

RECREATION

The County has a wide array of recreational and tourism opportunities for residents and visitors alike. Visitors to these areas have a direct impact by drawing on county-provided infrastructure such as, law enforcement, emergency-medical, and waste disposal services. Store owners, restaurants, hotels and motels, and many more interests depend on seasonal recreation and tourism for their livelihoods. Activities that traditionally define recreation and tourism in the County, include, but are not limited to: big game hunting, trapping, fishing, off-road vehicle use, mountain biking, hiking, camping, snowmobiling, cross country skiing, river rafting, kayaking, hang-gliding, bird and wildlife watching.

1. GOAL: Encourage a broad spectrum of public land recreational opportunities in the County, while protecting and conserving natural resources consistent with the Plan.

Objective 1A: Encourage recreational activities that enhance opportunities for economic development and maintain the custom and culture of the County.

Objective 1B: Encourage recreational activities on the lands in the County that increase the capacity for federal and state land resources to provide more economic return to the County.

Objective 1C: Locate and assess the areas where recreation uses are having adverse resource impacts.

2. GOAL: Encourage recognition of the social, cultural, and economic significance of recreation in the region, and encourage implementation of policies that will evaluate the viability and impacts of various recreational opportunities, while ensuring conservation of rangeland, water, and soil resources.

3. GOAL: Encourage implementation of plans and programs that provide a balance of motorized and non-motorized recreational opportunities in the County.

4. GOAL: Support recreation in the management of state and federal lands that are consistent with the multiple uses of these lands, and to promote the continuation of historical access on state and federal lands.

Objective 4A: Encourage private sector development of recreation services and programs.

Objective 4B: Support the BLM Tread Lightly program as part of efforts to conserve soil resources. [Appendix Tab II, Tread Lightly Program.]

Objective 4C: Request to be notified of proposed management and fee options for recreation areas.

PREDATOR CONTROL

The Animal Damage Control program is conducted with the cooperation of the Animal, Plant Health Inspection Service-Animal Damage Control, Wildlife Services (“APHIS-ADC, WS”) of USDA pursuant to the Animal Damage Control Act. [Addendum Tab No. 2 at 7, 7 U.S.C. §426]. In 1999, the Wyoming legislature established the Animal Damage Management Board, which administers animal damage control in Wyoming and provides additional funding from hunting licenses to participating predatory districts. [Addendum Tab No. 33b at 161, Wyo. Stat. 11-6-302]. [Appendix Tab Z-1, Memorandum of Understanding Between Wyoming Animal Damage Management Board and Wyoming Game and Fish Commission and Wyoming Department of Agriculture and United States Department of Agriculture Animal and Plant Health Inspection Service Wildlife Services May 1, 2002 (“ADC MOU”).] The Wyoming Animal Damage Management Board, in cooperation with the Department of Agriculture, the Game and Fish Commission, and the local predatory animal control boards are responsible for animal damage control with APHIS-ADC, WS. [Addendum Tab No. 33a at 161, Wyo. Stat. §§11-6-201, 205, 206; Appendix Tab Z-1, ADC MOU.] The 23 predatory animal control boards administer the funds, which are from predatory animal control fees, Wyoming Department of Agriculture, Wyoming Game and Fish, and USDA. [Addendum Tab No. 33a at 161, 167, Wyo. Stat. §§11-6-205, 210].

The Animal Damage Management Board is composed of state officials, representatives of the livestock industry, Wyoming Game and Fish Commission, non-consumptive uses of wildlife, and one urban representative. [Addendum Tab No. 33b at 166, Wyo. Stat. 11-6-303]. [See also Appendix Tab Z-2, Wyoming Animal Damage Management Board Strategic Action Plan, 1999-2004.]

Predator control in Wyoming centers primarily on preventive control of coyotes and foxes, which have hit unprecedented numbers in the last 15 years. ADC also addresses problem bears, mountain lions, and wolves. Livestock operators are reimbursed for bear predation in certain circumstances. The coyote control program also tracks sylvatic plague, since the virus antibodies of the plague can be found in coyote blood. Wyoming Game and Fish currently tests blood samples and reports the data to the National Center for Disease Control.

1. GOAL: Encourage control of predatory animals to reduce property damage and to protect wildlife.

Objective 1A: Support trapping as a historic and environmentally-sound method of controlling predatory animals.

Objective 1B: Encourage protection of private lands bordering federal and state lands from predatory animals and property damage.

Objective 1C: Encourage good husbandry and sound environmental restraints, not to exclude chemical control.

Objective 1D: Encourage retention of and expansion of an animal damage control plan for the protection of livestock and crops through the county predator boards and the control of disease-carrying animals.

Objective 1E: Support predator control based on a balance between the best science available, economics, and logistics, evaluated on a case-by-case basis utilizing currently recognized methods of predator control that remain as viable options for predator control, until such time that new and better technology offers new options.

2. GOAL: Support management of predator populations at levels consistent with the optimum utilization of forage by wild and domestic ungulates.

Objective 2A: Encourage formal agreements with local, state and federal agencies to reduce the predation on wildlife and livestock and promote interstate cooperation in the tri-state area by initiating agreements with Colorado and Utah conservation districts and counties.

3. GOAL: Support control of predators, rodents, and insects, which are disease-bearing vectors that are a recognized threat to public health.

Objective 3A: Encourage coordination, communication, and cooperation between local, state and federal health officials, along with veterinarians, weed and pest authorities and predator boards.

Policy 1: *Coordinate, communicate and cooperate with local, state, and federal agencies (i.e., Predatory Animal Boards, Weed and Pest Boards) regarding pest and predator control actions and regulations in and affecting Sweetwater County and promote agreements with state agencies and local boards in Utah and Colorado to ensure a comprehensive response to pests and predators.*

WILD HORSES

Sweetwater County is home to eight of the 16 wild horse herds in the State of Wyoming. Under the authority of the Wild Free-Roaming Horses and Burros Act ("Wild Horse Act"), [Addendum Tab No. 11 at 35-37, 16 U.S.C. §§1331-1340], the BLM must protect and manage wild horses and maintain wild horse numbers to achieve a "thriving natural ecological balance" on the public lands. The BLM must remove wild horses from private or state land upon request.

Following Congress' enactment of the Wild Horse Act, the wild horse numbers grew exponentially. Litigation brought by landowners in the Wyoming Checkerboard, part of which

1 lies in Sweetwater County, resulted in a federal court order requiring the BLM to keep wild
2 horse numbers to the 1971 levels. [Appendix Tab AA, *Mountain States Legal Foundation, Rock*
3 *Springs Grazing Association v. Andrus*]. BLM also established “herd management areas”
4 (“HMA’s”) and “appropriate management levels” (“AML’s”) in the Green River and Rawlins
5 plans. [Appendix Tab DD, Map of BLM Wyoming Horse Herd Management Areas.]
6

7 Pursuant to the Wild Horse Act, the Rock Springs, Lander, Pinedale and Rawlins BLM Field
8 Managers must inventory wild horses, request funding to remove “excess” horses, and maintain
9 the wild horses within the 1971 numbers for the areas within the Wyoming Checkerboard in
10 accordance with federal court decisions or within the agreed upon numbers for the identified
11 HMA’s. The BLM Field Offices are responsible to gather and maintain the wild horses until they
12 are assigned through the Adopt-A-Horse program, if not otherwise disposed of as authorized by
13 the Wild Horse Act.
14

15 The wild horse gathering and adoption programs have faced ongoing problems due to lack of
16 funding for horse removal, management conflicts within the BLM, and litigation by various wild
17 horse protection interest groups that often delay or prevent the removal of wild horses. While
18 the local BLM offices are directly responsible for implementing wild horse management, their
19 work is subject to budget decisions made by the BLM Wyoming State Office and BLM
20 Washington Office. Often wild horse removal and adoption efforts are not given priority and
21 face funding cuts to address higher priority programs.
22

23 The BLM failed, for a number of reasons, to keep the wild horse numbers within the limits of the
24 1981 court order and the land use plans. As a result, the wild horse numbers in Sweetwater
25 County are substantially above the 1971 numbers and exceed the AML’s established in the land
26 use plans. Wild horses have escaped the HMA’s as well and are to be removed.
27

28 In 2003, the BLM and the state entered into a settlement agreement under which the BLM agreed
29 to inventory and gather wild horses pursuant to a schedule in order to keep wild horses in the
30 HMA’s and at their AML’s. [Appendix Tab BB, *State of Wyoming v. U.S. Dept. of the Interior*,
31 Consent Decree.]
32

33 The wild horse herds grow at the estimated rate of about 20% a year and this exceeds what the
34 rangeland resources can support. Since 1971, the success of the wild horse program depended
35 on the ability of BLM to pipeline the captured wild horses into private care in a reasonable time
36 and expense. After several decades, the market for adopted wild horses has become saturated.
37 In 2004, Congress amended the law to give BLM sale authority, which will expand BLM’s
38 options when managing wild horses. The BLM will still face budget and regulatory obstacles in
39 managing the wild horses but the sale authority will allow BLM to more effectively move the
40 wild horses out of the corrals, once they are gathered from the public lands.

41 Without active management, wild horse populations can negatively impact private, state and
42 federal land resources, compete with wildlife and big game for rangeland resources, soil, and
43 water, and result in a less desirable wild horse herds. [See Appendix Tab CC, *Uintah County v.*

1 *Norton*, Civ. Tab No. 00-482J (D. Utah 2001).] It is imperative the BLM fully comply with the
2 limits on wild horse numbers established in court judgments, consent decree, and plans and
3 promptly reduce numbers before resource damage occurs.
4

5 **1. GOAL:** Manage wild horses within the AML numbers for each HMA as identified in the 2003
6 Consent Decree between the State of Wyoming and the BLM. Pursuant to the terms of the
7 Consent Decree, the BLM must inventory and gather wild horses to meet the agreed-upon
8 population levels. In the Wyoming Checkerboard, the BLM must commit to keeping wild horse
9 numbers at the 1971 population levels. The BLM must proceed to remove all other wild horses
10 outside of the HMAs and must remove all wild horses found on private land, upon request.
11

12 **Objective 1A:** Oppose recommendations to increase the wild horse numbers over the numbers
13 stated in the current Resource Management Plans (RMPs) and the 2003 Consent Decree or to
14 establish new or expand HMAs.
15

16 **Objective 1B:** Participate in the annual hearings for the use of helicopters in the gathering of wild
17 horses, and during the public input phase for the periodic preparation of environmental analysis for
18 gathering plans. The District may present testimony and input based on the population status of the
19 wild horses, and concerns of the citizens and land owners/managers of Sweetwater County.
20

21 **Objective 1C:** Support modification of HMA boundaries to reduce resource conflicts and adverse
22 effects on private lands or to conform to original herds and numbers.
23

24 **2. GOAL:** Oppose the continued maintenance of wild horses on private land without the consent
25 of the landowner.
26

27 **3. GOAL:** Oppose the continued presence of wild horses outside the HMAs and require that BLM
28 promptly remove all wild horse populations to zero outside of the established HMAs.
29

30 **4. GOAL:** Manage wild horses for viable healthy herds that will not adversely impact the
31 rangeland resources, wildlife habitat or wildlife, soil resources, or other approved multiple uses.
32

33 **Objective 4A:** Inform local, state, and national BLM offices of concerns regarding impacts of
34 their wild horse management decisions on the citizens and resources of Sweetwater County.
35

36 **5. GOAL:** Encourage coordination, communication, and cooperation with local citizens and public
37 agencies to address the impacts of wild horse management in Sweetwater County and adjoining
38 areas.
39

40 **Objective 5A:** Be advised of and participate in all revisions and/or amendments to the Green
41 River, Lander, Kemmerer, Pinedale, Rawlins, and Little Snake Resource Area RMP's and all Wild
42 Horse Herd Management Area Plans in and affecting the County.
43

Objective 5B: Participate actively in the annual inventory or count of wild horse populations in and affecting Sweetwater County. Facilitate mutually acceptable methodology for wild horse inventory that has the support of the BLM, Wyoming Game and Fish, and local landowners. Annual inventories of wild horses are necessary to determine the status of the wild horses in relation to the AMLs. GIS maps may be prepared and maintained to reflect the latest population data and migration patterns and to enforce gathering and removal operations.

Objective 5C: Participate in the development or implementation of habitat management or monitoring plans.

6. GOAL: Support authority through rulemaking or Congress to give the BLM additional options for the disposal of wild horses so that the BLM can meet the terms of the RMPs and the legal decrees and decisions that govern wild horse management in and affecting Sweetwater County.

Objective 6A: Maximize the assignment of wild horses into private care and ownership.

Objective 6B: Encourage wild horse management tools that will permit long-term cost-effective solutions but recommend use of short-term remedies to ensure that the wild horses are not left on the public or private lands.

Objective 6C: Encourage the BLM to develop new strategies that include but are not limited to birth control and marketing to supplement the Adopt-A-Horse program, and implement sound business practice in decisions to perform work in-house or by contract.

