Alternative E. Many of these leases are producing natural gas and currently tied to a Questar major sales line. Current lease areas are within the WCA Alternative E. Seven plugged and abandoned oil and gas wells and twenty five producing wells are located within the study area. Four shut-in wells and one producing well have been "cherry stemmed" from the study area. A map illustrating the oil and gas wells is included as Figure 7.*

Since wilderness designation would not affect pre-existing federal leases or any state leases, development of these leases is reasonably foreseeable, with obvious impacts to the criteria applied to the determination of wilderness characteristic.

Of the 12,230.91 acres of active federal leases located partially or wholly within the Study Area, approximately 7840 acres are located within the WCA- Alternative E.

The ALT E contains 16 issued federal oil and gas leases and borders 13 active state oil and gas leases. There are 7,840 acres of federal leases and 7,752 acres of state leases issued within or bordering the WCA ALT E. There are 7 plugged and abandoned wells within the Study Area and 25 producing wells.

Response: Valid existing rights are considered Administrative Actions by the BLM and do not require a specific planning decision to implement. As noted in Chapter 1 under Planning Criteria and as outlined in the BLM's Land Use Planning Manual (Section 1601.06G), all decisions made in land use plans and subsequent implementation decision are subject to valid existing rights. The BLM will work with and subject to the agreement of holders of valid existing rights to modify proposed actions or activities to reduce the effect of the actions or activities on resource values and uses. Potential impacts from development of existing leases within non-WSA lands with wilderness characteristics are disclosed in the Chapter 4 portions of the Wilderness Characteristics Supplement.

Comment: *If even one of the proposed wells in the area is lost due to this proposed action it will have significant negative economic impacts to our area.*

The Carbon County Recreation Transportation Special Service District and the Community Impact Board (CIB) funding comes from the State's share of the mineral lease royalty monies. These boards make possible many capital improvements such as culinary water and sewer improvements as well as other public works and improvements in many small rural areas throughout the state. The impact on socio-economics is not described in sufficient detail.

Response: The analyses contained in the Price Draft RMP/EIS and the Wilderness Characteristics Supplement to the Draft RMP/EIS has been modified in the Proposed RMP/Final EIS improving the direct and cumulative impacts analysis for minerals and socioeconomics. Specifically, the following revisions were made: 1) an analysis of the impacts to SITLA lands; 2) an analysis of the impacts on the amount of recoverable oil and gas resources under Alternative E and loss of revenue; and 3) a more specific analysis of the economic impacts of Alternative E, using IMPLAN modeling. In addition, information from the University of Utah Bureau of Economic and Business Research's report, "The Structure and Economic Impact of Utah's Oil and Gas Exploration and Production Industry - Phase II - Carbon and Emery Counties" was included in the analysis, as appropriate.

State of Utah Public Lands Policy Coordination

Comment: *The BLM is a key participant in The Utah Partners for Conservation and Development (UPCD) and the Utah Watershed Restoration Initiative. The inability to implement habitat restoration projects on BLM lands identified as WSA or wilderness characteristic lands would impede the UPCD's ability to restore and maintain healthy watersheds.*

Response: The Proposed RMP/Final EIS has been modified so non-WSA areas managed to protect, preserve and maintain wilderness characteristics will still be "...available for range improvements, vegetative and fire treatments and Healthy Lands Initiatives." WSAs are managed according to the IMP (BLM-H-8550-1), so adjusting management within those areas to allow such treatments is outside the scope of this RMP.

Comment: *We recommend that BLM restrict use of utility poles to areas where underground conduits are impractical. We suggest BLM consider the use of raptor excluders on utility poles where needed.*

Response: Upon receipt for proposed development, the BLM will analyze the impacts to prairie dogs and other wildlife as part of the NEPA process and would apply the appropriate mitigation measures as necessary. This may include underground conduits and raptor excluders.

