

Director's Protest Resolution Report

**Kremmling (Colorado)
Resource Management Plan
and Final Environmental
Impact Statement**

June 19, 2015



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Reader's Guide

How do I read the Report?

The Director's Protest Resolution Report is divided into sections, each with a topic heading, excerpts from individual protest letters, a summary statement (as necessary), and the Bureau of Land Management's (BLM's) response to the summary statement.

Report Snapshot

Issue Topics and Responses
NEPA

Topic heading

Submission number

Issue Number: PP-CA-ESD-08-0020-10

Protest issue number

Organization: The Forest Initiative

Protesting organization

Protester: John Smith

Protester's name

Issue Excerpt Text:

Direct quote taken from the submission

Rather than analyze these potential impacts, as required by NEPA, BLM postpones analysis of renewable energy development projects to a future case-by-case analysis.

Summary

General statement summarizing the issue excerpts (optional).

There is inadequate NEPA analysis in the PRMP/FEIS for renewable energy projects.

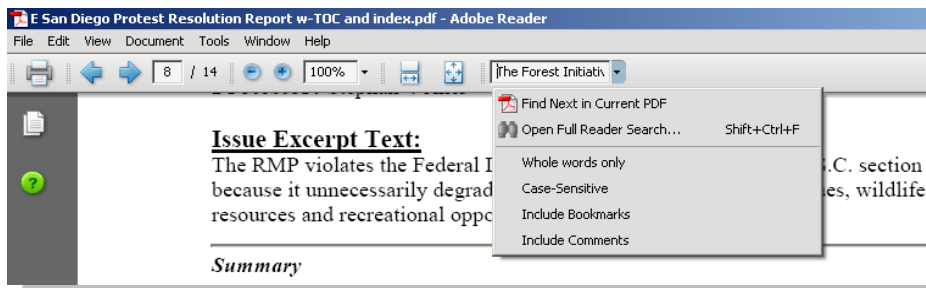
Response

BLM's response to the summary statement or issue excerpt if there is no summary.

Specific renewable energy projects are implementation-level decisions rather than RMP-level decisions. Upon receipt of an application for a renewable energy project, the BLM would require a

How do I find my Protest Issues and Responses?

1. Find your submission number on the protesting party index which is organized alphabetically by protester's last name.
2. In Adobe Reader search the report for your name, organization or submission number (do not include the protest issue number). Key word or topic searches may also be useful.



List of Commonly Used Acronyms

ACEC	Area of Critical Environmental Concern	NHPA	Act of 1969 National Historic Preservation Act of 1966, as amended
APD	Application for Permit to Drill	NOA	Notice of Availability
ASLW	Assistant Secretary for Land and Water	NOI	Notice of Intent
BA	Biological Assessment	NRHP	National Register of Historic Places
BLM	Bureau of Land Management	NSO	No Surface Occupancy
BMP	Best Management Practice	OHV	Off-Highway Vehicle (has also been referred to as ORV, Off Road Vehicles)
BO	Biological Opinion	ORV	Outstandingly Remarkable Value
CAA	Clean Air Act	RFDS	Reasonably Foreseeable Development Scenario
CEQ	Council on Environmental Quality	RMP	Resource Management Plan
CFR	Code of Federal Regulations	RMZ	Recreation Management Zone
COA	Condition of Approval	ROD	Record of Decision
CSU	Controlled Surface Use	ROW	Right-of-Way
CWA	Clean Water Act	SA/DEIS	Staff Assessment/Draft EIS
DM	Departmental Manual (Department of the Interior)	SHPO	State Historic Preservation Officer
DOI	Department of the Interior	SO	State Office
DR	Decision Record	SRMAP/PA	Special Recreation Management Area Plan/Plan Amendment
EA	Environmental Assessment	T&E	Threatened and Endangered
EIS	Environmental Impact Statement	USC	United States Code
EO	Executive Order	USDA	United States Department of Agriculture
EPA	Environmental Protection Agency	USDI	United States Department of Interior
ESA	Endangered Species Act	USGS	U.S. Geological Survey
FEIS	Final Environmental Impact Statement	VRM	Visual Resource Management
FLPMA	Federal Land Policy and Management Act of 1976	WA	Wilderness Area
FO	Field Office (BLM)	WHMA	Wildlife Habitat Management Area
FR	Federal Register	WSA	Wilderness Study Area
FWS	U.S. Fish and Wildlife Service	WSR	Wild and Scenic River(s)
GIS	Geographic Information Systems		
IB	Information Bulletin		
IM	Instruction Memorandum		
MOU	Memorandum of Understanding		
NEPA	National Environmental Policy		