7. GOAL: Educate the public on the need to manage the wild horse herds to maintain the health and natural dynamics of the herds, and their co-existence with wildlife, livestock, and other resources within their habitat.

Objective 7A: Support local community initiatives to promote the tourism industry to visit and view the wild horse resources in Sweetwater County.

Policy 1: *It is essential that BLM meet the court orders and terms of the consent decree to maintain wild horse numbers within the established limits, to remove horses outside the HMAs and on private land, and to count wild horses so that BLM documents when the wild horse herds exceed numbers. The BLM shall not allow wild horses in areas outside of the designated HMAs and shall not exceed the population levels stipulated in the Consent Decree and other orders. The long-term adverse effects of excess wild horses on rangeland resources, soil, water, and wildlife are well-documented. Despite the cost of the program, BLM must be held to the terms of the court orders and consent decrees and its own management plans.*

AIR RESOURCES

The air quality of the County is one of the area's greatest resources. The District is committed to protecting its air resources. Air quality problems do exist but are usually site specific. Winter air inversions do affect some areas of this region in relation to diesel and auto exhaust, mining, wood smoke, smoke from wildfires and prescribed burns. The dust generated by unpaved access roads, mining operations, and oil and gas extraction is also marginal and site specific.

The State of Wyoming has the authority and responsibility to regulate air quality impacts within the state, including Class I air sheds. In accordance with Wyoming's Environmental Quality Act, the DEQ Air Quality Division is responsible for implementing the state's air quality standards and regulations. [Addendum Tab No. 42b at 205-206, Wyo. Stat. §§35-11-201-214]. The Division's air quality program is composed of four separate compliance areas:

(1) A permit program for the construction of new sources and modification of existing sources. The primary purpose of this program is to assure compliance with ambient standards set to protect public health and to assure that best available control technology is utilized to reduce and eliminate air pollution emissions.

(2) An operating permit program for all major sources of air pollution including major sources of hazardous air pollution. This includes permitting to continue operations after a given date; renewal of permits every five years, and the annual payment of an emission fee sufficient to fund the cost of the program.

(3) A facility inspection and compliance program to assure facilities maintain pollution control equipment at high collection efficiencies and maintain compliance with emissions standards and permit conditions. This includes compliance with state and federal asbestos removal standards, which protect the public from exposure to asbestos fibers in ambient air.

(4) An ambient monitoring program operated on a statewide basis to determine the status of Wyoming's air quality with respect to federal and state ambient air quality standards.

Energy development activities in the District raise the issue of carbon sequestration. The term "carbon sequestration" refers to a family of methods for capturing and permanently isolating gases that otherwise could contribute to global climate change. Affordable and environmentally safe sequestration approaches could offer a way to stabilize atmospheric levels of carbon dioxide without requiring the United States and other countries to make large-scale and potentially costly changes to their energy infrastructures. *U.S. Department of Energy, Office of Science.*

1. GOAL: Cooperate, coordinate, and consult with private, state, and federal landowners to reduce, eliminate, or mitigate any site-specific degradation of air quality.

Objective 1A: Request to be notified of any present and future air quality designations within the County.

Objective 1B: Provide assistance to business, industry, and land management agencies including, but not limited to, the use of planting windbreaks and living snow fences to reduce or eliminate dust.

Objective 1C: Assist industry in obtaining accurate expert analysis of data concerning hydrocarbon emissions from oil field production facilities.

Policy 1: *Request to be notified of and participate, as appropriate, in any local, state, regional, and federal land planning processes that impact managing and monitoring air resources in and affecting the County.*

Policy 2: *Support compliance with local, state, and federal air quality laws and regulations. State of Wyoming DEQ is responsible for issuing appropriate air quality permits, determining Best Available Control Technology, and setting air quality standards in compliance with the Wyoming Environmental Quality Act, which implements the federal Clean Air Act. [Addendum Tab No. 42b at 205-206, Wyo. Stat. §§35-11-201, 202, 203.] The installation (if necessary) and operation of monitoring stations will require cooperation and funding from various federal, state, and local agencies.*

VISUAL RESOURCES

Visual resources in the County are a composite of landforms, human and animal life forms, water features, cultural features, terrain, geologic features, and vegetative patterns, which create the visual environment. These visible physical features are important to the landscape and the scenic quality of the County.

Visual resource management or VRM is defined by the BLM based on naturalness, scenic qualities, and permitted land uses. BLM recognizes four classes, with Classes I and II having the greatest values. The planning process first inventories the viewshed or scenic qualities. Class I is a natural landscape such as a national wilderness area or ACEC with scenic qualities. Classes II through IV are inventoried based on scenic quality, sensitivity (land use), and distance. These three factors are evaluated in light of land uses permitted under the land use plan. The combined evaluation leads to the designation of VRM classes.

There is a risk that BLM land use plans will use VRM classes to restrict land uses, rather than having the VRM class reflect the permitted land uses. When that occurs, the VRM classes may restrict energy development or livestock grazing, by managing the viewshed to be natural or like

wilderness, even though the land use plan otherwise permits energy development and livestock grazing. VRM classifications should be narrowly tailored to reflect the appropriate land uses.

1. GOAL: Support the protection of the visual resource while maintaining economic stability.

Objective 1A: Request coordination with local, state, and federal planning actions that affect the visual resource and VRM classifications that affect land uses.

WASTE MANAGEMENT

The disposal and clean up of solid wastes are regulated by Wyoming DEQ pursuant to authority delegated in the Resource Conservation Recovery Act, [Addendum Tab No. 24 at 117-128, 42 U.S.C. §§6901-6949a, Addendum Tab No. 42a at 195, Wyo. Stat. §§35-11-101 to 35-11-105]. Waste management issues arise in context of landfill sites for local governments and reclamation and site management for mining and oil and gas operations. State and federal law govern the standards for managing landfill sites and industrial development that generates various waste products. The District, however, has a direct interest in ensuring that the soil and water resources are protected. To accomplish this objective, the District will actively participate in landfill and other waste management site issues as well as related land management decisions regarding the management and clean up of industrial sites.

1. GOAL: The District may communicate, coordinate, and consult with private landowners, local business, local, state and federal governments on issues relating to existing and future landfill sites.

Objective 1A: Utilize current Best Management Practices to protect water resources, inform and achieve community awareness, and encourage the public to participate in waste management issues.

Objective 1B: Encourage the reuse and recycling of materials.

Objective 1C: Encourage municipal and county governments to provide levels of service adequate to meet the community's social, environmental, economic needs, and obligations.

Objective 1D: Research new markets for agriculture waste products.

2. GOAL: The District may participate in development decisions to ensure that soil and water resources are protected and conserved.

Policy 1: *Educate and inform local citizens concerning new markets for waste products.*

SPECIAL LAND DESIGNATIONS

Wilderness

In the Wilderness Act of 1964, Congress established a National Wilderness Preservation System to be composed of federally managed lands called "wilderness areas," which are only designated by Congress. [Addendum Tab No. 9 at 25-32, 16 U.S.C. §§1131-1134]. The Act defines a wilderness as "an area where the earth and its community of life are untrammeled by man, where man himself is a visitor who does not remain" . . . "[in] contrast with those areas where man and his own works dominate the landscape." [Addendum Tab No. 9a at 25, 16 U.S.C. §1131(a)].

Land management of wilderness areas is very restrictive because the Wilderness Act prohibits the use of mechanized equipment and motorized vehicles and generally prohibits permanent structures. Mineral development is also prohibited, subject to valid rights that predate wilderness designation. Wilderness areas are not intensively managed, so fire suppression is rarely undertaken. While livestock grazing may continue, grazing management is difficult and expensive due to limits on access and use of motorized equipment and agency resistance to range improvements or increases in livestock numbers.

In 1976, FLPMA directed BLM to conduct a wilderness inventory and study of public land roadless areas that were greater than 5,000 acres in size. [Addendum Tab No. 28l at 150, 43 U.S.C. §1782]. FLPMA gave BLM 15 years to inventory, study, and make recommendations to Congress on public lands suitable for wilderness designation. *Id.* The BLM wilderness review and study also addressed manageability of the areas and the potential mineral resources that could not be developed if the area were designated for wilderness.

In Wyoming, the BLM identified about 575,000 acres as wilderness study areas and recommended 240,364 acres for wilderness designation. The President forwarded these recommendations to Congress in 1992 but Congress has not acted. Pending congressional action, the 575,000 acres of wilderness study areas have been managed so as to not impair their suitability for wilderness under the BLM interim management policy. [Addendum Tab No. 28l at 150, 43 U.S.C. §1782(c)].

There are 13 wilderness study areas in Sweetwater County, which affect approximately 252,000 acres. [Appendix Tab EE, Wilderness Study Areas, Green River RMP, Map 28.] While the wilderness study areas are not withdrawn from mining, federal law prohibits new mineral leasing. [Addendum Tab No. 19h at 74, 30 U.S.C. §226-3]. In addition, the nonimpairment management policy ("IMP") limits mineral development and all other uses to the levels that existed in 1976. [Addendum Tab No. 28l at 150, 43 U.S.C. §1782(c)]; *see also* H-8550-1 - Interim Management Policy for Lands Under Wilderness Review (1995), available for review at the District office or at <http://www.ut.blm.gov/utahwilderness/imp/imp.htm>. Most mineral leases, issued after 1976 and before 1987, included a stipulation that development is contingent on future designation. Livestock grazing activities are also restricted so that range improvements are often not approved and increases in grazing use are limited.

1 In 1996, BLM initiated policy to establish additional wilderness study areas in Utah and Colorado,
2 even though Congress had not acted on the 1992 wilderness recommendations and BLM's
3 authority to conduct a wilderness review expired in 1991. In December 2000, the Interior
4 Department Secretary remanded the draft Jack Morrow Hills Draft Coordinated Activity Plan to
5 the Wyoming BLM for failing to consider designation of new wilderness study areas. The
6 Wyoming BLM had earlier explained that new wilderness was not considered because the 1997
7 Green River RMP record of decision states:

8
9 The Bureau's recommendations to the Secretary of the Interior on Wilderness Study
10 Areas (WSAs) in the Green River Resource Area have been made under separate
11 documentation. These areas were addressed in separate Wilderness EIS and
12 Wilderness report documents which are also on file in the Green River Resource
13 Area Office. The decisions regarding wilderness area designation are made by
14 Congress.

15
16 [Appendix Tab S, Record of Decision, Green River RMP at 1 (1997)].
17

18 In December 2000, the Interior Secretary reversed the Wyoming BLM and instructed the BLM to
19 adopt the conservation alternative, including consideration of new WSAs identified in citizens'
20 proposals. This directive dated December 22, 2000 was overridden in 2001 under a new BLM
21 Director.

22
23 In 2003, the Interior Department reversed the previous administration policy issued in January
24 2001 requiring BLM to conduct new wilderness reviews on public lands and establish new
25 wilderness study areas. [Appendix Tab FF-3, BLM IM 2003-195 Rescission of National Level
26 Policy Guidance on Wilderness Review and Land Use Planning (June 20, 2003).] Under the 2003
27 direction, no new wilderness study areas are to be established. [See also Appendix Tabs FF-2,
28 BLM IM-2003-274, BLM Implementation of the Settlement of *Utah v. Norton* Regarding
29 Wilderness Study; and Tab FF-3, IM-2003-275 change 1, Consideration of Wilderness
30 Characteristics in Land Use Plans.] BLM affirmed that only Congress could designate wilderness
31 and that BLM could not undertake *de facto* wilderness for areas that were not already wilderness
32 study areas.

33
34 Also in 2003, the Wyoming federal court held that a federal agency has a very limited authority to
35 create wilderness study areas or to manage such lands for *de facto* wilderness unless Congress has
36 authorized it. [Appendix Tab GG, *State of Wyoming v. US Dept. of Agriculture*, 277 F. Supp.2d
37 1197, 1236 (D. Wyo. 2003).] The court set aside the Forest Service Roadless Rule that prohibited
38 road construction in inventoried roadless areas, which were former wilderness study areas,
39 because: "Congress unambiguously established in the Wilderness Act that it had the sole authority
40 to designate areas within the National Forest System as 'wilderness.' To allow the Secretary of
41 Agriculture and the Forest Service to establish their own system of *de facto* administrative
42 wilderness through administrative rulemaking negates the system of wilderness designation
43 established by Congress."

Congress has been at an impasse with respect to the public land wilderness recommendations forwarded by the President in 1992. Some groups are working to develop compromise proposals at the local level that will preserve high value areas and protect historic land uses, like ranching. One such example is the Owyhee Initiative in southern Idaho. [See Appendix Tab MM, Owyhee Initiative, “The Owyhee Landscape Conservation Initiative Proposal.”] The Owyhee Initiative is based on consensus reached by a group of county commissioners, ranchers, and conservation groups, who met for more than two years to reach a compromise. The compromise supports designation of some WSAs as wilderness, releases other WSAs from nonimpairment management, drops all future R.S. 2477 assertions, and adopts a scientific review committee to guide future land management. The Owyhee Initiative was presented to members of the Idaho congressional delegation in spring of 2004.

