

## **Questions and Answers on the Public Input Period for the Penstemon Potential ACEC Evaluation**

### **Where is the penstemon potential ACEC and what land does it include?**

The original nomination included the entire proposed Graham's penstemon proposed critical habitat designation, totaling 2,600 acres, as described in Fed. Reg. 3158-3196 (Jan. 19, 2006), plus buffers of at least 300 feet. In 2013, Graham's penstemon and White River penstemon were proposed for listing with additional acreage to include the White River penstemon, totaling 44,000 acres, as described in Fed. Reg. 47831-47858 (Aug. 6, 2013). The attached map reflects the 2013 proposed listing acreages plus a 300-foot buffer, which completely encompasses the 2006 nomination. This review applies only to the habitats and buffers within the Vernal Field Office area because the Settlement Agreement only applies to Utah and because White River Field Office has their own management in place for the penstemon.

### **Why is BLM evaluating the penstemon potential ACEC?**

BLM committed to an evaluation of the Graham's penstemon potential ACEC in the 2008 Vernal [Record of Decision and Approved Resource Management Plan](#) (p. 18) because the agency acknowledges that it did not respond to a 2006 citizen's nomination received during a formal comment period. The BLM agreed to an established timeframe for the ACEC evaluation in a Settlement Agreement the District Court of Utah approved in May 2017. The approved settlement can be read [here](#).

### **What protections do the penstemon currently have?**

The Vernal Field Office uses the following measures protect the penstemon:

- 1) Within penstemon suitable habitat on BLM lands, inventories are conducted for surface disturbing activities plus a 300-foot buffer to determine if the plant is present. If the plant is present, the plant is avoided by 300 feet.
- 2) The proposed critical habitat was designated "no surface occupancy" by the BLM's Vernal RMP (RMP ROD Figure 8a).
- 3) The Penstemon Conservation Agreement, which applies to private, state, and BLM

lands, also requires:

- Inventories and surveys in habitat and a 300-foot buffer to protect the plants;
- BLM conferences with the Fish and Wildlife Service to assess impacts from projects to the penstemon;
- Private landowners conferences with the Penstemon Conservation Team to assess impacts from projects to the penstemon;
- Dust abatement on existing roads within penstemon populations; and
- Noxious weed treatment using Penstemon Conservation Team guidelines within penstemon populations.

#### **Will there be a public comment period on the evaluation report?**

There will be no public comment period or formal public review of the evaluation. The BLM retains responsibility for evaluating ACECs. This opportunity for public input will assist in identifying issues and resources within each potential ACEC prior to interdisciplinary review.

#### **How could these evaluations affect management of the area?**

A land use planning process considers whether to designate a potential ACEC and specifies appropriate management actions to protect the relevant and important resource values for designated ACECs. This evaluation is separate and distinct from the BLM's land use planning process; however, the outcome of this evaluation will inform the agency as to whether a land use plan amendment is warranted. At this time, the Vernal office is not considering amending the existing Resource Management Plan decisions for ACEC designations. If BLM determines that the areas do not meet the criteria for ACECs stipulated in Manual 1613, then no further action is anticipated. If the areas do meet BLM's criteria for ACECs, then BLM may also establish any additional necessary temporary management prescriptions to protect the relevant and important resource values, as required by Manual 1613. When determining whether temporary management prescriptions may be necessary, BLM may consider, among other things, any protection provided by law, regulation, existing management

prescriptions in the relevant Approved RMP, conservation agreements, or conservation strategies that overlap the potential ACEC. Additional necessary temporary management prescriptions remain in place until the next RMP Amendment.