Comment: *The state believes that cumulative impacts should take into consideration all reasonably foreseeable actions in the other BLM planning areas.*

Response: The cumulative impacts analysis section of Chapter 4 in the Draft RMP/EIS has been modified to the extent practical to include the impacts from management of all adjacent BLM lands, including those undergoing planning updates.

Comment: *No mention is made of water rights. The State Engineer recommends that the BLM consider the impact its actions may have on water rights in general and non-BLM water rights in particular.*

Response: On page 1-6 of the Draft RMP/EIS, planning criteria, the BLM states "This plan will recognize the existence of valid existing rights." This statement primarily refers to the rights that BLM, through its land use planning decisions, can grant or deny. Granting or denying water rights is outside the authority of the BLM, and therefore is outside the scope of this NEPA document. The planning criteria also notes "BLM will strive to ensure that management prescriptions are consistent with other planning jurisdictions to the extent possible, within the boundaries described by law and policy." At the landscape level of planning, the determination of impacts on individual water rights is not possible. These impacts will be noted and mitigated on a case-by-case basis at the implementation level.

Comment: *The Draft Resource Management Plan and Draft Environmental Impact Statement does not assess the cumulative timing limitations and their impact on oil and gas exploration and development.*

Response: The Proposed RMP/Final EIS has been modified to include an analysis of the collective timing restrictions on oil and gas leasing (see EPCA analysis).

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

Response: The Draft RMP/EIS includes criteria for use in land tenure adjustments outside of FLPMA Sec. 203 land sales. Additionally, the Draft RMP/EIS notes that "Exchanges with the State of Utah would be given a priority consideration" (Draft RMP/EIS page 2-19).

Comment: *The State of Utah is concerned that the impact that protection of non-WSA lands with wilderness characteristics on SITLA inholding has not been adequately addressed.*

Response: The number of oil and gas wells foregone on SITLA inholding due to managing non-WSA lands with wilderness characteristics as closed to leasing has been estimated in the Proposed RMP/Final EIS analysis, as has resulting loss of revenues.

Comment: The BLM should give strong consideration to recommendations submitted by local government and not manage lands to protect wilderness character where such management would, in the opinion of local governments, be contrary to the interests of local residents.

Response: Secs. 103, 201, and 202 of FLPMA direct the BLM to take into account the national interest as well as the local interest. The BLM must provide management for all resources and resource uses on public lands.

Strong consideration was given to local governments as Carbon and Emery Counties are cooperating agencies in the entire land use planning process including in the development of alternatives where non-WSA areas with wilderness characteristics were considered.

Comment: Further, the BLM must fully disclose the rationale and evidence which it believes supports a changed finding for those lands found not to have wilderness characteristics in the first survey in the late 1970s and early 1980s. Such rationale and evidence must contain a discussion of the detailed criteria used, nature and extent of the review, detailed field notes, and all other relevant evidence and legal reasoning. See 43 USC Section 1701 (1) and Utah Code Section 63-38d-401(6)(b).

Response: As part of BLM's wilderness characteristics inventory maintenance, BLM performed a combination of data and on-site reviews. This included specific field inspections, Interdisciplinary team review of data such as range files, County and BLM GIS data, and high-resolution 2006 aerial photographs. The BLM's findings are described in the 1999-2003 wilderness reinventory documentation, as well as the 2007 wilderness characteristics review process (findings from this review are available in the Administrative Record). The BLM is confident of high-standard approach used to inventory the public lands and stands by its findings, particularly the findings, which involved wilderness characteristics inventory maintenance.

The BLM examined about 1,094,030 acres of lands for the existence of wilderness characteristics, including all lands within the Red Rock Wilderness Act. The BLM found that 937,440 acres of these lands contained wilderness characteristics and are proposed for protective management in Alternative E. The remaining 156,590 acres did not have wilderness characteristics based on the inventory maintenance conducted by the BLM between 1996 and 2007.