1. GOAL: Oppose efforts to use land use classifications to establish new *de facto* wilderness management areas outside of the already-identified wilderness study areas in Sweetwater County, by participating in state and Federal land use planning processes.

Objective 1A: Uphold the legal requirements and qualifications set forth in FLPMA, including those providing for the continuation of existing uses in wilderness study areas.

Objective 1B: Advocate the expeditious resolution of wilderness designation for the BLM WSAs in Sweetwater County.

Objective 1C: Review current wilderness recommendations in relation to the impacts on natural resource-based industries, the economic stability of the County, the custom and culture of the citizens of the County, the ability to develop water resources and to intensively manage rangeland resources.

Objective 1D: Recommend the release of wilderness study areas that were not recommended for wilderness from nonimpairment management and push for an end to the informal *de facto* wilderness management of other “study areas.”

2. GOAL: Actively participate in all other proposals for special use designations to determine whether they are warranted and to assess the impacts on the District’s mandates.

Objective 2A: Insist on coordination, consultation, and cooperation, as well as consistency with local land use plans with regard to special land designations, such as areas of critical environmental concern, special recreation management areas, and visual resource management areas.

Objective 2B: Support special land use designations only when they are consistent with surrounding conservation management; do not preclude future conservation options for rangeland

resources, soil conservation, and conservation, development and utilization of water resources; and contribute to sound policy of multiple use, economic viability, and community stability.

3. GOAL: Protect Wyoming's water resources and water adjudication system from any claim of a federal reserved right arising out of a special use designation, including wilderness.

Objective 3A: Ensure that a wilderness designation does not affect state authority over water resources and that Wyoming's substantive and procedural laws controlling appropriation and allocation of water resources remain the primary authorities governing the waters in Sweetwater County regardless of wilderness designation. Enforce determination that wilderness designation does not create a reserved water right.

Objective 3B: Protect any interests in ditches, reservoirs, or water conveyance facilities and easements or rights-of-way associated with those interests, from impairment or diminution by any wilderness or other special use designations.

Objective 3C: Reaffirm that the rights to access, to enter, inspect, repair, and to maintain those interests are not affected by any future wilderness designation, including the use of mechanized vehicles and equipment for repairs and maintenance of such facilities.

4. GOAL: Work for management of specific resources that offers protection within existing authority, as an alternative to wilderness designation, which greatly limits land management for other resources and uses.

***Policy 1:** The District will work with citizens and county governments to communicate to Congress its recommendations regarding wilderness proposals. Said recommendations will be based upon the District's evaluation of impacts upon Sweetwater County and southwestern Wyoming, including areas adjacent to the county and may include proposals to Congress for modifications or adjustments of boundaries of proposed areas.*

***Policy 2:** Acknowledge that wilderness and the values of solitude and wilderness that attend it, are legitimate and important. We challenge, however, the proposition that these values can only be attained by statutory designations that narrow rather than broaden the options available for landscape level conservation.*

***Policy 3:** All wilderness designations should meet the requirements and qualifications set forth by the Wilderness Act of 1964.*

***Policy 4:** The District supports resolution of the wilderness issue by Congress and release of the remaining wilderness study areas to multiple-use management. The District also supports not allowing federal agencies to engage in endless and repetitive wilderness review or studies that expand lands managed as wilderness or as de facto wilderness while reducing the land base available for multiple uses.*

WILD AND SCENIC RIVERS

The Wild and Scenic Rivers Act provides for identification and designation of individual river segments for study and recommendation of river segments as a wild, scenic or recreation river. [Addendum Tab No. 10 at 32-34, 16 U.S.C. §§1271-1287]. The Act protects "certain selected rivers of the Nation which, with their immediate environments, possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural or other similar values." [Addendum Tab No. 10a at 32, 16 U.S.C. §1271].

Designation under the Wild and Scenic Rivers Act also withdraws a ¼ mile corridor on each side of the river from the mining, and other appropriation laws and mineral leasing, subject to valid existing rights, contracts, and privileges. [Addendum Tab No. 10d at 34, 16 U.S.C. §1283] Examples of valid existing rights would include mineral leases, rights-of-way permits, and R.S. 2477 rights-of-way. Traditionally grazing permits are called a privilege, since the right to graze is a privilege and does not convey any right, title or interest in the land. [Addendum Tab No. 25c at 130, 43 U.S.C. §315b]. Permits and contracts are also valid existing rights but depending on the terms of the contract or permit, BLM may be able to modify the use. A mineral lease is recognized to be a property right and is construed like a contract. A valid existing right, like a valid mining claim, may be subject to less regulation.

BLM and the Forest Service must assess whether to recommend water ways for wild or scenic designation as part of the land use planning process. [Addendum Tab No. 10c at 34, 16 U.S.C. §1276(d)(1)].

1. GOAL: Participate in local, state, and federal land planning processes for the designation and management of any Wild and Scenic River segments or similar designations in and adjacent to Sweetwater County.

Objective 1A: Participate in proposals for Wild and Scenic River segment or similar designation in and adjacent to the County to protect the water resources in Sweetwater County and future opportunities to develop and utilize such resources.

Objective 1B: Uphold the legal requirements and qualifications set forth by the Wild and Scenic Rivers Act, including those providing for the continuation of existing uses, privileges and contracts for designated rivers in and adjacent to or affecting Sweetwater County.

Objective 1C: Review any proposed Wild and Scenic River recommendations in relation to the impacts on natural resource based industries, the economic stability of the County, and on the custom and culture of the citizens of Sweetwater County and the ability to further develop and utilize water resources in the District.

1 ***Policy 1:*** *The District will carefully evaluate Wild and Scenic River proposals to determine the*
2 *impact on water rights and the ability to utilize water rights in the future and will work closely*
3 *with the BLM and the Forest Service and the County to ensure that existing and future water*
4 *development opportunities are protected and that unsuitable rivers are removed from*
5 *consideration at the earliest opportunity.*

6
7
8 **THREATENED AND ENDANGERED / SENSITIVE SPECIES**
9

10 The keystone of good environmental stewardship lies in a healthy resource base. Endangered and
11 threatened species, as well as all plants and all animals, depend on the intricate balance of stable
12 ecological, economic, and social functions of the immediate local community.

13
14 The Endangered Species Act (“ESA”), [Addendum Tab No. 12 at 37-59, 16 U.S.C. §§1531-1541],
15 protects individual species of plants and animals wherever they occur when it is determined that
16 the continued existence is threatened or endangered. [Addendum Tab No. 12a at 37, 16 U.S.C.
17 §1533]. The ESA provides for listing of species through rulemaking, 16 U.S.C. §1533(a), and
18 within a year after listing, the identification of critical habitat for the species. [Addendum Tab No.
19 12a at 37, 16 U.S.C. §1533(a)(3)(A)]. The Interior Department through the USFWS administers
20 the ESA, with the exception of certain marine mammals and anadromous fish, which are under the
21 jurisdiction of the National Marine Fisheries Service.

22
23 Only biological evidence is relevant to the decision whether to list, but economic and social
24 impacts are to be considered in the designation of critical habitat. [Addendum Tab No. 12a at 38,
25 16 U.S.C. §1533(a)(3)(A)]. Once a species is listed, it cannot be “taken,” which is broadly defined
26 to mean any direct harm to the species or harassment, which, in turn, includes disruption in
27 activities or loss of critical habitat. [Addendum Tab No. 12c-ii at 59, 50 C.F.R. §17.3]. If a ‘take’
28 is likely to occur on private land, the landowner must secure a takings permit under Section 10 of
29 the ESA, and often does so under a habitat conservation plan, which also requires compliance with
30 NEPA. [Addendum Tab No. 12c at 59].

31
32 For any federal project that may affect a listed species, the federal agency must first do a biological
33 assessment, and then refer the issue of the impact to the USFWS, for actions that “may affect” the
34 species. [Addendum Tab No. 12b at 45, 16 U.S.C. §1536; Addendum Tab No. 12b-ii at 48-58, 50
35 C.F.R. Part 402]. The USFWS must determine if the action will jeopardize the continued
36 existence of the species and make conservation recommendations. The proposed action cannot go
37 forward until the USFWS completes its review and concludes that the project will not jeopardize
38 the species. If the USFWS makes a jeopardy finding, the project is essentially stopped, despite the
39 right to appeal to the ESA Committee. [Addendum Tab No. 12b.i. at 45, 16 U.S.C. §1536].
40

The ESA is the basis for several planning mechanisms:

- Recovery plans for listed species that set population and viability goals and define when a species might be eligible for delisting;
- Reintroduction plans, which govern introductions of listed species as part of a recovery effort;
- Habitat conservation plans which allow land uses on private lands to go forward even when a 'take' of a listed species may occur; mitigation of adverse effects is usually part of the plan;
- Conservation plans or agreements, often between states and USFWS, adopt management actions to avoid listing the species;
- Candidate conservation agreements, under which a landowner commits private land to management for the species, may also have 'safe harbor' provisions that assure that the landowner need not take any additional mitigation measures if the species is listed.

All of the above plans and agreements require some form of NEPA process, which provides an opportunity for public involvement.

Management of the Canadian Gray Wolf, still a listed species under the ESA, presents a unique situation. In 1995, the USFWS reintroduced the gray wolf in Wyoming (31 wolves). Since the introduction in Yellowstone and Grand Teton National Parks, National Elk Refuge, and adjacent National Forest wilderness areas, the gray wolves have rapidly expanded their territories and their numbers. The Wyoming Game and Fish has documented 22 packs as of December 2002 in Wyoming. [Appendix Tab O, Wyoming Gray Wolf Management Plan, Wyoming Game and Fish Commission (August 6, 2003).] Fourteen packs are in the Teton National Park and the rest were scattered through northern and western Wyoming, including a Green River pack. *Id.* at 6. Under the Wyoming Game and Fish Department's management plan, wolves outside of the Teton National Park, the National Elk Refuge, and wilderness areas, could be subject to animal damage control when there are more than seven packs. *Id.* The plan reflected Wyoming law that declares wolves a predator outside of the wolf introduction area, when there are more than seven packs. Wyoming law and the management plan are consistent with the large number of reported wolves south of the park.

In 2004, the USFWS rejected the Wyoming plan, while approving very similar plans for Montana and Idaho, primarily due to the animal damage control issue. Wolf numbers have increased remarkably and wolf predation causes hundreds of thousands of dollars of damage a year to Wyoming livestock and Wyoming wildlife populations.

1. GOAL: Participate in local, state, and federal rulemaking and planning regarding the designation and management of any species designated in any category or classification for protection or consideration of protection, under the ESA in and adjacent to Sweetwater County.

1 **Objective 1A:** Encourage compliance with the applicable state and federal statutes, including
2 preparation of an environmental impact statement when critical habitat is designated.

3
4 **Objective 1B:** Participate fully with local, state and federal agencies to prepare an analysis of local
5 economic and social impacts that any such critical habitat designation will have on the County.

6
7 **Objective 1C:** Consider the information from the socio-economic impacts when developing a
8 coordinated management plan with local, state and federal agencies for the management of any
9 species designated for protection under the Endangered Species Act in and affecting the County.

10
11 **Objective 1D:** Investigate and oppose, when appropriate, any threatened or endangered species
12 designation that may disrupt uses of the land and is not consistent with the Plan.

13
14 **Objective 1E:** Enforce the requirement that critical habitat designations take local socio-economic
15 impacts into account. Areas may be excluded as critical habitat based upon economic impacts
16 unless the failure to designate the area as critical habitat would result in extinction of the species.
17 [See Addendum Tab No. 12a at 37, 16 U.S.C. §1533(b)(2)].

18
19 **Objective 1F:** Request cooperating agency status and participate in the coordinated preparation of
20 recovery plans, reintroduction plans, habitat conservation plans, conservation plans or agreements,
21 and candidate conservation agreements for species occurring within or adjacent to or affecting the
22 County.

23
24 **Objective 1G:** Continue to provide education and information concerning state and federal
25 wildlife agency purchases or leases of riparian easements and other land acquisitions for
26 endangered species habitat based on the impacts these activities have on individual property rights
27 and the ability to develop, utilize, and conserve the water resources.

28
29 **Objective 1H:** Encourage cooperation between private landowners and local, state and federal
30 governments to most effectively achieve protection of endangered and threatened species, rather
31 than imposing land-use restrictions and penalties.

32
33 **2. GOAL:** Support participation in all decisions and proposed actions, including NEPA procedures
34 for an Environmental Assessment (EA) or Environmental Impact Statement (EIS), which affect the
35 District, regarding sensitive, threatened, or endangered species recovery plans, introduction or
36 reintroductions, habitat conservation plans, conservation agreements or plans, or candidate
37 conservation agreements.