Protesting Party Index

Protester	Organization	Submission(s) Number	Determination
Reginald Phillips		PP-CO-Kremmling-2014-1	Dismissed—No Standing
Martin Cella		PP-CO-Kremmling-2014-2	Dismissed—No Standing
Ted Colvin		PP-CO-Kremmling-2014-3	Dismissed—No Standing
Don James		PP-CO-Kremmling-2014-4	Dismissed—No Standing
Mike Hawkins		PP-CO-Kremmling-2014-5	Denied—Issues and Comments
James Newberry et al.	Grand County Board of Commissioners	PP-CO-Kremmling-2014-6, PP-CO-Kremmling-2014-16	Dismissed—Comments Only
Ken Fosha et al.	Drowsy Water Ranch	PP-CO-Kremmling-2014-7	Dismissed—Comments Only
Otto Stolz	Wingspread West LLC et al.	PP-CO-Kremmling-2014-8	Denied —Issues and Comments
Duane Eatinger		PP-CO-Kremmling-2014-9	Dismissed—No Standing
Keith Sanders	Grand Mountain Bike Alliance	PP-CO-Kremmling-2014-10	Dismissed—Comments Only
Kathleen Sgamma	Western Energy Alliance	PP-CO-Kremmling-2014-11	Denied —Issues and Comments
Maura McKnight	Headwater Trails Alliance	PP-CO-Kremmling-2014-12	Denied —Issues and Comments
Brad Curl	C Lazy U Ranch et al.	PP-CO-Kremmling-2014-13	Dismissed—Comments Only
Jeremy Fancher	International Mountain Bicycling Association	PP-CO-Kremmling-2014-14	Dismissed—Comments Only
Nada Culver, Luke Schafer	The Wilderness Society, Conservation Colorado	PP-CO-Kremmling-2014-15	Denied —Issues and Comments
Scott Jones et al.	Colorado Off-Highway Vehicle Coalition, Trails Preservation Alliance, Colorado Snowmobile Association	PP-CO-Kremmling-2014-17	Dismissed—Submitted Late
Brandon Siegfried		PP-CO-Kremmling-2014-18	Dismissed—Submitted Late

NEPA—Socioeconomic Impact Analysis

Issue Number: PP-CO-Kremmling-2014-05-3

Protestor: Mike Hawkins

Excerpt Text:

The KFO RMP conclusions on recreational spending directly conflict with recreational spending estimates made in the BLM's Northwest Colorado Greater Sage Grouse planning process, which has applied the same analysis methods over the same periods of time as the KFO plan has been developed. This analysis is exceptionally relevant as most of the Kremmling Field office is included as Greater Sage Grouse habitat area analysis. The BLM Sage Grouse analysis estimates the average recreational spending per day is \$25.45 for nonlocal day trips and \$146.58 for nonlocal overnight trips. The conclusions of recreational spending that have been made in the GRSG analysis cannot be reconciled with KFO conclusions and directly evidence the erroneous nature of the KFO conclusions of \$16 on average per day on this issue.