Comment: The state is disappointed that the BLM is dropping the requirement for mitigation when significant acreages of important wildlife habitat are developed for energy resource extraction (p. 2-7). The phrase "encourage willing partners to participate in off-site mitigation strategies" is vague and does not convey the importance of wildlife resources and wildlife habitat within BLM public lands. At the very least, the decision to keep or drop the mitigation requirement should be evaluated in the alternatives.

Response: The No Action Alternative retains requirements for and analysis of off-site mitigation. The action alternatives do not preclude implementation of off-site mitigation, but provide for flexibility in developing mitigation strategies to address site-specific conditions.

Comment: The state believes the BLM should only employ the term "critical habitat" when referring to the legal habitat designations for endangered and threatened species under the Endangered Species Act. The state requests that the BLM use the "crucial habitat" designations mapped by the Division of Wildlife Resources solely as descriptive wildlife habitat designations.

Response: The Proposed RMP/Final EIS has been modified to use the terms crucial and critical as described by the commentor. The habitat information provided by the Utah Division of Wildlife Resources has not been used as a blanket exclusion zone, but has been used to develop management prescriptions to address issues raised during scoping and subsequent coordination between the BLM and the Utah Division of Wildlife Resources.

Comment: *Future air quality analysis should include modeling with the following factors: 1) oil and gas proponents should assume that leasing and exploration will result in full field development, 2) air quality analyses should be cumulative and include not only planned development but existing omission sources, 3) air quality analyses should be based on anticipated worst-case meteorological conditions for each dispersion scenario, 4) air quality analyses should address compliance/attainment with all applicable air quality-related requirements and standards, and 5) air quality analysis should specifically address impacts to sensitive visual resources and other air quality-related values.*

Response: The Proposed RMP/Final EIS, Chapter 2, Table 2-17 Common to All Alternatives has had a bullet added addressing this concern.

Comment: *State policy discourages permanent closure of grazing allotments for improving watershed health, wildlife habitat, and the economic benefits of livestock production. The state strongly suggests that BLM support flexibility within the management provisions for livestock grazing time (duration) and timing (season of use) in the final plan.*

Response: The BLM does not propose the permanent closure of allotments or portions thereof. However, certain allotments may not be available for livestock grazing over the life of the plan. The allotments considered as not available vary by alternative. Subsequent revisions of the land use plan may consider opening these areas to livestock grazing.

The vast majority of the Price Field Office would remain available for livestock grazing. For those limited areas identified in the grazing alternatives of the Draft RMP/EIS the BLM is proposing that other uses of the BLM land are the highest and best use of these areas. Both FLPMA and BLM's Land Use Planning Handbook authorizes BLM to close specific areas to livestock grazing to place an emphasis on these areas for other purposes or values, such as wildlife use, watershed protection, and recreation. As indicated by the variable uses of the BLM lands, as shown in the proposed action, it is BLM's intention to emphasize "multiple use" of the public lands within the planning area.

As stated in the Draft RMP/EIS (pg. 2-5, 2-11 and 2-16), for those areas open to livestock grazing, grazing would be managed on an allotment basis according to the Guidelines for Livestock Grazing Management to meet the Standards for Rangeland Health, including duration and adjustment in season of use. This will provide the manager flexibility to adjust the permitted numbers of livestock, and the season and duration of use on specific allotments after the careful evaluation of monitoring and inventory data in full compliance with appropriate rules and regulations and BLM policy.

Comment: *Utah State University has completed research into some of the issues related to the livestock industry in the Utah and Price FO. (A portion of the report is attached as "Attachment E.") The report indicates that the trend in livestock grazing preference and authorized use in the Price Field Office is downward. It indicates that permitted AUMs have been reduced by at least 29% since 2003. The Draft EIS only lists 5,517 AUMs as suspended, and does not discuss reinstatement of these AUMs anywhere within the Price Field Office.*

Response: The information from the Utah State University research has been incorporated in the Proposed RMP/Final EIS, where appropriate. Additionally, an appendix has been added to the Proposed RMP/Final EIS to include a description of the livestock allocations (active and suspended) for each

allotment for all the alternatives. Finally, activation of suspended AUMs is not an RMP-level decision, but is guided by the BLM's grazing regulations (41 CFR 4100).