38
39 **Objective 2A:** Oppose the introduction or transplant of threatened and endangered species within
40 the boundaries of the County, unless the District and the County consent and it is done pursuant to
41 specific terms and conditions that avoid disrupting existing land uses.

Objective 2B: Request more effective management of, including but not limited to, grizzly bear and Canadian gray wolf populations and their confinement to only Yellowstone National Park.

Objective 2C: Recommend that proponents of protection, recovery activities, and other threatened and endangered and sensitive species programs finance the activities, including public involvement and compensation to the affected landowners.

Objective 2D: Recommend that federal agencies respect distinctions between special status species (state sensitive species, etc.) and those listed under the ESA.

Objective 2E: Participate in appropriate legislation and regulations directing management of threatened and endangered species and state sensitive species.

3. GOAL: Support delisting of species once population goals set out in recovery plans are achieved.

4. GOAL: Explore alternatives to listing, which may include conservation plans and related conservation agreements with local, state, and federal agencies to address possible threats to species and their habitat and to avoid official listing.

Objective 4A: Support conservation plan initiatives as an alternative to listing the sage grouse with the added condition that the respective conservation plan include criteria to evaluate existing data and science and to evaluate the effectiveness of the proposed conservation measures.

***Policy 1:** Decisions to list a species as threatened or endangered need to be made on the basis of sound data and research that accurately assess the status of the species. When relatively little is known about the species and its history, the Interior Department should delay listing, since it is very difficult to delist a species, even when it is later determined to have been erroneously listed as threatened or endangered. The pending status of review of the western sage grouse is one example, where it remains a game species in most western states and is still being considered for protection under the ESA.*

***Policy 2:** Recovery efforts and/or conservation plans for threatened or endangered species should consider impacts to local interests. These interests include resource use and development activities such as ranching, agriculture, mining, oil and gas exploration and production, sand and gravel, wood products, power development, and recreation.*

***Policy 3:** The District supports recovery efforts for threatened and endangered species, which evaluate, mitigate, and support Sweetwater County's custom and culture and economic viability and community stability.*

***Policy 4:** Any black-footed ferret introductions would be accomplished pursuant to the black-footed ferret introduction plan developed for the Vermillion Basin and the Coyote Basin in Uintah*

1 County Utah. [Appendix Tab N, Black-footed Ferret Recovery Plan.] If any black-footed ferret
2 enters Sweetwater County as a result of nonessential experimental black-footed ferret
3 introductions on lands adjoining Sweetwater County, these animals would carry the same
4 nonessential experimental designation that they carried on the lands into which they were
5 originally introduced.

6
7 **Policy 5:** When planned introductions affect Sweetwater County, the planning process will include
8 NEPA analysis that will consider the appropriate number of animals to be introduced, the location
9 of the target population and distribution, impacts on other multiple uses, and the recreational
10 opportunities to be provided.

11
12 **Policy 6:** Wildlife introductions and existing populations on non-BLM lands that "spill over" or
13 migrate to BLM lands will be considered in trespass and will be removed, unless those populations
14 and specific habitat boundaries are provided for in this Plan.

15
16 **Policy 7:** Recommend endangered fish recovery efforts continue only when based on a balance of
17 scientific justification, conserving past and future adjudicated water rights, and economic viability
18 and community stability of the County.

19
20 **Policy 8:** Support the Joint Resolutions of the 2002 Mega Ag Convention. [See Appendix Tab F,
21 2002 Mega Ag Convention Joint Resolutions, Wyoming Association of Conservation Districts,
22 Wyoming Stock Growers Association, and Wyoming Wool Growers Association].

23
24 **Policy 9:** Promote the interpretation of the ESA that the economic consequences must be
25 considered with respect to the following actions: the jeopardy review to ensure that no proposed
26 federal action will jeopardize the continued existence of a listed species, any approval of takings
27 permits, and designation of critical habitat. In addition, the USFWS must also include actions to
28 mitigate the effects of designation of critical habitat.

29
30 **Policy 10:** Request that the USFWS follow the holding of the U.S. Supreme Court and
31 acknowledge that economic consequences and/or a potential for a taking of private property are
32 explicit concerns of the ESA, [Addendum Tab No. 12b at 45, 16 U.S.C. §1536]. Moreover,
33 USFWS evaluation of proposed federal actions under the ESA will carefully weigh the potential
34 jeopardy to the species against other factors, including the species use of private lands, ongoing
35 conservation or management efforts on private and state land, and the existence of scientific
36 controversies regarding the status of the species. Any reasonable alternatives will also take into
37 account the social and economic factors. The USFWS will also communicate, coordinate and
38 consult with the District and Sweetwater County and potentially impacted property owners.

39
40 **Policy 11:** Recommend management activities for habitat of endangered, threatened, or sensitive
41 species be designed to benefit those species through habitat improvement. Current BLM policy
42 treats candidate species and special status species (state sensitive species, etc.) as federally listed
43 threatened and endangered species. This policy should cease until such time as NEPA analysis is

completed for each such candidate or sensitive species, or they become listed pursuant to 16 U.S.C. §1533, [Addendum Tab No. 12a at 37.] The District's preferred management of these species would be development of conservation plans or agreements that would preclude federal listing.

Policy 12: To the greatest extent possible, any introductions or re-introductions of threatened or endangered species into the County or on lands adjacent to the County will be designated as nonessential experimental populations, and none will be introduced without NEPA compliance and public input. The boundaries of the County would be the boundaries for such nonessential experimental designated introductions. Public involvement, including the District, would be involved in developing plans for such introductions and decisions as to whether to implement such plans. Such introductions will not place an undue burden on other resource uses, including but not limited to, livestock grazing, oil and gas, recreation, and mining.

CULTURAL, ARCHEOLOGICAL, GEOLOGICAL, AND PALEONTOLOGICAL RESOURCES

Balancing the need for existing land uses and the classification, recording, and protection of cultural and archeological sites presents a significant challenge for local, state, and federal agencies, which manage state and federal lands in the County. Although the Archaeological Resources Protection Act ("ARPA") of 1979, provides strict and meaningful penalties against vandals caught destroying sites on land, local, state, and federal land managers do not have the resources to completely record or protect all sites warranting special care. [Addendum Tab No. 4 at 11-13, 16 U.S.C. §§470aa-470mm]. However, most sites found in the County are open-lithic scatters with a few tools and flakes not likely to be noticed by the general public. The District recognizes the need to develop public education and stewardship programs, which increase awareness about cultural sites in the County. Public education programs should focus on responsible visitation, the history and meaning of various sites found on public lands, and the impacts of surface collecting and excavating existing sites. Site protection strategies need to be balanced with other current and future land uses.

The County contains many special features, which due to their remote and rugged nature, are largely self-protected. When an imminent threat to these special features is identified, mitigation efforts necessary to protect significant scientific, educational, and recreational values will be identified. Many other special features are susceptible to damage by recreation seekers.

The District is also entitled to participate in proceedings and actions taken under the Advisory Council on Historical Preservation ("ACHP"). The District may not always need to be a consulting party, but will when the archeological and cultural resource reviews directly affect the District's mandate to conserve rangeland, soil, and water resources and to stabilize the ranching and agriculture industry, as well as the mining and oil and gas industries.

1 **1. GOAL:** Encourage the preservation of all parts of our cultural heritage.

2
3 **Objective 1A:** Facilitate the recognition of special features in the County, which may include:
4 mines, mills, expedition routes, stage stops, livestock trail routes, horse corrals, campsites, buffalo
5 jumps, pictographs and quarries.

6
7 **2. GOAL:** Support expansion of opportunities for scientific study, educational, and interpretive
8 uses of cultural and paleontological resources.

9
10 **Objective 2A:** Support monitoring of local, state, and federal agencies in the provision of public
11 visitation opportunities to cultural and archeological sites while providing sufficient site
12 protection. This can be accomplished through local, state, and federal agencies dedicating
13 resources to identify and mark select cultural sites in the County.

14
15 **Objective 2B:** Request the right to be a consulting party with respect to local, state and federal
16 actions that involve the protection and preservation of important cultural and paleontological
17 resources and/or their historic record for future generations, including but not limited to,
18 congressionally-designated historic trails and associated historic sites.

19
20 **Objective 2C:** Recognize the unique archeological features that occur on private, state, and federal
21 lands across the County. The District supports protection of private property owner's rights.

22
23 **Objective 2D:** Support responsible stewardship on cultural sites balancing resource protection
24 with multiple uses.

25
26 **Objective 2E:** Evaluate the cooperative agreement between BLM and the National Park Service to
27 implement the Oregon/Mormon Pioneer National Historic Trails Management Plan and determine
28 whether to request consulting agency status. [See also Appendix Tabs HH, Wyoming BLM
29 Historic Trails Map].

30
31 **3. GOAL:** Support balancing the current and future land uses dictated by custom and culture with
32 the protection of cultural sites.

33
34 **Objective 3A:** Request notification and opportunity to comment on lands within Sweetwater
35 County that the Wyoming Commission and Department of State Parks and Cultural Resources
36 may propose for inclusion under Wyo. Stat. §§36-4-101 through 124, (governing the acquisition of
37 suitable lands for Wyoming state parks, public recreation grounds, historic parks, and historical,
38 archeological, geological and ecological sites) [Addendum Tab No. 44 at 217-228].

39
40 **Objective 3B:** Support the resolution of conflicts between cultural or paleontological resources
41 and other resource uses.

Objective 3C: Request that local, state, and federal agencies notify the District of any actions or regulations, which may impact cultural and archeological resources on state and federal land within the County. The District will review and comment on state or federal actions or changes significant to cultural and archeological resources in the County.

Policy 1: *Management of roads and trails that may be eligible for the NHRP but are not Congressionally designated, should not be managed as if they were designated roads and trails and should not be included in the ¼ mile protective setback on either side of the trail including, but not limited to, the Overland Trail, the Cherokee Trail, and the Point of Rocks to South Pass Road. [See Appendix Tab HH, Wyoming BLM Historic Trails Map]. Any trail designation needs to respect private property rights.*

Policy 2: *Recommend local, state, and federal agencies not jeopardize existing land uses, such as oil and gas exploration, mining, road maintenance, grazing, and recreation through the protection of cultural and archeological sites. Compliance can be accomplished with mitigation measures that affect a balance of existing uses and the need to protect cultural sites.*

Policy 3: *Acknowledge that sites eligible for or listed on the NHRP will be managed for their local, regional, and national significance, under the guidelines of the National Historic Preservation Act, (especially sections 106 and 110) and ARPA). [Addendum Tab Nos. 3at 8, and 4 at 11, respectively, 16 U.S.C. §§470-470s; §§470aa-470mm].*

Policy 4: *Request to be recognized by federal agencies as a consulting party under Section 106 of the National Historic Preservation Act and subsequent amendment. Consulting party status will allow the District to work with local, state, and federal agencies to facilitate typical multiple use activities when sites do not offer unusual or special cultural and archeological values.*

Policy 5: *At least one representative or LRAC designee from cultural and archeological resources should be included on any team based decision-making process by local, state, or federal agencies, which affects archeological or cultural resources in the County.*

Policy 6: *Sites eligible for or listed on the NHRP will be managed to ensure against adverse effects through proper mitigation, if disturbance or destruction is not avoidable. Management prescriptions for sites that are not eligible for the NRHP will be determined on a case-by-case basis according to values and impacts involved.*

Policy 7: *Support development, including but not limited to, roads, pipelines, and power lines that may cross trails in areas where previous disturbance has occurred and/or where the trail segment has lost the characteristics that contribute to its National Register significance*

COMMUNICATION / TECHNOLOGY

1. GOAL: Support the working with other counties within the region to ensure that the County's telecommunications and informational highway interests are heard and addressed to protect and promote the health, safety, and general welfare of the citizens of the County.

Objective 1A: Support increasing the number of adequate broadband T1-lines available for government, business, and non-profit organizations.

Objective 1B: Encourage the introduction of the newest technology for accessibility from all areas within the County. Such technology should include but not be limited to:

- Hyper Spectral Imagery
- Cellular Telephone coverage
- Infra-Red Imagery
- Remote location access
- Geographic Information Systems (GIS) mapping
- Digitized Soil Survey
- Global Positioning Systems (GPS)
- Electricity

Policy 1. *Communications and associated technology are essential to the long-term vitality of the County. Construction of communication and technology infrastructure requires rights-of-way across federal land. Recent proposals to restrict new rights-of-way across public land threaten the ability of the County to develop the necessary technological infra-structure necessary to support communication and technological services.*

THE CONTINUING PROCESS

The District recognizes that the Plan is dynamic and adaptive and will be updated as needed. It will require the cooperation, work, and dedication of many county residents. The ongoing planning will include consideration of historic, current, and future land uses in Sweetwater County.