Issue Number: PP-CO-Kremmling-2014-05-4

Protestor: Mike Hawkins

Excerpt Text:

The KFO RMP conclusions are directly in conflict with USFS conclusions on recreational spending as well. This is deeply troubling as the KFO RMP and

FEIS repeatedly asserts that the KFO analysis relies on USFS NVUM data and methods, which has a long history of being recognized as best available science on recreational spending. USFS NVUM analysis in the planning area estimates the average recreational spending at between \$50 and \$60 per day. Many user groups such as the motorized community spend at levels that are two to three times the average levels found in the USFS conclusions. NVUM analysis further finds that the lowest spending group of recreational users spend more than \$21, and this is a local visitation group that the KFO asserts has been excluded from analysis.

Issue Number: PP-CO-Kremmling-2014-11-9

Protestor: Kathleen Sgamma

Excerpt Text:

Failure to Adequately Analyze the Socio-Economic Impacts that Result from Land Closures and Restrictions on Oil and Natural Gas Activities: In the comment letter, Western Energy Alliance indicated that the Draft RMP did not adequately quantify the socio-economic impact of oil and natural gas activities in the planning area, the state, and the nation, nor did it analyze the negative impact that would result from the closure of land and restrictions on future development.

Summary:

Economic impacts from recreation described in the PRMP/FEIS conflict with the United States Forest Service's National Visitor Use Monitoring (NVUM) program data and the Northwest Colorado Greater Sage-Grouse Draft Land Use Plan Amendments and Draft Environmental Impact Statement. The PRMP/FEIS failed to adequately analyze socioeconomic impacts from restricting and closing lands to oil and gas.

Response:

The PRMP/FEIS does not conclude that the average recreational user spends \$16 per day. The PRMP/FEIS does not analyze the amount of money that the average recreational user spends per day. Rather, the PRMP/FEIS projects the number of general recreational visits to BLM lands that would occur annually under each alternative, and then estimates the number of jobs and resulting amount of income that are dependent upon recreation on BLM lands in the Kremmling planning area.

The PRMP/FEIS projects that 697,563 to 737,713 general recreational visits would occur annually within the planning area under the Proposed Alternative (Kremmling PRMP/FEIS, Table 4-47). The projected recreational visitation is based upon the best available information, such as NVUM surveys, the BLM's Recreation Management Information System data, and the professional judgment of BLM specialists (Kremmling PRMP/FEIS, p. 4-1030).

The BLM relied upon national ratios developed by the NVUM program (Stynes and White, 2005) to relate recreational visits to BLM recreation-dependent jobs and income (Kremmling PRMP/FEIS, p. 4-1030). Based on this methodology, the PRMP/FEIS concludes that the Proposed Alternative would annually support 408 - 431 jobs and \$11,987,000 - \$12,677,000 in labor income related to recreation within the Kremmling planning area (Kremmling PRMP/FEIS, Tables 4-49, 4-50). The BLM analyzed the economic information for the purpose of comparing the relative impacts of the alternatives, and the conclusions should not be viewed as absolute economic values.

Additionally, the economic impacts related to recreation identified and analyzed in the Northwest Colorado Greater Sage-Grouse Draft Land Use Plan Amendments and Draft Environmental Impact Statement does not provide an accurate comparison for those economic impacts analyzed in the Kremmling PRMP/FEIS. The planning area for the Northwest Colorado Greater Sage-Grouse Draft Land Use Plan Amendments and Draft Environmental Impact Statement encompasses five field offices, which each contain unique and different recreational profiles, while the Kremmling PRMP/FEIS analyzes economic impacts solely from recreation in the Kremmling planning area. Recreational impacts represent different recreational uses between the plans, and thus, do not provide a comparable basis of impacts for both plans.