***Comment:** The state contends that while Federal Reserve water rights are not asserted prior to designation, those stream reaches found suitable are managed as if they were designated.*

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

The Draft RMP/EIS states at pg. 2-134 that the recommendation of the segments as eligible or suitable would not affect adjudicated water rights for any identified segment. This concept is further clarified in chapter 2 of the Proposed RMP/Final EIS.

***Comment:** The state is concerned about suitability findings for those streams where there are significant water diversions upstream.*

Response: According the “Wild and Scenic River Review in the State of Utah Process and Criteria for Interagency Use” (July 1996), Congress has allowed for the existence of some human modification of a riverway, the presence of impoundments or major dams above or below a segment under review (including those that may regulate the flow regime through the segment). The existence of minor dams, diversion structures, and rip-rap within the segment shall not by themselves render a reach ineligible.

***Comment:** Utah State law indicates that river segments proposed for Wild and Scenic designation should contain water at all times.*

Response: According to the “Wild and Scenic River Review in the State of Utah Process and Criteria for Interagency Use” (July 1996), “there are no specific requirements concerning minimum flow for an eligible segment”. The BLM is aware that there are specific State laws relevant to aspects of public land management that are discrete from, and independent of, Federal law. However, BLM is bound by Federal law. As a consequence, there may be inconsistencies that cannot be reconciled. The FLPMA requires that BLM's land use plans be consistent with State and local plans “to the extent practical” where State and local plans conflict with Federal law there will be an inconsistency that cannot be resolved. The BLM will identify these conflicts in the Proposed RMP/Final EIS so that the State and local governments have a complete understanding of the impacts of the Proposed on State and local management options.

***Comment:** The State encourages the BLM to impose air emission standards as lease conditions and conditions of approval for Applications for Permit to Drill.*

Response: The Proposed RMP/Final EIS, Chapter 2, Table 2-17 Common to All Alternatives has had a bullet added addressing this concern.

***Comment:** Chapter 3, socio-economic section should be updated based on the Phase II study conducted by the University of Utah.*

Response: The Proposed RMP/Final EIS has been revised to include pertinent information from the University of Utah prepared document “The Structure and Economic Impact of Utah's Oil and Gas Exploration and Production Industry Phase II - Carbon and Emery Counties” where appropriate.

Comment: Wild Horse Mesa – Please explain what additional investigations the Price Field Office undertook and how these establish the existence of wilderness character.

Response: As part of BLM’s wilderness characteristics inventory maintenance for the Wild Horse Mesa area, BLM performed a combination of data and on-site reviews. In the 2002 update of the 1999 inventory, additional areas were added. No new information was submitted that has not already been considered in BLM’s wilderness characteristics inventory maintenance process.

Comment: Thus, the state asks BLM to provide a detailed explanation of the rationale and authority for management of lands solely because of wilderness characteristics, and why such management does not circumvent the provisions of the statutorily required wilderness review process.

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

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

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

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

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

Comment: Molen Reef – Specifically, please explain whether the Price Field Office conducted a site visit, reviewed aerial photographs, reviewed state and county road information, or took any other steps to independently evaluate the existence of wilderness characteristics.

Response: As part of BLM's wilderness characteristics inventory maintenance for the Molen Reef area, BLM performed a combination of data and on-site reviews. The 2007 review took OHV routes into consideration by incorporating the inventory from the 2003 San Rafael Route Designation Plan. Gravel potential is recognized, as shown on Supplement map 2-65. Gypsum potential is recognized, as shown on Supplement map 2-64. Several of the roads specifically identified in public comments are cherry-stemmed, and therefore are not within the area. Many of the features raised by commentors as intrusions are on the area's boundary, and therefore not within the area. No new information was submitted that has not already been considered in BLM's wilderness characteristics inventory maintenance process.

