

*Director's Protest Resolution
Report*

Bureau of Land Management

Sutey Ranch

and

Haines Parcel

Proposed Land Use Plan

Amendment and Environmental

**Assessment (Sutey-Haines
LUPA/EA)**

April 29, 2019



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Protesting Party Index

Protester		Organization	Determination
Mike Pritchard	Sutey_Haines_PritchardM_RMFBA-00001	RMFBA	Dismissed – Comments Only
Ian Carney	Sutey_Haines_CarneyI_TwoShoesRanch-00002	Two Shoes Ranch	Dismissed – Comments Only
Will Roush	Sutey_Haines_RoushW_WildernessWorkshop-475782	Wilderness Workshop	<i>Denied – Issues and Comments</i>
Daniel Hardin	Sutey_Haines_HardinD-475736	Individual	Dismissed – Comments Only
Davis Farrar	Sutey_Haines_FarrarD_RedHillCouncil-475783	Red Hill Council	Dismissed– Comments Only
Pamela True	Sutey_Haines_TrueP-00003	Individual	Dismissed – Comments Only

NEPA – Impacts Analysis – Wildlife

Issue Number: Sutey_Haines_RoushW_WildernessWorkshop-475782

Organization: Wilderness Workshop

Protesting Party: Mr. Will Roush

Issue Excerpt Text:

BLM's decision to leave these [*referring to the Haines parcels in the EA*] areas open to mineral development despite so many incompatible values is arbitrary and capricious. The agency should eliminate any change that it will have to dedicate limited public resources to new mineral development proposals that would not be compatible with the areas' other values by closing all of the Sutey and Haines parcels to mineral development.

BLM should maintain the focus on protecting wildlife habitat on the Sutey Ranch and Haines Parcels in any final decision. The agency should also ensure the Parcels' unique habitat values are not threatened by mineral development in the future by closing them entirely to all forms of mineral development.

Summary:

The BLM violates NEPA in the Sutey Ranch and Haines Parcel Proposed Land Use Plan Amendment and Environmental Assessment (Sutey-Haines LUPA/EA) because it does not consider the impacts to wildlife and its habitat by allowing mineral development.

Response:

NEPA directs that data and analyses must be commensurate with the importance of the impact (40 CFR 1502.15), and that NEPA documents must concentrate on the issues that are truly significant to the action in question, rather than amassing needless detail (40 CFR 1500.1(b)). The BLM is required to take a "hard look" at the potential environmental impacts of adopting the Sutey-Haines LUPA/EA preferred alternative.

The level of detail of the NEPA analysis must be sufficient to support reasoned conclusions by comparing the amount and the degree of change (impact) caused by the proposed action and alternatives (BLM Handbook H-1790-1, Section 6.8.1.2). The BLM is not required to speculate about all conceivable impacts, but it must evaluate the reasonably foreseeable significant effects of the proposed action.

A land use planning-level decision is broad in scope. For this reason, analysis of land use plan alternatives is typically broad and qualitative rather than quantitative or focused on site-specific actions. The baseline data provides the necessary basis to make informed land use plan-level decisions.

As the decisions under consideration by the BLM are programmatic in nature and would not result in on-the-ground planning decision or actions, the scope of the analysis was conducted at a programmatic level. The analysis focuses on the direct, indirect, and cumulative impacts that could potentially result from on-the-ground changes. This analysis identifies impacts that may

result in some level of change to the resources, regardless of whether that change is beneficial or adverse.

In accordance with the Planning Criteria described in the Sutey-Haines PLUPA/EA: “Lands affected...only apply to public surface and mineral estate managed by the BLM. No decisions will be made relative to non-BLM administered lands or non-Federal minerals,” and: “The BLM will maintain the water shares secured in the exchange to benefit wildlife and the public” (Ch. 2, p. 10).

The BLM’s proposed plan is Alternative 4, which is primarily made up of management actions identified in the preferred alternative (Alternative 1), but also incorporates management actions from other alternatives analyzed in the EA based on public input. Alternative 1 advises that the BLM would “manage the Sutey Ranch predominantly for the benefit of wildlife and wildlife-related activities such as hunting and wildlife viewing” (p. 11). As part of this alternative, the BLM would manage irrigated lands to provide forage for wildlife and temporary, limited livestock grazing, as well as to improve the surrounding ranchlands by applying vegetation treatments.

The Sutey Ranch area would be closed to mechanized, foot, and horse traffic in the winter months for the protection of wintering wildlife. The BLM would apply the CRVFO-NSO-7, “Priority Wildlife Habitat”, stipulation to the Sutey Ranch area, thereby prohibiting surface occupancy and surface-disturbing activities to protect vegetation cover and forage for wildlife.

The BLM also analyzed an alternative (Alternative 4A) that would close both the Sutey Ranch and the Haines Parcel to mineral extraction. Please refer to Table 2, “Management Action Alternatives”, pages 17-18 “*Minerals (Including Fluid Minerals)*”, for more detailed information on the management of minerals development in the Sutey-Haines PLUPA/EA.

The BLM adequately analyzed impacts to wildlife from fluid mineral leasing and determined that such impacts would be the same across the range of alternatives, including Alternative 4A, the no-leasing alternative. *See* page 42. The agency came to this determination because: “1) it would be virtually impossible to find a surface location for development that would meet the exception criteria for all the proposed no-surface occupancy and controlled surface use stipulations and applicable stipulations from the 2015 CRVFO Approved RMP (i.e., CRVFO-NSO-7 - Priority Wildlife Habitat, CRVFO-NSO-25: Special Recreation Management Areas); and: 2) the area is identified as low potential in the CRVFO Reasonably Foreseeable Development Scenario (BLM CRVFO RFD 2008) and development is highly unlikely.” *Id.* The No Surface Occupancy (NSO) stipulations incorporated from the CRVFO RMP would prohibit surface occupancy and surface disturbing activities associated with any potential development and thereby protect the unique big game habitat values and priority wildlife habitat on the Sutey Ranch. Please refer to Appendix D of the Sutey-Haines PLUPA/EA for specifics and additional details.

Additionally, as stated in the PLUPA/EA, “There is no critical habitat, occupied habitat, or known occurrences for any Federally-listed, proposed, or candidate terrestrial wildlife. Seasonal use by some Colorado sensitive species could occur. Although sensitive bats could forage in the

project area, there are no known hibernacula, maternity colonies, or bachelor colonies. Sensitive raptors may forage on the project area, but suitable nesting habitat is not available. Potential Brewer's sparrow nesting habitat on the Sutey Ranch is small and fragmented. Potential impacts to migratory birds, including the sparrow species, are analyzed in the migratory birds section." Last, no Greater Sage-Grouse Priority Habitat Management Areas (PHMA) or General Habitat Management Areas (GHMA) are located in the project area (Ch. 3, p. 19).

The BLM's basis for the preferred Alternative 1 is neither arbitrary nor capricious. The agency complied with NEPA's requirement to analyze the effects on wildlife from potential mineral development in the Sutey-Haines LUPA/EA.