The PRMP/FEIS adequately analyzes socioeconomic impacts. For purposes of analyzing the socioeconomic impacts of oil and gas management in the PRMP/FEIS, the BLM assumed that “oil and gas development and production [would] occur at constant rates over the 20-year period of analysis. Impacts are not distinguished for development and production periods because development would not occur over predictable timeframes. For analysis purposes, development and resulting production are assumed to occur at rates averaged over the 20-year period of analysis” (Kremmling PRMP/FEIS, p. 4-1031).

Based upon current prices and potential production, the BLM determined that “under the Proposed Plan, 192 wells are anticipated to be drilled on Federal mineral estate over the 20-year analysis period, which amounts to approximately 10 wells per year” (Kremmling PRMP/FEIS, p. 4-1042) and average annual natural gas and oil production would be an estimated 396,423 mcf and 93,880 barrels, respectively (Kremmling PRMP/FEIS, p. 4-1029). The BLM combined this information with oil and gas prices and estimated costs for development to analyze the economic activity associated with this annual level of production and development using the IMPLAN input-out model. The BLM found that “contributions to employment and income from drilling and anticipated production would provide approximately 4 jobs and \$182,000 in labor income on an average annual basis” (Kremmling PRMP/FEIS, p. 4-1042).

The PMRP/FEIS places this level of employment and income in context with the planning area: “Less than 1 percent of employment and labor income [in the planning area] would continue to be supported in the minerals sector” (Kremmling PRMP/FEIS, p. 4-1043). Given the minor level of socioeconomic impacts associated with oil and gas decisions in the PRMP/FEIS, the level of analysis in the PMRP/FEIS is sufficient to enable the decision maker to make a reasoned choice among the alternatives analyzed in the PRMP/FEIS.

Sagebrush Habitat and Sagebrush-dependent Species

Issue Number: PP-CO-Kremmling-2014-08-4

Protestor: Otto Stolz

Excerpt Text:

a. Table ES-1, pg ES-54 and pg 4-837 allows no more than 5 percent (rather than the 3 percent as recommended by A Report on National Greater Sage-Grouse Conservation Measures produced by the Sage-grouse National Technical Team dated December 21, 2011 ("NTT Report") of the surface area within Greater constitutes a disturbance (contrary to scientific findings of NTT Report).

Issue Number: PP-CO-Kremmling-2014-08-5

Protestor: Otto Stolz

Excerpt Text:

b. CO-NS0-9, MAP 2-136 and MLP-19: no surface occupancy or use is allowed on Greater Sage-grouse lands: within 0.6 mile radius of leks (contrary to scientific findings of NTT Report).

Issue Number: PP-CO-Kremmling-2014-08-6

Protestor: Otto Stolz

Excerpt Text:

c. CO-CSU-8, CO-TL-7 and CO-TL-8 Mapped Seasonal Habitats (non-lek breeding, late brood rearing, and winter habitat) or Suitable Sagebrush Habitat within a 4- mile radius of a lek (contrary to scientific findings of NTT Report).

Issue Number: PP-CO-Kremmling-2014-08-3

Protestor: Otto Stolz

Excerpt Text:

(iv) The following stipulations are grossly inadequate and contrary to the best available science for the protection of sagebrush habitat and sagebrush-dependent species and inconsistent with BLM's statement on pg 1-16 of the PRMP - "The intent will be to recover listed species and maintain healthy populations of all other species, and avoid the need for further Federal listing."

Summary:

Stipulations for the protection of sagebrush habitat and sagebrush-dependent species are contrary to the best available science and the BLM's intent to manage species to avoid the need for further listing under the Endangered Species Act. Specifically, the proposed management for Greater Sage-Grouse habitat within the planning area does not include certain management actions recommended in the "National Technical Team Report" on management of the Greater Sage-Grouse.