***Comment:** The Utah Legislature in 2006 adopted an energy policy requiring streamlined permitting processes to expedite issuance of permits for energy-related projects. Utah has a process to perform this function through its Department of Environmental Quality. The Price BLM Office should commit to utilizing this established process in the review of such applications.*

Response: Federal laws, rules, regulations and policies govern the procedures for processing all Federal projects.

***Comment:** We recommend that mineral material activities affecting sage-grouse, mule deer, and elk habitat have seasonal restrictions and required mitigation for habitat loss.*

Response: Mineral materials development is a discretionary BLM action. As such, the BLM can identify additional stipulations prior to development without completing a land use plan amendment. Stipulations on individual mineral material projects can be applied to site-specific operations depending on the on-the-ground conditions at the time of development.

***Comment:** South Horn Mountain – The Wilderness Characteristics Review form for this unit notes that the “sites and sounds of man’s activities are easily observed from within this unit. Opportunities for solitude may be limited to isolated canyon location, only.” Please reconcile this statement with the requirement for outstanding opportunities for solitude or primitive and unconfined recreation.*

Response: As part of BLM's wilderness characteristics inventory maintenance for the South Horn Mountain area, BLM performed a combination of data and on-site reviews. In response to some public comments, it is important to note that Forest Service “roadless areas” do not equate to “wilderness areas.” The BLM will only consider areas adjacent to the Forest when the Forest Service “administratively endorses” the area as wilderness or if the area meets the size criteria. The 2007 wilderness characteristics inventory considered the Rock Canyon Road, which bisects the area. No new information was submitted that has not already been considered in BLM's wilderness characteristics inventory maintenance process.

***Comment:** Rock Canyon – Please identify and discuss all additional investigations BLM conducted to determine that the Rock Canyon area possess wilderness characteristics.*

Response: As part of BLM's wilderness characteristics inventory maintenance for the Rock Canyon area, BLM performed a combination of data and on-site reviews. The routes that penetrate the area from the west that public comments raised were identified in the 2002 wilderness characteristics review. No new information was submitted that has not already been considered in BLM's wilderness characteristics inventory maintenance process.

***Comment:** Flat Tops – The State questions that this area contains wilderness characteristics.*

Response: As part of BLM's wilderness characteristics inventory maintenance for the Flat Tops area, BLM performed a combination of data and on-site reviews. The 2002 review took into consideration all available information. Existing oil and gas leases were documented, as shown on Supplement map 3-23. Clay potential is recognized, as shown on Supplement map 2-65. The inventory used OHV information

from the 2003 San Rafael Route Designation Plan. No new information was submitted that has not already been considered in BLM's wilderness characteristics inventory maintenance process.

***Comment:** Eagle Canyon – it appears that the Price Field Office did not conduct a site visit, review aerial photographs or state and county road information, or otherwise independently evaluate the existence of wilderness characteristics.*

Response: As part of BLM's wilderness characteristics inventory maintenance for the Eagle Canyon area, BLM performed a combination of data and on-site reviews. The 2007 review took into consideration the 2003 San Rafael Route Designation Plan. Gypsum potential is recognized, as shown on Supplement map 2-64. The Moore road is a boundary, and therefore not within the area. No new information was submitted that has not already been considered in BLM's wilderness characteristics inventory maintenance process.

***Comment:** Never Sweat Wash and Lost Spring Wash should not have been considered because it contains numerous ATV, motorcycle and jeep trails throughout the unit, organized motorcycle events, the proposed Chimney Rock Trail System, drift and boundary fences, stock ponds and water developments. See Wilderness Characteristics Review for Never Sweat Wash at 2-3 and Wilderness Characteristics Review for Lost Spring Wash at 2-3.*

Response: As part of BLM's wilderness characteristics inventory maintenance for the Lost Springs Wash and Never Sweat Wash areas, BLM performed a combination of data and on-site reviews. This review took into consideration SRP's for motorcycle events, the rail road line, OHV trails shown on Draft RMP/EIS map 2-54, Chimney rock trail system, O/G leases shown on Supplement map 3-23, and gravel potential shown Supplement map 2-65. No new information was submitted that has not already been considered in BLM's wilderness characteristics inventory maintenance process. The BLM is confident of high-standard approach used to inventory the public lands and stands by its findings, particularly the findings, which involved wilderness characteristics inventory maintenance.