Policy 1: *Land and natural resources are essential to local industry and residents. It is the policy of the District that the design and development of all federal and state land dispositions and acquisitions, including boundary adjustments or land exchanges, be carried out for the benefit of individual property owners and to the benefit of the citizens of Sweetwater County.*

**SWEETWATER COUNTY CONSERVATION DISTRICT
DISTRICT LAND AND RESOURCE USE PLAN AND POLICY**

Glossary of Terms

Access – A way of admittance, approach, entrance, passage, or ingress and egress.

Activity Plans – Allotment Management Plans (AMPs), Habitat Management Plans (HMPs), Watershed Management Plans (WMPs), Wild Horse Management Plans (WHMPs), and other plans developed at the local level to address specific concerns and accomplish specific objectives.

Agriculture – The art and science of growing crops and raising and breeding livestock. As per this Plan, activities which traditionally define agriculture in Sweetwater County, include but are not limited to: cattle and sheep ranching; hay, grain and other small and large grain crop production; and alternative livestock (domestic and wild).

Air Quality – The amount of pollutants in the atmosphere determine the area's air quality. Federal and state law regulate as pollutants particulates, carbon dioxide, sulfur dioxide, nitrogen oxide, ozone, particulates, and other toxic air pollutants. National ambient air quality standards or "NAAQs" set maximum levels of pollutants.

Management systems include abatement and other measures to improve air quality, and to maintain air quality within a defined range. Ultimately the desired levels of air quality and the measures to be implemented are a political choice. This choice is usually based on subjective assessments of economic and social costs, benefits, feasibility, and other considerations. Air quality management strategies are not linear processes. Feedback is important to refine the strategy and help align it with circumstances, capabilities, and needs.

Airshed – A geographic area that, due to topography, meteorology, and climate share the same air.

Animal Unit Month (AUM) – The quantity of forage required by one mature cow and her calf (or equivalent, in sheep or horses, for instance) for one month. The amount of forage needed to sustain one cow, five sheep, or five goats for a month. In the United States, a full AUM's fee is charged for each month of grazing by adult animals if the grazing animal (1) is weaned, (2) is 6 months old or older when entering public land, or (3) will become 12 months old during the period of use.

Archeology – The art and science of studying history from the remains of early human cultures as discovered chiefly by systemic excavations. Cultural resources are evidence of patterns from a way of life of a specific period, race, or people. As per this Plan, items and activities which traditionally define archeological and cultural resources in the County, include but are not limited to: Arrowheads, petroglyphs, pictographs, medicine wheels, bone hunting, rock hounding, historic trails.

1 **Archeological and Historic Preservation Act 1974** – Provides for “the preservation of historical
2 and archeological data (including relics and specimens) which might otherwise be irreparably lost
3 or destroyed as the result of (1) flooding, the building of access roads, the erection of workmen's
4 communities, the relocation of railroads and highways, and other alterations of the terrain caused
5 by the construction of a dam by any agency of the United States, or by any private person or
6 corporation holding a license issued by any such agency or (2) any alteration of the terrain caused
7 as a result of any Federal construction project or federally licensed activity or program.” 16
8 U.S.C. §469.

9
10 **Areas of critical environmental concern or ACEC** – Defined as “areas within the public lands
11 where special management attention is required (when such areas are developed or used or where
12 no development is required) to protect and prevent irreparable damage to important historic,
13 cultural, or scenic values, fish and wildlife resources or other natural systems or processes, or to
14 protect life and safety from natural hazards.” 43 U.S.C. §1702(a).

15
16 **Archeological Resources Protection Act 1979** – Protects “archaeological resources and sites
17 which are on public lands and Indian lands.” The Act also promotes cooperation and information
18 sharing between federal and state governments, the professional archaeological community, and
19 individuals. 16 U.S.C. §470aa(b).

20
21 **Archeological Resources** – Any material remains of past human life or activities which are of
22 archaeological interest, as determined under uniform regulations promulgated pursuant to this
23 chapter. Such regulations containing such determination shall include, but not be limited to:
24 pottery, basketry, bottles, weapons, weapon projectiles, tools, structures or portions of structures,
25 pit houses, rock paintings, rock carvings, intaglios, graves, human skeletal materials, or any
26 portion or piece of any of the foregoing items. Nonfossilized and fossilized paleontological
27 specimens, or any portion or piece thereof, shall not be considered archaeological resources, under
28 the regulations under this paragraph, unless found in archaeological context. No item shall be
29 treated as an archaeological resource under regulations under this paragraph unless such item is at
30 least 100 years of age.” 16 U.S.C. §470bb(1).

31
32 **Candidate Conservation Agreement** – The USFWS by policy may enter into an agreement with
33 a state agency, local government, or private landowner to protect or manage habitat for a species
34 that is proposed for listing but is not yet listed. Under the terms of the agreement, generally an
35 agreed upon amount of land is set aside or earmarked to be conserved for the candidate species.
36 The landowner may also receive compensation and assurances that if the species is listed, the
37 landowner will not be required to adopt additional conservation measures.

1 **Carbon sequestration** – A family of methods for capturing and permanently isolating gases that
2 otherwise could contribute to global climate change. Affordable and environmentally safe
3 sequestration approaches could offer a way to stabilize atmospheric levels of carbon dioxide
4 without requiring the United States and other countries to make large-scale and potentially costly
5 changes to their energy infrastructures.

6
7 **Communication** – The exchange or transfer of information using the technology of transmission
8 systems.

9
10 **Community Stability** – Combination of factors to promote and sustain the viability of a
11 community, including local economy, custom, and culture.

12
13 **Conservation Plan** – This term refers to situations when a state or states develop a management
14 plan to protect a species that is proposed for listing under the ESA to persuade the USFWS not to
15 list a species. The plan may be based on memorandum of agreement between federal and state
16 agencies and may involve more than one state.

17
18 **Cooperation** – “[T]o act jointly or concurrently toward a common end.” Black’s Law 5th Ed. at
19 302.

20
21 **Coordinated Resource Management (CRM)** – A group of people working together to develop
22 common resource goals and resolve natural resource concerns. CRM is a people process that
23 strives for win-win situations through consensus-based decision-making.

24
25 **Coordination** – “[A]djusted to, in harmony with.” *Id.* at 303.

26
27 **Consistency** – “[H]aving agreement with itself or something else; harmonious; congruous;
28 compatible; not contradictory.” *Id.* at 279.

29
30 **Consultation** – A conference between two or more people to consider a particular question.

31
32 **Culture** – The body of customary beliefs, social forms, and material traits including the traditions
33 of racial, religious, and social groups, and their morals, knowledge, customs, religions, law,
34 beliefs, superstitions and art.

35
36 **Custom** – As used in this Plan, custom is defined as the usage or practice of the people, which by
37 common adoption and acquiescence, and by long and unvarying habit, has become compulsory,
38 and has acquired the force of a law with respect to the place or subject-matter to which it relates,
39 and a habitual practice, more or less widespread, which prevails within a geographic or
40 sociological area.

41
42 **Customs** – The way people implement their culture—the way they traditionally use the land, make
43 a living, and act toward each other. Customs are the visible and tangible manifestations of the

1 shared beliefs that bind a group of people into a community. In law, customs consist of “long
2 established practice or usage, which constitutes the unwritten law, and long consent to which gives
3 it authority. Customs are general, which extend over a state or kingdom, and particular, which are
4 limited to a city or district.”
5

6 ***de facto* Wilderness Management** – Land management policy that is imposed without
7 congressional direction or authority that mirrors or is similar to the management of areas
8 designated by Congress as wilderness pursuant to the 1964 Wilderness Act. The management
9 restrictions and prohibitions include: the prohibition of construction of new roads; restriction or
10 prohibition on reconstruction or maintenance of existing roads; prohibition of mining or mineral
11 development; restrictions on activities that would require permanent structures or facilities, or
12 restrictions on motorized vehicle use or the use of mechanical tools or means of travel.
13

14 **Desired Plant Community** – A plant community which produces the kind, proportion, and
15 amount of vegetation necessary for meeting or exceeding the land use plan/activity plan objectives
16 established for an ecological site(s). The desired plant community must be consistent with the
17 site's capability to produce the desired vegetation through management, land treatment, or a
18 combination of the two.
19

20 **Ditch Easement** -- A right-of-way across land granting the right to construct and maintain a ditch.
21 On public land, a right-of-way was granted across unreserved public lands when a ditch or a canal
22 was constructed pursuant to R.S. 2339 and 2340, Act of July 26, 1866, ch. 262, Sec. 9, 14 Stat.
23 253, 254. These laws were repealed when Congress enacted FLPMA in 1976.
24

25 **Ecological Site** – An area of land with specific physical characteristics that differs from other
26 areas both in its ability to produce distinctive kinds and amounts of vegetation and in its response
27 to management.
28

29 **Economics** – Pertaining to the development and management of the material wealth of a
30 government or community.
31

32 **Erosion** – (v.) Detachment and movement of soil or rock fragments by water, wind, ice, or gravity.
33 (n.) The land surface worn away by running water, wind, ice, or other geological agents, including
34 such processes as gravitational creep.
35

36 **Flora** – The wild plants of a particular region, district, or geographical period; a description of
37 such plants.
38

39 **Forestland** – Land that is now, or is capable, of becoming, at least 10% stocked with forest trees
40 and that has not been developed for non-timber use (BLM). As defined by the USDA Forest
41 Service is land that is at least ten percent covered with trees (Forested Landscapes in Perspective,
42 1998).

1 **Forest Health** – A measure of the robustness of forest ecosystems. Aspects of forest health
2 include biological diversity; air and water productivity; natural disturbances; and the capacity of
3 the forest to provide a sustaining flow of goods and service for people.

4
5 This term is often used to express a collection of concerns – with respect to the alleged
6 deterioration in the forest conditions, including both current problems and (*e.g.* – insect and
7 disease infestations, wildfires, and related tree mortality) and risks of future problems (*e.g.* – too
8 many small-diameter trees) (overstocking), excess biomass in an unnatural mix of tree species in
9 mixed stands.

10
11 **Forms of Production** – The forms of production component include the things you have or need
12 to produce to retain or attain the desired quality of life.

13
14 The derived forms of production statement of the District reads as follows: “*The quality of life we*
15 *strive for will be achieved by continuing to maintain and enhance sustainable and optimum*
16 *production of renewable and non-renewable resources and to encourage and support the motive*
17 *and means to enhance economic opportunity and education.*”

18
19 **Future Resource Base** – The future resource base component includes the people, land and
20 community we live in and the services available, and what we will need to sustain and enhance our
21 quality of life and forms of production.

22
23 The derived future resource base statement of the District reads as follows: “*Through the efforts of*
24 *cooperation and communication among the local people, our community will have a beneficial*
25 *impact on sustaining a strong and viable multiple-use of our lands, including agricultural,*
26 *industrial, mineral production, commercial, recreational and historical uses, which together will*
27 *provide the continued ability to generate wealth and growth and needs of our community.*”

28
29 **Geophysical Exploration** – The use of geological and geochemical techniques, including, but not
30 limited to, core and test drilling, well logging techniques, and various sampling methods, to
31 produce information and data, in support of possible mineral resource exploration and
32 development activities, including pipelines. It also includes any operation using gravity, magnetic,
33 and seismic survey methods to produce geologic information and data in support of possible
34 mineral resource exploration and development activities.

35
36 **Grazing Management Practices** – Grazing management practices include such things as grazing
37 systems (rest-rotation, deferred rotation, etc.), timing and duration of grazing, herding, salting, etc.
38 They do not include physical range improvements.

39
40 **Guidelines (For Grazing Management)** – Guidelines provide for, and guide the development and
41 implementation of, reasonable, responsible, and cost-effective management actions at the
42 allotment and watershed level which move rangelands toward statewide standards or maintain
43 existing desirable conditions. Appropriate guidelines will ensure that the resultant management

actions reflect the potential for the watershed, consider other uses and natural influences, and balance resource goals with social, cultural/historic, and economic opportunities to sustain viable local communities. Guidelines, and, therefore, the management actions they engender, are based on sound science, past and present management experience, and public input.

Habitat Conservation Plan – The USFWS will approve a plan to protect habitat for a species listed under the ESA located on private land. The habitat conservation plan allows private landowners to use or develop the land, even though the activities may adversely affect a listed species. The plan will also include a “takings permit” which will permit the incidental loss of habitat or potential harm to a listed species.

Habitat Fragmentation – An event that creates a greater number of habitat patches that are smaller in size than the original contiguous tract(s) of habitat.

Habitat Loss – The permanent or effectively permanent removal of habitat cover needed by a particular wildlife species.

Highway – Includes, but is not limited to, pedestrian trails, horse paths, livestock trails, wagon roads, jeep trails, logging roads, homestead roads, mine-to-market roads, alleys, tunnels, bridges, dirt or gravel roads, paved roads, and all other ways and their attendant access for maintenance, reconstruction, and construction.