Response:

Lease stipulations for the protection of sagebrush habitat and sagebrush-dependent species were determined by "an interdisciplinary team, using literature and their experience" (Kremmling PRMP/FEIS, p. 5-189). Specifically, the BLM relied on guidance from the "Colorado Greater Sage-grouse Conservation Plan, local work group plans (Middle Park and North Park, North Eagle, South Routt), Connelly Guidelines, the BLM National Sage-grouse Habitat Conservation Strategy (BLM 2004a), Pyke (2011) and [the] Western Association of Fish and Wildlife Agencies" to develop conservation measures for sagebrush habitat and sagebrush-dependent species (Kremmling PRMP/FEIS, p. ES-54). Section 4.2.6.2 of the PRMP/FEIS also contains numerous citations to scientific literature that the BLM considered in the impacts analysis.

The BLM did not consider the management actions recommended in the "National Technical Team Report" on management of the Greater Sage-Grouse and eliminated from detailed analysis an alternative that included these conservation measures.

The consideration of the "National Technical Team Report" in this RMP revision would be redundant because the BLM is considering all applicable conservation measures from the report as directed by Washington Office Instruction Memorandum 2012-044 in a concurrent plan amendment, which will amend the Kremmling RMP. BLM previously articulated that the PRMP/FEIS "does not consider all applicable conservation measures for the greater sage-grouse

as directed by BLM IM No. 2012-044 since those measures are simultaneously under consideration in the Northwest Colorado Greater Sage-Grouse Plan Amendment and EIS" (Kremmling PRMP/FEIS, p. 2-22).

The BLM released the Northwest Colorado Greater Sage-Grouse Draft Land Use Plan Amendments and Draft Environmental Impact Statement on August 16, 2013, and it is available at www.blm.gov/co/st/en/BLM_Programs/wildlife/sage-grouse/0.html.

The BLM does not have the authority to determine if listing under the Endangered Species Act is warranted for a particular species. Based on the science considered, the management proposed for sagebrush habitat and sagebrush-dependent species in the PRMP/FEIS, in addition to the management under consideration in the Northwest Colorado Greater Sage-Grouse Land Use Plan Amendments, satisfies the BLM's intent to manage the public lands in a manner that avoids the need for further listing of species under the Endangered Species Act.

The BLM completed formal consultation on the PRMP/FEIS with the U.S. Fish and Wildlife Service. The U.S. Fish and Wildlife Service's Biological Opinion is included with the PRMP/FEIS in Appendix V. The U.S. Fish and Wildlife Service determined that the PRMP/FEIS is "not likely to adversely affect" the Mexican Spotted Owl, Canada lynx, or greenback cutthroat trout. Other than through water depletions, Colorado River endangered fish and Platte River species "would not be affected" by the PRMP/FEIS. The PRMP/FEIS is "not likely to jeopardize the continued existence" of the North Park phacelia, Penland beardtongue, or Osterhout milkvetch (Kremmling PRMP/FEIS, Appendix V).

Energy Policy Act of 2005

Issue Number: PP-CO-Kremmling-2014-11-6

Protestor: Kathleen Sgamma

Excerpt Text:

In the comment letter, Western Energy Alliance identified the proposed application of major and moderate constraints (No Surface Occupancy, or NSO, and Controlled Surface Use, or CSU) to 744,200 acres as excessive and lacking in scientific justification, as it represented a 171% increase over current management. As with closures to leasing,

rather than provide sufficient justification for these restrictions, BLM instead increased the level of major and moderate restrictions even further, to 797,500 acres, or 190% over current management. The Energy Policy Act of 2005 explicitly states that stipulations applied to oil and natural gas leases be "only as restrictive as necessary to protect the resource for which the stipulations are applied." BLM has failed to explain how this dramatic increase comports with this statutory mandate.

Summary:

The PRMP/FEIS fails to apply the least restrictive stipulations for oil and gas leasing in violation of the Energy Policy Act of 2005.