***Comment:** The supplement discloses that the presence of "vehicles, and equipment" within lands with wilderness characteristics, and near cultural or paleontological sites, may impact these sites and reduce opportunities for solitude. 2007 Supp at 4-13 - 4-14. Please clarify what vehicle and equipment uses are allowed within and/or are anticipated to interfere with sites or sites or solitude within lands with wilderness characteristics.*

Response: The portions of the document to which the commentor refers describes the impacts to non-WSA lands with wilderness characteristics from cultural and paleontological resources management, which includes the potential for scientific excavation and study. The vehicles and equipment would be that associated with such excavation(s), approved on a case-by-case basis by the Authorized Officer.

***Comment:** Please clarify whether OHV use would be allowed within any lands with wilderness characteristics, and if so, which areas and routes.*

Response: The supplement accurately states the number of miles of routes from the San Rafael Motorized Route Designation Plan Area that would be closed due to management to protect, preserve, and maintain wilderness characteristics in non-WSA lands with wilderness characteristics under Alternative E. The remainder of the routes from the San Rafael Motorized Route Designation Plan Area would not be located within a non-WSA land with wilderness characteristics, and would therefore not be subject to closure under Alternative E. The Proposed RMP/Final EIS has been adjusted so the analysis associated with the Proposed RMP addresses impacts from OHV use within/adjacent to the non-WSA lands with wilderness characteristics managed to protect, preserve and maintain their wilderness characteristics.

Comment: Finally, please carefully analyze and discuss the extent to which precluding coal development within this area would impact the economic viability and operations of coal mining on nearby state lands as well as social and economic impacts to the state and counties.

Response: Prescriptions to protect, preserve, and maintain wilderness characteristics under Alternative E and the Proposed RMP do not preclude coal leasing. However, to protect wilderness characteristics there would be stipulations on surface facilities associated with development. Therefore, coal mining operations could be pursued in these areas, as well as on nearby state lands.

Comment: A travel plan has not been submitted for the Supplement, nor has one been finalized at all for Carbon County in the Draft RMP. The Draft RMP does not address the impact of these closures on the economic value of the affected trust lands in either this section or its section on socioeconomic impacts.

Response: The Proposed RMP/Final EIS includes route designations for both the San Rafael area and the remainder of the Price Field Office. However, closure of any routes that may provide access to SITLA parcels only applies to the public use of the routes. Any such closure does not prohibit the State from reasonable access to its lands for economic purposes through separate permit authorization as specified by the Cotter decision (State of Utah v Andrus, 10/1/79). Routes to State sections may not have been identified due to resource conflicts or actual route conditions. The Proposed RMP/Final EIS has been modified to clarify the BLM's responsibilities under the Cotter decision.

Comment: Please carefully explain how the Price Field Office would administer existing leases while managing to protect wilderness characteristics. Please also explicitly state whether the Price Field Office intends to allow lease renewal for existing leases within non-WSA lands with wilderness characteristics.

Response: Valid existing rights are considered Administrative Actions by the BLM and do not require a specific planning decision to implement. As noted in Chapter 1 under Planning Criteria and as outlined in the BLM's Land Use Planning Manual (Section 1601.06G), all decisions made in land use plans and subsequent implementation decision are subject to valid existing rights. The BLM will work with and subject to the agreement of holders of valid existing rights to modify proposed actions or activities to reduce the effect of the actions or activities on resource values and uses. These modifications may be necessary to maintain the choice of alternatives being considered during land use plan development and implementation, and may include appropriate stipulations, relocations, redesigns, or delay of proposed actions. The Proposed RMP does not propose to protect, preserve, and maintain wilderness characteristics on any lands that are currently leased. Concerning renewal of leases, this would be addressed on a case-by-case basis with the circumstances of each lease being considered at the time of the renewal request.