Indicator – An indicator is a component of a system whose characteristics (e.g., presence, absence, quantity, and distribution) can be measured based on sound scientific principles. An indicator can be measured (monitored and evaluated) at a site- or species-specific level. Measurement of an indicator must be able to show change within timeframes acceptable to management and be capable of showing how the health of the ecosystem is changing in response to specific management actions. Selection of the appropriate indicators to be monitored in a particular allotment is a critical aspect of early communication among the interests involved on the ground. The most useful indicators are those for which change or trend can be easily quantified and for which agreement as to the significance of the indicator is broad based.

Intention – A determination to act in a certain way: resolve. Synonyms for intention/intent are: purpose, design, aim, end, objective, goal, mean, or what one proposes to accomplish or attain.

Irreversible and Irretrievable Commitment of Resources – NEPA requires that each EIS address the resources that will be permanently lost or committed as a result of the project. When oil is produced from a well it is lost or committed and cannot be later developed. Vegetation resources associated with a well pad are not irreversible committed because the site can be reclaimed.

Jeopardy Review – The USFWS, pursuant to the ESA, must evaluate all federal actions that may adversely affect a species that is listed under the ESA to determine whether the proposed action is

likely to jeopardize the continued existence of the species. 16 U.S.C. §1536. As part of the jeopardy review, which is also called a “Section 7 review,” the USFWS prepares a biological opinion, makes a determination regarding jeopardy, and will recommend additional conservation measures that would mitigate the impacts on the species. If the USFWS makes a finding of jeopardy, the proposed federal action may not proceed.

Land Designation – The classification of tracts of land by Congress or a land managing agency to recognize distinctive and unique characteristics or uses.

“Let it Burn” – A land management policy (and philosophy) that limits or ends fire suppression in order to reintroduce the role of natural wildfire into an ecosystem. This policy is most often used in wilderness areas, where the use of fire fighting equipment and tools is generally prohibited, or in the more remote areas of the National Park System. It also substitutes wildfire for logging or grazing to recreate pre-settlement environments.

Litter – The uppermost layer of organic debris on the soil surface, essentially the freshly fallen or slightly decomposed vegetal material.

Locatable Minerals – Minerals subject to exploration, development and disposal by staking mining claims as authorized by the Mining Law of 1872 (as amended). This includes valuable deposits of gold, silver, and other uncommon minerals not subject to lease or sale.

Management Actions – Management actions are the specific actions prescribed by the BLM to achieve resource objectives, land use allocations, or other program or multiple use goals. Management actions include both grazing management practices and range improvements.

Memoranda of Understanding (MOU) – An instrument setting forth the terms of an informal agreement, most often between a state or local government and a federal agency to establish operational arrangements or information sharing. It may also regulate technical or detailed matters, such as terms for mutual maintenance of roads or other facilities. It is typically in the form of a single instrument and may not require ratification.

Memorandum of Agreement (MOA) – It is very similar to an MOU but will be worded as an agreement rather than general understanding. Like an MOU, it will document an informal agreement between federal agencies, or divisions/units within an agency or department, or between a federal and state agency or unit of local government and will delineate tasks, jurisdiction, standard operating procedures or other matters which the agencies or units are duly authorized and directed to conduct.

Minerals – Naturally occurring homogeneous substances formed by organic or inorganic processes found on the surface or in the earth; deposits having some resource values such as coal, sand and gravel, precious and semi-precious metals, fossils, and gemstones.

1 **Multiple Land Use** – Use of land for more than one purpose, for example, grazing of livestock,
2 recreation and timber production. The term may also apply to the use of associated bodies of
3 water for recreational purposes, fish and water supply. (UN).
4

5 **Multiple-use** – Multiple uses of the national forests means the “harmonious and coordinated
6 management of the various resources, each with the other, without impairment of the productivity
7 of the land, with consideration being given to the relative values of the various resources, and not
8 necessarily the combination of uses that will give the greatest dollar return or the greatest unit
9 output.” Multiple Use and Sustained Yield Act of 1960 (P.L. 86-517, June 12, 1960) as amended.
10 Multiple use implies a sustained yield of outdoor recreation, range, timber, watershed, and wildlife
11 and fish values.
12

13 Multiple use of the public lands managed by the Bureau of Land Management means: “the
14 management of the public lands and their various resource values so that they are utilized in the
15 combination that will best meet the present and future needs of the American people; making the
16 most judicious use of the land for some or all of these resources or related services over areas large
17 enough to provide sufficient latitude for periodic adjustments in use to conform to changing needs
18 and conditions; the use of some land for less than all of the resources; a combination of balanced
19 and diverse resource uses that takes into account the long-term needs of future generations for
20 renewable and nonrenewable resources, including, but not limited to, recreation, range, timber,
21 minerals, watershed, wildlife and fish, and natural scenic, scientific and historical values; and
22 harmonious and coordinated management of the various resources without permanent impairment
23 of the productivity of the land and the quality of the environment with consideration being given to
24 the relative values of the resources and not necessarily to the combination of uses that will give the
25 greatest economic return or the greatest unit output.” Federal Land Policy and Management Act,
26 43 U.S.C. §1702(c).
27

28 **Multiple-use land** – A combination of balanced and diverse resource uses that considers long term
29 needs for renewable and nonrenewable resources including recreation, rangeland, timber, minerals,
30 water shed and wildlife along with scenic, scientific and cultural values.
31

32 **Multiple-use Management** – The management of all of the various renewable surface resources
33 of national forest lands, for a variety of purposes such as recreation, range, timber, wildlife and
34 fish habitat, and watershed.
35

36 **Non-impairment management** – The standard for determining whether to allow actions or
37 activities on public lands that have been classified as wilderness study areas either by Congress or
38 the Bureau of Land Management. The action or activity may be allowed so long as the impacts
39 will not impair the areas suitability for wilderness or will not degrade the wilderness values so as
40 to preclude its inclusion in the National Wilderness Preservation System.
41

1 **No surface occupancy or NSO** – This term refers to a condition attached to a mineral lease which
2 prohibits surface occupancy or development activities on the land. NSO is not a recognized term
3 for other land uses or permits.
4

5 **Objective** – An objective is a site-specific statement of a desired rangeland condition. It may
6 contain qualitative (subjective) elements, but it must have quantitative (objective) elements so that
7 it can be measured. Objectives frequently speak to change. They may measure the avoidance of
8 negative changes or the accomplishment of positive changes. They are the focus of monitoring
9 and evaluation activities at the local level. Objectives may measure the products of an area rather
10 than its ability to produce them, but if they do so, it must be kept in mind that the lack of a product
11 may not mean that the standards have not been met. Instead, the lack of a particular product may
12 reflect other factors such as political or social constraints. Objectives often focus on indicators of
13 greatest interest for the area in question.
14

15 **Open Space** – Any parcel or area of land or water that is essentially unimproved and is set aside,
16 dedicated, or reserved for public or private use for the enjoyment or for the use and enjoyment of
17 owners and occupants of land adjoining or neighboring such open space, provided that such areas
18 may be improved with only those buildings, structures, streets, and off street parking and other
19 improvements that are designed to be incidental to the natural openness of the land. An area of a
20 lot either left in a natural state or receiving permeable vegetative landscape treatment such as
21 ponds and lakes, either natural or manmade; and water features, grass shrubs, flowers, trees,
22 ground cover, etc.
23

24 **Prescribed burn** – The deliberate use of fire to improve vegetation conditions or to reduce fuel
25 loads in forests, grassland, or rangeland areas.
26

27 **Public lands** – The term “public lands” means “any land and interest in land owned by the United
28 States within the several States and administered by the Secretary of the Interior through the
29 Bureau of Land Management, without regard to how the United States acquired ownership,
30 except-- (1) lands located on the Outer Continental Shelf; and (2) lands held for the benefit of
31 Indians, Aleuts, and Eskimos.” 43 U.S.C. §1702(e).
32

33 **Range** – Rangelands, forests, woodlands and riparian zones that support and understory or
34 periodic cover of herbaceous or shrubby vegetation amenable to rangeland management principals
35 or practices. Land on which the principal natural plant cover is composed of native grasses, forbs,
36 and shrubs that are valuable as forage for livestock and big game. Any land supporting vegetation
37 suitable for wildlife or domestic livestock grazing, including grasslands, woodlands, shrublands,
38 and forest lands.
39

40 **Range Condition** – The current productivity of a rangeland relative to what the land could
41 naturally produce based on the site’s soil type, precipitation, geographic location, and climate.
42

Range Improvements – Range improvements include such things as corrals, fences, water developments (reservoirs, spring developments, pipelines, wells, etc.) and land treatments (prescribed fire, herbicide treatments, mechanical treatments, etc.).

Range Management – The art and science of planning and directing range use intended to use the sustained maximum animal production and perpetuation of the natural resources.

Rangeland – Land on which the native vegetation (climax or natural potential) is predominantly grasses, grass-like plants, forbs, or shrubs. This includes lands revegetated naturally or artificially when routine management of that vegetation is accomplished mainly through manipulation of grazing. Rangelands include natural grasslands, savannas, shrublands, most deserts, tundra, alpine communities, coastal marshes, and wet meadows.

The United States has 399 million acres of non-federal rangeland, about 30% of all non-federal rural lands, according to the 1992 National Resources Inventory. The BLM manages approximately 167 million acres of federal rangelands, and the Forest Service manages approximately 95 million acres of federal rangelands.

Rangeland Health – The degree to which the integrity of the soil and ecological processes of rangeland ecosystems are sustained.

Recovery Plan – The ESA requires the USFWS to prepare a plan to improve the status of a listed species to the point where the species need no longer be listed. A recovery plan typically sets population goals, identifies tasks to reverse or arrest the decline of a species, and criteria for delisting the species.

Recreation – An action or lack thereof, which results in relaxation, entertainment, and is enjoyed by those who participate. Tourism is traveling as or for recreation.

Reintroduction Plan – Under the ESA, a reintroduction plan is a specialized recovery plan designed to restore a threatened or endangered species to its historical habitat. A reintroduction plan will document the habitat area to be occupied and specific management actions to be taken to ensure the successful reintroduction of the listed species. Alternatively, a reintroduction plan by a state wildlife agency will return fish, game, or other wildlife to an area where they have been extirpated.

Research Natural Area or RNA – A type of area of critical environmental concern or ACEC under BLM land use planning process where natural ecological and physical processes are allowed to occur and human activities are prohibited if they will interfere with the natural processes. Under Forest Service land use policy, a RNA is an area identified as a reference area to evaluate the impacts of management in similar environments, including areas for research and areas to be protected for biodiversity or threatened, endangered and sensitive species.

1 **Resource Advisory Committee** – As used in this Plan, the Resource Advisory Committee will
2 refer to any committee established by the District to provide advice regarding various land and
3 conservation issues. The term also refers to advisory committees established by the Bureau of
4 Land Management to provide the BLM with advice regarding public land management issues,
5 especially relating to livestock grazing pursuant to 43 C.F.R. Subpart 1784.

6
7 **Rights-of-way** – This term generally refers to “an easement, lease, permit, or license to occupy,
8 use, or traverse lands” and such right may be created by federal or state statute, deed, contract or
9 agreement, or permit. A right-of-way may also include: Any road, trail, access or way upon which
10 construction has been carried out to the standard in which public rights-of-way were built within
11 historic context. These rights-of-way may include, but not be limited to, horse paths, cattle trails,
12 irrigation canals, waterways, ditches, pipelines or other means of water transmission and their
13 attendant access for maintenance, wagon roads, jeep trails, logging roads, homestead roads, mine
14 to market roads, and all other ways.

15
16 **Riparian** – An area of land directly influenced by permanent water. It has visible vegetation or
17 physical characteristics reflective of permanent water influence. Lakeshores and streambanks are
18 typical riparian areas. Excluded are such sites as ephemeral streams or washes that do not have
19 vegetation dependent on free water in the soil.

20
21 **Riparian Area** – An area along a watercourse or around a lake or pond.

22
23 “Riparian areas are ecosystems that occur along watercourses or water bodies. They are distinctly
24 different from the surrounding lands because of unique soil and vegetation characteristics that are
25 strongly influenced by free or unbound water in the soil. Riparian ecosystems occupy the
26 transitional area between the terrestrial and aquatic ecosystems. Typical examples would include
27 floodplains, stream banks, and lakeshores.” USDA NRCS.

28
29 “Riparian areas have one or both of the following characteristics: 1) distinctively different
30 vegetative species than adjacent areas, and 2) species similar to adjacent areas but exhibiting more
31 vigorous or robust growth forms. Riparian areas are usually transitional between [river or]
32 wetland and upland.” US FWS.

33
34 Riparian landscapes occur in the saturated soils along the streams of the County. Riparian or
35 streamside areas are a valuable natural resource and impacts to these areas should be avoided
36 whenever possible. Riparian vegetation plays an important role in protecting streams, reducing
37 erosion and sedimentation as well as improving water quality, maintaining water table, controlling
38 flooding, and providing shade and cover.

39
40 **Riparian Zone** – Those terrestrial areas where the vegetation complex and micro climate
41 conditions are products of the combined presence and influence of perennial and or intermittent
42 water, associated high water tables and soils which exhibit some wetness characteristics.