Response:

The PRMP/FEIS properly restricts the manner in which oil and gas can be developed through oil and gas lease stipulations. As stated in the PRMP/FEIS, "with regard to oil and gas leasing, the FLPMA requires that RMPs...specify related management directions (including, if applicable, stipulations, exceptions, waivers, and modifications) by alternative" (Kremmling PRMP/FEIS, p. B-3). Each alternative analyzed in the PRMP/FEIS presents a set of oil and gas lease stipulations necessary to meet the RMP goals and objectives for each resource and resource use in the planning area.

Based on current resource conditions, there are many reasons why the number of acres subject to major or moderate lease stipulations is proposed to increase when compared to current management. For example, one reason is an increase in acreage subject to major or moderate lease stipulations for the protection of Special Status Species, such as the Greater Sage-Grouse. An increase in protection is necessary because under current management, "animals that have been classified as Special Status Species [which includes the Greater Sage-Grouse] have experienced serious downward trends in their populations and habitats in recent times" (Kremmling PRMP/FEIS, p. 3-103).

The PRMP/FEIS fully analyzed the impacts of the lease stipulations (see Chapter 4 of the PRMP/FEIS) for each alternative. Based on the impacts analysis performed, the BLM determined that the stipulations considered are not overly restrictive, and are necessary to meet the goals and objectives of the PRMP/FEIS.

FLPMA—Multiple Use Mandate

Issue Number: PP-CO-Kremmling-2014-11-5

Protestor: Kathleen Sgamma

Excerpt Text:

Under Section 102 of FLPMA, Congress directed BLM to manage lands on a multiple-use basis to "...best meet the present and future needs of the American people" in a "combination of balanced and diverse resource uses," including minerals development.' BLM's reasons for the proposed closures include Lands with Wilderness Characteristics, Wilderness Study Areas (WSA), and Special Recreation Management Areas (SRMA). Importantly, in Section 103(c) of FLPMA, Congress listed resources that BLM should take into account in

allocating management, and "wilderness characteristics" is not included as such a resource. On the other hand, mineral development is a "principal or major use" of public lands under FLPMA. 43 U.S.C. § 1702(1). 'Recreation is identified as a "principle or major use," but BLM fails to explain how the two uses are mutually exclusive of one another, and how closure of these areas is therefore justified. Congress further emphasized the importance of minerals development by declaring that public lands be managed "in a manner which recognizes the Nation's need for domestic sources of minerals."

Summary:

The PRMP/FEIS violates the multiple-use mandate of the Federal Land Policy and Management Act of 1976 (FLPMA) by prioritizing recreation, Wilderness Study Areas, and wilderness characteristics over oil and gas development.

Response:

Section 103(c) of FLPMA defines "multiple use" as the management of the public lands and their various resource values so that they are utilized in the combination that will best meet the present and future needs of the American people. Accordingly, the BLM is responsible for the complicated task of striking a balance among the many competing uses to which public lands can be put. The BLM's multiple-use mandate does not require that all uses be allowed on all areas of the public lands. Through the land use planning process, the BLM evaluates and chooses an appropriate balance of resource uses which involves tradeoffs between competing uses.

While FLPMA does identify mineral exploration and development as a "principal or major use", Section 102 (8) of FLPMA also states that the BLM "where appropriate, will preserve and protect certain public lands in their natural condition". Accordingly, the PRMP/FEIS restricts oil and gas activities on certain public lands in order to protect other resource uses and values, including recreational opportunities and wilderness characteristics.

Lands with Wilderness Characteristics

Issue Number: PP-CO-Kremmling-2014-15-10

Protestor: Nada Culver

Excerpt Text:

The BLM did not adequately document the rationale behind LWC boundary decisions and wilderness characteristics determinations.