Comment: Page 4-391 of the 2004 DEIS indicates that the Price Field Office will consider additional areas for withdrawals, including WSAs, suitable wild and scenic river segments, and the Three Rivers proposed withdrawal.

Response: The withdrawal portion of the Lands and Realty section has been revised to address this concern.

Comment: Based on the information provided, it appears that wilderness characteristics determinations for the following areas were made without the assistance of either a site visit or review of aerial photography. Please clarify what information was considered in evaluating the following areas: Desolation Canyon, Price River Extension, Never Sweat Wash, Lost Spring Wash, Sweetwater Reef, San Rafael Knob, Molen Reef, Eagle Canyon, South Horn Mountain, Wildcat Knolls Extension, Flat Tops, Rock Canyon.

Response: As part of BLM's wilderness characteristics inventory maintenance, BLM performed a combination of data and on-site reviews. This included specific field inspections, Interdisciplinary team review of data such as range files, County and BLM GIS data, and high-resolution 2006 aerial

photographs. The BLM's findings are described in the 1999-2003 wilderness reinventory documentation, as well as the 2007 wilderness characteristics review process (findings from this review are available in the Administrative Record). The BLM is confident of high-standard approach used to inventory the public lands and stands by its findings, particularly the findings, which involved wilderness characteristics inventory maintenance.

The BLM examined about 1,094,030 acres of lands for the existence of wilderness characteristics, including all lands within the Red Rock Wilderness Act. The BLM found that 937,440 acres of these lands contained wilderness characteristics and are proposed for protective management in Alternative E. The remaining 156,590 acres did not have wilderness characteristics based on the inventory maintenance conducted by the BLM between 1996 and 2007.

Comment: *Please clarify whether the Price Field Office incorporated set-backs next to a road, pipeline, or other right of way. If the Price Field Office chose to forego buffers, please explain why BLM adopted this divergent approach.*

Response: A required set-back from developed areas is not required to meet the naturalness criteria associated with the non-WSA lands with wilderness characteristics review. In designating other wilderness areas throughout the country, Congress has not required a set-back from busy roads and man-made structures to ensure that sights and sounds are not present from the moment a user steps into the area. Requiring such a standard for non-WSA lands with wilderness characteristics would result in a higher standard than that implemented by Congress for many designated wilderness areas.

Comment: *The state suggests that BLM develop a specific ongoing program to identify and target identification efforts under Section 110 of the National Historic Preservation Act. The state recommends that priorities include potential heritage tourism development in addition to more typical resource investigation and/or protection efforts. Under such a flexible strategy, identification efforts could better respond to public needs and interests.*

Response: The type of actions recommended by the commentor are administrative and do not require land use planning decisions to accomplish. However, the Draft RMP/EIS on page 2-38 does identify areas where cultural resource inventory areas are prioritized, and would be conducted under Section 110.

Comment: *Page 2-20's "Disposal of Lands Through Exchange" This paragraph should specifically reference the need for Federal acquisition of State school trust lands that are captured by Federal reservations and withdrawals such as wilderness study areas will be a priority, in accordance with applicable BLM policy guidance. In addition, State selection should be mentioned as an equally preferred method of land disposition as land exchanges.*

Response: The FLPMA Section 203 requires the BLM to use the land use planning process to identify lands for disposal through sales. Identifying lands for Section 203 sale requires BLM to meet certain criteria set out specifically in the statute.

The FLPMA authorizes BLM to identify lands that would be available for exchange (both disposal and acquisition) more generally. The Draft RMP/EIS has identified lands generally available for sale, as well as criteria to guide future exchanges. The Draft RMP/EIS does not contain a schedule or prioritize these lands, but the BLM understands that State in-lieu and other exchanges are a high priority for the State and for BLM. The Draft RMP/EIS recognizes this by noting on page 2-92 that "exchanges with the State of Utah would be given a priority consideration."