Normally used to refer to the zone within which plants grow rooted in the water table of these rivers, streams, lakes, ponds, reservoirs, springs, marshes, seeps, bogs and wet meadows. (BLM). “At the smallest scale, the riparian zone is the immediate water's edge where some specialized plants and animals form a distinct community. At a larger scale, the riparian zone is the area periodically flooded by high water, the stream banks and floodplain. At the largest scale, the riparian zone is the band of land that has significant influence on the stream ecosystem, and/or is significantly influenced by the stream.” Malcomb Hunter.

Significantly – This term is used in the National Environmental Policy Act regulations, 40 C.F.R. §1508.27, to define when a proposed action may significantly affect the human environment.

Significantly as used in NEPA requires considerations of both context and intensity:

(a) Context. This means that the significance of an action must be analyzed in several contexts such as society as a whole (human, national), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. For instance, in the case of a site-specific action, significance would usually depend upon the effects in the locale rather than in the world as a whole. Both short- and long-term effects are relevant.

(b) Intensity. This refers to the severity of impact. Responsible officials must bear in mind that more than one agency may make decisions about partial aspects of a major action. The following should be considered in evaluating intensity:

(1) Impacts that may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial.

(2) The degree to which the proposed action affects public health or safety.

(3) Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.

(4) The degree to which the effects on the quality of the human environment are likely to be highly controversial.

(5) The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.

(6) The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.

(7) Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate

a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.

(8) The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.

(9) The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.

(10) Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.

Site Condition – This term describes existing soil, vegetation, wildlife and the physical site, in the context of precipitation, and climate.

Special Land Use Designations – Refers to the classification or designation tracts of land by Congress or a federal agency to recognize and protect distinctive or unique characteristics. Designations by Congress are permanent and may include national monuments, national parks, national park preserves, national wildlife refuges, national recreation areas, national seashores, wild, scenic or recreation rivers, national forests, and wilderness. The President may also establish national monuments, which are permanent unless modified by another President or Congress. Federal law may delegate the authority to various federal agencies to make special land use designations. The Interior Department Secretary may designate wildlife refuges; the Bureau of Land Management through its land use plans may establish special recreation areas, areas of critical environmental concern, resource natural areas, and until 1991, wilderness study areas. The Forest Service through its land use plans establishes special interest areas and research natural areas.

There are more than 40 recognized special land designations exist nationwide. Pursuant to this Plan, multiple use is not a special land designation, rather it is a concept and management practice for most lands in Sweetwater County not assigned a special land designation.

Species of Concern or Special Status Species – This term includes species that have been proposed for listing under the Endangered Species Act or have already been listed as threatened or endangered, as well as species that are on the candidate list published in the *Federal Register*. The term also includes any state-listed species or any “sensitive species” identified by the BLM State Director, which includes the above categories and might also include species undergoing downward trends due to changes in habitat capability or populations or which occupy specialized habitats.

1 **Spill Over** – This term refers to the movement of introduced or reintroduced wildlife into areas
2 where they were not intended to be in the plan. The presence of such species will greatly limit
3 land uses, especially when the species is protected under the ESA or other federal and state laws.
4

5 **Split Estate** – A tract of land where title to the surface estate is separate from title to some or all of
6 the mineral rights. Split estates are common in the western United States, because private land
7 conveyed under the homestead or stockraising homestead acts reserved the mineral rights to the
8 United States. Under common law, the mineral estate is dominant and can be developed over the
9 objections of the surface owner. Modern laws and case decisions have modified the rule but still
10 recognize the right of the mineral owner to develop the mineral estate, even when the surface
11 owner objects. If the United States owns the surface, it will require the mineral owner to reclaim
12 the surface, secure permits to build roads and other facilities, and post reclamation bonds. If the
13 surface is owned by a private landowner, then federal reclamation laws do not apply but state laws
14 will.
15

16 **Standards** – Standards are synonymous with goals and are observed on a landscape scale.
17 Standards apply to rangeland health and not to the important by-products of healthy rangelands.
18 Standards relate to the current capability or realistic potential of a specific site to produce these by-
19 products, not to the presence or absence of the products themselves. It is the sustainability of the
20 processes, or rangeland health, which produces these by-products.
21

22 **Surface disturbing activity** – Refers to development activities that involve the removal of
23 vegetation, topsoil, or overburden where there is a physical change to the surface, such as activities
24 associated with mineral or energy development, rights-of-way, and road construction or
25 reconstruction. It does not include incidental disturbances associated with the construction,
26 reconstruction, or maintenance of fences or corrals or stock tanks, livestock or wildlife grazing, or
27 recreation uses.
28

29 **Sustainable Yield** – The yield from a renewable resource that can produce continuously at a given
30 intensity of management.
31

32 **Sustained Yield** – A “high-level” output of renewable resources that does not impair the
33 productivity of the land. The continuation of a healthy desired plant community.
34

35 **Takings in context of Endangered Species Act** – Includes harm to a protected species when an
36 act actually kills or injures wildlife. Such act may include significant habitat modification or
37 degradation where it actually kills or injures wildlife by significantly impairing essential
38 behavioral patterns, including breeding, feeding or sheltering. 50 C.F.R. §17.3.
39

40 **Takings in context of property and right to compensation** – A ‘taking’ of property is generally
41 defined as to deprivation of the right of use and enjoyment of the property. The ownership of
42 property is often described as a “bundle of sticks” which includes mineral rights, rights of access,
43 rights to use the surface, and rights to use the fruits raised from the surface, such as crops or grass.

1 When land use regulation by federal, state, or local government interferes with one of those rights
2 in the bundle of sticks, a taking occurs only if it deprives the owner of all of his bundle of sticks or
3 “investment-backed expectations.” More recent decisions will find a taking when the deprivation
4 is total but temporary or when the deprivation precludes an essential element of the property right,
5 such as the right to exclude others. Federal land agencies enjoy a much greater presumption of
6 authority to limit the exercise of private property rights and successful takings cases more often
7 involve disputes with a local government or state agency.

8
9 **Terms and Conditions** – Terms and conditions are very specific land use requirements that are
10 made a part of the land use authorization in order to assure maintenance or attainment of the
11 standard. Terms and conditions may incorporate or reference the appropriate portions of activity
12 plans (e.g., Allotment Management Plans). In other words, where an activity plan exists that
13 contains objectives focused on meeting the standards, compliance with the plan may be the only
14 term and condition necessary in that allotment.

15
16 **Thoroughfare** – Term means according to its derivation, a street or passage through which one
17 can fare (travel); that is, a street or highway affording an unobstructed exit at each end into another
18 street or public passage. If the passage is closed at one end, admitting no exit it is called a “cul de
19 sac.”

20
21 **Title V of FLPMA** – In 1976, Congress repealed almost all laws granting rights-of-way for
22 various purposes and established a single title under which rights-of-way would be granted across
23 public lands for any purpose, including power transmission lines, roads, and pipelines.

24
25 **Tracea** – In old English law, the track or trace of a felon, by which he was pursued with the hue
26 and cry; a foot-step, hoof-print, or wheel track.

27
28 **Trails** – A trace is pathway made by passage of man-animal routing of extended travel. Vestiges
29 of an established pathway by which man has persistently walked or trailed game or sought the
30 easiest traverse of land establishing right-of-way access of natural law by horseback, travois, etc.

31
32 **Trailshed** – This term refers to the elements of managing historic trails and includes the linear
33 landscapes, visual resources or viewshed, historic context, and the corridor of the trail itself.

34
35 **Tread Lightly** – A BLM program to encourage recreation users to avoid damage to natural
36 resources by leaving no or little evidence of recreation use.

37 **Undue and unnecessary degradation** – This term applies to activities on public lands managed
38 by the Bureau of Land Management, which is required to ensure that surface activities do not
39 cause ‘undue or unnecessary degradation.’ BLM defines those impacts as being greater than those
40 that would normally be expected from an activity being accomplished in compliance with current
41 standards and regulations and based on sound practices, including use of the best reasonably
42 available technology.

Upland – Those portions of the landscape which do not receive additional moisture for plant growth from run-off, streamflow, etc. Typically these are hills, ridgetops, valley slopes, and rolling plains.

Visibility Protection Plan – A plan that implements the requirements of the Clean Air Act.

Visibility or Visibility Impairment – Visibility refers to amount or lack of haze that obscures the ability to see great distances. Visibility impairment measures the extent of haze composed of various air pollutants, which manifest as a white or brown haze. This is a major issue with respect to national parks and wilderness areas, which are Class I air quality areas and are given the highest level of protection.

View – The sight or prospect from a particular point, typically an appealing sight.

Viewshed – The geographic area surrounding the visual area to be inventoried and managed.

Visual Condition Class – The Clean Air Act recognizes four air quality classes, with Class I applying to national parks and wilderness areas and Class II applying to all other federal land areas, such as National Forests, National Wildlife Refuges, and public lands. Visual conditions are affected by particulates, emissions including ozone, sulfur oxide, nitrogen oxide, carbon dioxide, and the chemical reactions caused by humidity and sunshine.

Visual Quality or Visual Resource Management Objective – Standards established in land use plans prepared by the Forest Service or the Bureau of Land Management to apply to specific land areas based on the scenic qualities and land uses. The land use plans may require modifications to facilities to reduce the visual impacts.

Visual Resource – A part of the landscape important for its scenic quality. It may include a composite of landforms, water features, cultural features, terrain, geologic features, vegetative patterns which create the visual environment. 2. The visible physical features of a landscape. (BLM).

Visual Resource Management (VRM) – The designation of BLM surface lands for visual resource protection and management as part of the land use planning process. The VRM classification takes into account scenic values, sensitivity based on land uses permitted, and distance or remoteness. *See* BLM H8410-1.

Visual Resource Management Classes – The BLM handbook recognizes four VRM classes: Class I, to preserve nationally designated wilderness areas; Class II, to preserve scenic values, including areas of critical environmental concern, Class III, to permit some change in landscape character, and Class IV, to allow moderate to major changes in the landscape.

Waste – Refuse; worthless or useless matter.

Water – All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies of water above or below ground, which are partially or wholly in the state, border on the state, or are within the jurisdiction of the state. Private waters that do not combine or have a junction with natural surface or underground waters are not included (for example, an isolated farm pond that does not infiltrate to ground water or connect to surface water). All springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State are subject to its jurisdiction.

Watershed – The total land area, regardless of size, above a given point on a waterway that contributes runoff water to the flow at that point. It is a major subdivision of a drainage basin. The United States is generally divided into 18 major drainage areas and 160 principal river drainage basins containing about 12,700 smaller watersheds. The entire region or land area that contributes water to a drainage system or stream, collects and drains water into a stream or stream system, or is drained by a waterway (or into a lake or reservoir). More specifically, a watershed is an area of land above a given point on a stream that contributes water to the streamflow at that point. A region or area where surface runoff and groundwater drain to a common watercourse or body of water. The area drained by a river or river system enclosed by drainage divides. An area of land that drains to a single water outlet. A watershed is also known as a sub-basin.

Weed – Any plant growing where it is not desired; a plant out of place, or unwanted plants, which, may be growing in a multitude of situations.

“Declared weed” – Any plant, which the board and the Wyoming Weed and Pest Council have found, either by virtue of its direct effect, or as a carrier of disease or parasites, to be detrimental to the general welfare of persons residing within a district.
W.S. 11-5-102 (viii).

Noxious weed – A weed that is recognized as a threat to native plants due to its invasive character.

Wetlands – Permanently wet or intermittently water-covered land areas, such as swamps, marshes, bogs, muskegs, potholes, swales, and glades. Areas that are inundated by surface or ground water with a frequency sufficient to support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, wet meadows, river overflows, mud flats, and natural ponds.

Although federal agencies, states, and text book authors vary in the way in which they define wetlands, in general terms, wetlands are lands where water covers the soil or is present either at or near the surface of the soil or within the root zone, all year or for varying periods of time during the year, including during the growing season. The recurrent or prolonged presence of water (hydrology) at or near the soil surface is the dominant factor determining the nature of soil development and the types of plant and animal communities living in the soil and on its surface.

Wetlands can be identified by the presence of those plants (hydrophytes) that are adapted to life in the soils that form under flooded or saturated conditions (hydric soils) characteristic of wetlands (NAS 1995; Mitsch and Gosselink 1993). There also are wetlands that lack hydric soils and hydrophytic vegetation, but support other organisms indicative of recurrent saturation (NAS 1995).

The federal regulations implementing Section 404 of the Clean Water Act define wetlands as:

Those areas that are inundated or saturated by surface or ground water (hydrology) at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation (hydrophytes) typically adapted for life in saturated soil conditions (hydric soils). Wetlands generally include swamps, marshes, bogs, and similar areas (40 C.F.R. §232.2(r)).