In order for the public to fully understand the rationale behind BLM's decisions on boundaries and/or the presence or absence of wilderness characteristics in potential lands with wilderness characteristics units, BLM policy requires that a Permanent Documentation File be maintained for each inventory unit. Further, Manual 6310 requires that this permanent documentation file contain, among other things, photo-documentation and maps "that depict the area's...boundary and any photo points." Additionally, the Manual states that "necessary forms for each area will be completed" including Appendix C: Route Analysis forms. The Kremmling Field Office is the only field office in Colorado that does not have a Lands with Wilderness Characteristics webpage that includes detailed information on LWC inventories, including narratives, photographs, and maps. At the time of filing this protest, the designated page for such information,

<http://www.blm.gov/co/st/en/fo/kfo/KFOLandsWithWildernessCharacteristics.html>, states simply: "This page is under construction. We plan to have it complete soon! Please check back;" (Attached as Exhibit E.) This is completely inadequate during the protest period, when the public has a brief window to officially review and submit comments/protests on the Proposed RMP.

The lack of inventory information available to the public during the protest period means that the majority of the wilderness characteristics determinations and Wilderness inventory road assessments made by BLM in the Proposed RMP are not backed up by documentation of any kind. Boundary roads, cherry stemmed roads, and roads used as impacts to naturalness are missing their corresponding Route Analysis forms that might otherwise provide the public with the rationale behind BLM's decisions. Very few statements in BLM's inventory determining that an area does not possess apparent naturalness or opportunities for solitude or primitive and unconfined recreation are backed up with photo- documentation or other illustrative evidence.

Omitting necessary information regarding the inventory from public review makes it difficult for the public to understand the wilderness resources in the KFO and the BLM's rationale for decisions being made in the RMP; since comments and protests are necessarily based on available information, the public's ability to comment is similarly compromised.

Issue Number: PP-CO-Kremmling-2014-15-6

Protestor: Nada Culver

Excerpt Text:

The BLM's approach to inventorying lands with wilderness characteristics did not comply with relevant agency guidance.

FLPMA requires the BLM to inventory and consider lands with wilderness characteristics during the land use planning process. 43 U.S.C. § 1711(a); see also *Ore. Natural Desert Ass'n v. BLM*, 531 F.3d 1114, 1119 (9th Cir. 2008). IM 2011-154 and Manuals 6310 and 6320 contain mandatory guidance on implementing that requirement. The IM directs BLM to "conduct and maintain inventories regarding the presence or absence of wilderness characteristics, and to consider identified lands with wilderness characteristics in land use plans and when analyzing projects under [NEPA]."

As we stated in our comments on the Draft RMP, BLM must update its inventory of lands with wilderness characteristics to comply with FLPMA and IM 2011-154. The comprehensive inventory should include the full planning area, and not just public submissions and original inventory areas. The Kremmling Proposed RMP, Appendix H, states that as part of the Lands with Wilderness Characteristics Assessment, "all lands underwent a review regarding whether or not the areas are roadless" (Proposed RMP, p. H-3). It goes on to describe this roadless analysis as including GIS data for the KFO Transportation Inventory (Proposed RMP, pH-5). However, our analyses of roadless lands within the Kremmling Field Office show that BLM's assessment completely omitted several areas that may likely qualify as lands with wilderness characteristics, and improperly adopted boundaries that do not comply with BLM's guidance for other areas.

Issue Number: PP-CO-Kremmling-2014-15-9

Protestor: Nada Culver

Excerpt Text:

BLM Manual 6310 states that, "[t]he boundary [for a wilderness characteristics inventory unit] is usually based on the presence of wilderness inventory roads" but can also be based on changes in property ownership or developed rights-of-way. Wilderness Inventory Roads are defined as those roads that are "improved and maintained by mechanical means to insure relatively regular and continuous use. A way

maintained solely by the passage of vehicles does not constitute a road" (Manual 6310, p. 14). Some of the boundaries for the Strawberry and Drowsy Water units do not appear to meet the above definition of a wilderness inventory road or other qualifying feature for boundary delineation purposes and therefore do not comply with BLM's guidance.

Summary:

The PRMP/FEIS does not comply with BLM Manual 6310 because:

- the wilderness characteristics inventory was not available to the public; and
- the PRMP/FEIS omits several areas that may likely qualify as lands with wilderness characteristics, and improperly delineates inventory unit boundaries.