Comment: *Alternative E does not directly examine split-estate lands where the subsurface mineral estate is managed by the BLM but the surface is owned by another party (i.e. SITLA). BLM should re-consider whether it can impose its standards on split estate lands where it does not own the surface.*

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

Instruction Memorandum No. 2003-202 outlines the policy, procedures and conditions for approving oil and gas operations on split-estate lands. In particular, the BLM will not consider an Application for Permit to Drill or a Sundry Notice administratively or technically complete until the Federal lessee or its operator certifies that an agreement with the surface owner exists, or until the lessee or its operator complies with Onshore Oil and Gas Order No. 1. Compliance with Onshore Oil and Gas Order No. 1 requires the Federal mineral lessee or its operator to enter into good-faith negotiations with the private surface owner to reach an agreement for the protection of surface resources and reclamation of the disturbed areas, or payment in lieu thereof, to compensate the surface owner for loss of crops and damages to tangible improvements, if any. In addition, the BLM will invite the surface owner to participate in the onsite inspection and will take into consideration the needs of the surface owner when reviewing the Application for Permit to Drill. The BLM will offer the surface owner the same level of surface protection BLM provides on Federal surface (Instruction Memorandum No. 89-201).

Comment: *There seems to be little or no provision in the designated routes shown on Map 2-69 for motorized routes primarily used by off-highway motorcycles. The proposed management for the areas with wilderness characteristics would eliminate most of the important areas for motorcycle use.*

Response: All designated routes are open for use by off-highway motorcycles. As route designation is an implementation-level decision, the future identification and designation of specific routes for use by specific single-use user groups could be accomplished through subsequent modifications to the route network with associated environmental analysis, but without an RMP amendment.

Comment: *Paragraph 4.3.16 – Minerals and Energy Resources (page 4-45/58)*

Alternative E does not contain a discussion of EPCA and the national energy policy. Alternative E does not adequately analyze the loss of revenue from formally or effectively eliminating mineral development in many of the lands subject to Special Designations and restrictive viewsheds. There is no indication what the loss of wells means in terms of lost revenue to the United States, the State of Utah, local governments, and Utah's school trust, and the effect of that revenue loss under EPCA.

In SITLA's direct experience, companies will not lease one trust land section, if they cannot lease the surrounding BLM sections. BLM decisions to withdraw mineral lands from leasing in areas with "wilderness characteristics," ACECs, and other areas therefore directly affects the economic viability of SITLA's inholdings in those areas, particularly for oil and gas.

Response: The analyses contained in the Price Draft RMP/EIS and the non-WSA Lands with Wilderness Characteristics Supplement to the Draft RMP/EIS has been modified in the Proposed RMP/Final EIS improving the direct and cumulative impacts analysis for minerals and socioeconomics. Specifically, the following revisions were made: 1) an analysis of the impacts to SITLA lands; 2) an analysis of the impacts on the amount of recoverable oil and gas resources under Alternative E and loss of revenue; and 3) a more specific analysis of the economic impacts of Alternative E, using IMPLAN modeling. In addition, information from the University of Utah Bureau of Economic and Business Research's report, "The Structure and Economic Impact of Utah's Oil and Gas Exploration and Production Industry - Phase II - Carbon and Emery Counties" was included in the analysis, as appropriate. Additionally, the Proposed RMP/Final EIS has been modified to include a complete EPCA analysis for all the alternatives, including Alternative E.

Comment: *The Supplement also notes that a Forest and Woodlands Management Plan would be created under all alternatives. 2007 Supp. At 2-13. Please clarify what management actions would be authorized within wilderness characteristics lands under a Forest and Woodlands Management Plan.*

Response: The management prescription for non-WSA lands with wilderness characteristics would be closed to commercial wood harvesting (see page 2-13 of the Supplement).