Jurisdictional wetlands, which are regulated by the U.S. Army Corps of Engineers (Corps) under Section 404, must exhibit all three characteristics: hydrology, hydrophytes, and hydric soils (US ACOE 1987). It is important to understand that some areas that function as wetlands ecologically, but exhibit only one or two of the three characteristics, do not currently qualify as Corps jurisdictional wetlands and thus activities in these wetlands are not regulated under the Section 404 program. Such wetlands, however, may perform valuable functions.

Another federal agency, the U.S. Fish and Wildlife Service defines wetlands as: lands that are transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water, and that have one or more of the following attributes:

1. At least periodically, the land supports predominantly hydrophytes;
2. The substrate is predominantly undrained hydric soil; and,
3. The substrate is non-soil and is saturated with water or covered by shallow water at some time during the growing season of each year (Cowardin *et al.* 1979).

This definition differs from the EPA and U.S. Army Corps of Engineers definition used for jurisdictional wetlands, which requires that all three attributes (hydrophytes, hydric soils, and hydrology) be evident. The 1987 Corps of Engineers Manual on wetland delineation does not consider unvegetated aquatic sites such as mudflats and coral reefs or vegetated shallow water to be wetland areas, whereas the Cowardin classification does (US ACOE 1987).

Wilderness Act of 1964 – Congress established the National Wilderness Preservation System to protect and preserve those areas deemed to be wilderness, which is defined as:

A wilderness, in contrast with those areas where man and his own works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain. An area of wilderness is further defined to mean in this chapter an area of undeveloped Federal land retaining its primeval character and influence, without

1 permanent improvements or human habitation, which is protected and managed so
2 as to preserve its natural conditions and which (1) generally appears to have been
3 affected primarily by the forces of nature, with the imprint of man's work
4 substantially unnoticeable; (2) has outstanding opportunities for solitude or a
5 primitive and unconfined type of recreation; (3) has at least five thousand acres of
6 land or is of sufficient size as to make practicable its preservation and use in an
7 unimpaired condition; and (4) may also contain ecological, geological, or other
8 features of scientific, educational, scenic, or historical value. 16 U.S.C. §1131(a).
9

10 **Wilderness Area** – Tracts of land designated by an act of Congress to be part of the National
11 Wilderness Preservation System.
12

13 **Wilderness Study Area or WSA** – An area of land identified by Congress or a federal agency
14 pursuant to Congressional direction to be evaluated for its suitability for designation by Congress
15 as part of the National Wilderness Preservation System. With respect to public lands managed by
16 the Bureau of Land Management, it refers to tracts of public lands determined to meet the
17 definition of wilderness based on the wilderness inventory and review conducted by the Bureau of
18 Land Management pursuant to Section 603 of the Federal Land Policy and Management Act, 43
19 U.S.C. §1782. A WSA typically meets the definition of wilderness in that it is “an area of
20 undeveloped Federal land retaining its primeval character and influence, without permanent
21 improvements or human habitation, which is protected and managed so as to preserve its natural
22 conditions and which (1) generally appears to have been affected primarily by the forces of nature,
23 with the imprint of man's work substantially unnoticeable; (2) has outstanding opportunities for
24 solitude or a primitive and unconfined type of recreation; (3) has at least five thousand acres of
25 land or is of sufficient size as to make practicable its preservation and use in an unimpaired
26 condition; and (4) may also contain ecological, geological, or other features of scientific,
27 educational, scenic, or historical value.” 16 U.S.C. §1131(c).
28

29 **Wildlife** – Populations, variety, and distribution of birds, mammals, reptiles, amphibians,
30 invertebrates and plants.
31

32 **Woodland Products** – Harvestable items from Piñon – Juniper woodlands. These include fuel
33 wood, posts, pine nuts and Christmas trees.
34

35 **Woody** – Consisting of wood plants such as trees or bushes— *i.e.* sage brush.
36

37 **Wood Fiber Production** – The growing, tending, harvesting and regeneration of harvestable trees.
38

**SWEETWATER COUNTY CONSERVATION DISTRICT
LAND AND RESOURCE USE PLAN AND POLICY
GLOSSARY OF ACRONYMS**

5	AFO/CAFO	ANIMAL FEEDING OPERATION/CONFINED ANIMAL FEEDING
6	OPERATION	
7	ACEC	Area of Critical Environmental Concern
8	Ag	Agriculture
9	AML	Appropriate Management Level
10	AMP	Allotment Management Plan
11	ANILCA	Alaska National Interest Lands Conservation Act
12	APA	WYOMING ADMINISTRATIVE PROCEDURES ACT
13	ARPA	Archaeological Resources Protection Act
14	AUM	Animal Unit Month
15	BLM	UNITED STATES DEPARTMENT OF THE INTERIOR, BUREAU
16	OF LAND MANAGEMENT	
17	BMP	Best Management Practice
18	CBM	Coalbed Methane
19	CEQ	Council on Environmental Quality
20	CRC	Colorado River Compact
21	DPC	Desired Plant Communities
22	EA	ENVIRONMENTAL ASSESSMENT
23	EIS	Environmental Impact Statement
24	EPA	Environmental Protection Agency
25	ESA	Endangered Species Act
26	FLPMA	FEDERAL LAND POLICY AND MANAGEMENT ACT OR THE
27	"BLM ORGANIC ACT"	
28	GIS	Geographic Imaging System
29	GR/RS/SCJPWB	Green River/Rock Springs/Sweetwater County Joint Powers Water Board
30	GRBAG	Green River Basin Advisory Group
31	GRBP	Green River Basin Plan
32	HMA	Herd Management Areas
33	LRAC	Land and Resource Advisory Committee
34	LRUP	LAND AND RESOURCE USE PLAN AND POLICY
35	NEPA	National Environmental Policy Act
36	NRA	National Recreation Area
37	NRCS	NATURAL RESOURCES CONSERVATION SERVICE

1	NRHP	NATIONAL REGISTER OF HISTORIC PLACES
2	RMP	Resource Management Plan
3	SCWP	Sweetwater County Weed and Pest
4	SWCCD	Sweetwater County Conservation District
5	UGRBJPWA	Upper Green River Basin Joint Powers Water Agreement
6	USDA	United States Department of Agriculture
7	USFS	United States Forest Service
8	USFWS or FWS	United States Department of the Interior, Fish and Wildlife Service
9	USGS	United States Department of the Interior, United States Geological Survey
10	WACD	WYOMING ASSOCIATION OF CONSERVATION DISTRICTS
11	WDA	Wyoming Department of Agriculture
12	WDEQ or DEQ	Wyoming Department of Environmental Quality
13	WGFD	Wyoming Game and Fish Department
14	WHIP	Wildlife Habitat Incentives Program
15	WSA	Wilderness Study Area
16	WSGA	Wyoming Stock Growers Association
17	WWDC	Wyoming Water Development Commission
18	WWGA	WYOMING WOOL GROWERS ASSOCIATION
19		

RESPONSES TO PUBLIC COMMENTS

I. Process

Comment: Additional time for public comment

Response: The District received two requests to extend the time for public comment from the Sweetwater County Commissioners and the Bureau of Land Management ("BLM"). The District has encouraged both the County and the BLM to file comments when they can but declined to delay actually adopting the Land and Resource Use Plan and Policy (the "Plan").

The District concluded that it was important for this Plan to be adopted to enhance the District's role as a cooperating agency with BLM on several land use plan revisions. The District decided to develop a county-wide plan and policy to respond to the citizens' concerns that federal land use plans would have significant impacts on all land uses within the County. In 2002 the County received public comments supporting a Natural Resource Plan but did not add it to the County Plan. This Plan is intended to meet that identified need.

Comment: Timing over holidays was difficult.

Response: The District recognizes that the comment period fell over the Thanksgiving and Christmas holiday period. The District received a number of helpful comments and is committed to revising the Plan as issues are brought to its attention.

II. Organization of Plan

Comment: Several comments suggested moving sections to different places in the Plan, such as putting an explanation of what the District does in a section at the beginning.

Response: The changes proposed do not change the substance of the Plan, so the District did not make the organizational changes at this time. Since both the County and BLM have indicated that they will file comments in the near future, the District will have a chance to consider these comments then.

III. Map Information

Comment: Check source of maps used for access portion. Are the Federal Highway Admin maps aerial mappings available at USDA Center in Salt Lake? These maps will show existing roads prior to FLPMA.

Response: The District only relied on the Planning and Zoning maps that were incorporated into the County's 1996 Resolution regarding public roads and R.S. 2477 rights-of-way. In Wyoming, a public road is limited to what the County declares to be a public road. For that reason, maps

showing roads that existed before 1976, when Congress passed the Federal Land Policy and Management Act ("FLPMA"), may well depict "roads" that are not recognized by Sweetwater County and, under Wyoming law are not public roads.

IV. Water & Riparian Area Management

Comment: Recommends a new goal that water reservoirs not tax riparian areas or interfere with *Healthy Rangeland Standards* to keep water on the land longer and to help capacity.

Response: The District believes these objectives are covered in Goal 5. Water developments including reservoirs must conform to best management practices and not interfere with attaining *Wyoming Healthy Rangelands Standards*.

Comment: Recommend encouraging the protection and improvement of riparian areas.

Response: This is covered in Goal 2 and incorporation of *Wyoming Healthy Rangelands Standards*.

Comment: Add the standard for "proper functioning condition."

Response: *Wyoming Healthy Rangelands Standards* does not use the term "proper functioning condition" and adopted criteria based on the arid climate and intermittent streams found in Wyoming and especially Sweetwater County.

V. Juniper, Douglas Fir, Sagebrush and Weeds

Comments: Juniper, Douglas Fir, Sagebrush are long term objectives of the vegetation management community whereas weeds are in a different category. Separate weeds out. Put juniper, fir and sage under fire management perhaps.

Maintaining and creating vegetative landscape that provides for biological diversity and production levels that are sustainable. Put it under vegetative because it is a sub class of vegetation and weeds should be as a separate topic.

Response: The discussion of juniper, Douglas fir, and sagebrush is made a part of Flora and Vegetation Management section. Weeds are addressed in a separate section.

Comment: Trees should be segregated and given respect...from a management standpoint. Is the District against juniper encroachment?

Response: Tree species are treated as vegetation communities. The Plan distinguishes between juniper and other trees, since experience has shown that juniper will expand to the detriment of other valuable species. Juniper encroachment can decrease rangeland productivity by reducing

1 forage for ungulates and competing with other browse species. Juniper will encroach rapidly and
2 needs to be managed.

3
4 **Comment:** You need to promote the aspen.

5
6 **Response:** Aspen is added to the discussion on special vegetation communities.

7
8 **Comment:** State that you are looking at a large area and not trying to exclude anything.

9
10 **Response:** This is covered in introduction to Flora.

11
12 **Comment:** Land status is important. Make sure that land status is addressed in the management of
13 flora, etc.

14
15 **Response:** The following is added to Flora section “Vegetation resources may be managed
16 differently on private land, as compared with land owned by the State or the United States. The
17 Plan attempts to consider vegetation resources on all lands, while respecting private land interests
18 and rights.”

19
20 VI. Wildlife Issues

21
22 **Comment:** What about putting term "Native" in the wildlife definition?

23
24 **Response:** The District does not use the term “native wildlife” in part because some sport species
25 have been introduced and the question of which species were actually native to Wyoming can be
26 very controversial.

27
28 **Comment:** Properly use the terms “crucial habitat” and critical habitat” and limit crucial to
29 science.

30
31 **Response:** The Plan is revised to include separate definitions of crucial and critical habitat. The
32 Plan still recommends that both designations be balanced by science, property rights, and
33 economic impacts. The Endangered Species Act provides for a cost-benefit analysis for critical
34 habitat designations, which are also science based. It makes sense for state habitat designations to
35 also examine the possible opportunity costs, such as denied access to an area or restrictions on
36 fences or other management tools that affect both property rights and land use economics.

37
38 **Comment:** Add the following policy regarding habitat fragmentation

39
40 Policy 6: Discourage wildlife habitat fragmentation through
41 coordination of appropriate agencies, local, state and Federal
42 governments.
43

1 **Response:** The proposed policy was revised to reflect a better definition of habitat fragmentation
2 and the distinction with habitat loss. The Plan also includes definitions of loss and fragmentation.
3

4 “Habitat fragmentation, by definition, is an event that creates a greater number of
5 habitat patches that are smaller in size than the original contiguous tract(s) of
6 habitat.” Habitat loss is the removal of habitat cover. *Habitat loss and population*
7 *decline: a meta-analysis of the patch size effect*, ECOLOGY, March, 1998 by Darren
8 J. Bender, Thomas A. Contreras, Lenore Fahrig
9

10 The effects of habitat changes will vary, depending on the species, relative population numbers
11 and density, population dynamics, and adaptability. The District supports sound habitat
12 management but does not support land management that is driven by possible impacts on wildlife
13 habitat to the exclusion of other land uses.
14

15 ***Policy 6.*** *Support responsible land management that adjusts for wildlife habitat*
16 *needs, when it is appropriate and supported by sound science.*
17