Response:

BLM policy encourages making inventory information available for public review regarding the presence of lands with wilderness characteristics, and the size and shape of those inventory units. Washington Office Instruction Memorandum 2013-106 states that "BLM field offices should make finalized and signed wilderness characteristics findings (using the forms provided in BLM Manual 6310, Appendix B) available to the public as soon as practicable after their completion and before the inventory data is used to inform decisions".

However, BLM policy does not require field offices to post wilderness characteristics inventories online. Thus, the Kremmling Field Office's failure to post the wilderness characteristics inventory online does not constitute a violation of BLM policy.

Throughout the development of the PRMP/FEIS and during the protest period, the wilderness characteristics inventory was available for public review at the Kremmling Field Office. However, in order to make the wilderness characteristics inventory more accessible to the public, the Kremmling Field Office will post the inventory online following the release of the Record of Decision (ROD) and Approved Resource Management Plan (ARMP).

Appendix H of the PRMP/FEIS states that: "[t]his [wilderness characteristics inventory] process has been designed to look at all KFO lands..." and "all lands underwent a review regarding whether or not the areas are roadless" (Kremmling PRMP/FEIS, p. H-3). As part of the wilderness characteristics inventory process, the BLM reviewed past wilderness inventories as well as public wilderness proposals (Kremmling PRMP/FEIS, p. H-4, H-5). Thus, the wilderness characteristics inventory used in developing the PRMP/FEIS fully complies with BLM Manual 6310.

BLM Manual 6310 states that while wilderness characteristics inventory units are usually based on the presence of wilderness inventory roads, the BLM Manual 6310 also states that the boundaries for wilderness inventory units "can also be based on changes in property ownership or developed rights-of-way" and that "other inventory unit boundaries may occasionally be identified" (BLM Manual 6310 at .06.C.1). Accordingly, the BLM has the flexibility to use other features to determine the boundaries. For more information regarding the inventory

boundaries of the Strawberry and Drowsy water units, please see Section 3.2 and Section 2.3.1, respectively, in Appendix H of the PRMP/FEIS.

The PRMP/FEIS administrative record provides no indication that any of the three inventoried areas lack apparent naturalness or opportunities for solitude or primitive and unconfined recreation. All three areas were properly found to possess these characteristics.

Recreation

Issue Number: PP-CO-Kremmling-2014-12-3
Protestor: Maura McKnight
Excerpt Text:
Supporting Management Action and Allowable Use
Decisions, Comprehensive Trails and Travel
Management states that the area will be designated as
Limited to Designated; all modes and types of travel

except foot and horse travel and authorized over-the-snow vehicles, will be limited to designated routes and trails. This indicates that mechanized use is allowed on designated routes and trails. However, the Proposed Operational RSCs state that all travel within the zone will be closed to motorized and mechanical travel.

Summary:

The PRMP/FEIS is inconsistent regarding closures to mechanized use in Recreation Management Zone (RMZ) 1 of the Strawberry Special Recreation Management Area (SRMA).

Response:

The BLM seeks to manage RMZ 1 of the Strawberry SRMA in a manner that provides visitors the opportunity to engage in non-motorized and non-mechanical recreational opportunities (Kremmling PRMP/FEIS, p. N-14). However, managing for this objective does not require that all of RMZ 1 must be closed to all motorized and mechanical travel. Therefore, the PRMP/FEIS does not designate RMZ 1 as “closed” to all motorized and mechanical travel.

The PRMP/FEIS specifically states that the BLM may designate main access routes or trails designed for disabled access, on which motorized and mechanical travel would be allowed within RMZ 1 (Kremmling PRMP/FEIS, p. N-15). Accordingly, the PRMP/FEIS properly designated motorized and mechanical travel in RMZ 1 as “limited to designated routes”.