Integrating Private Water Development Activities into Federal Land and Resource Planning and Management

James F. Engelking

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INTEGRATING PRIVATE WATER DEVELOPMENT ACTIVITIES
INTO FEDERAL LAND AND RESOURCE PLANNING AND MANAGEMENT

James F. Engelking
Special Counsel
Saunders, Snyder, Ross & Dickson, P.C.
Denver, Colorado

The Public Lands During the Remainder Of the 20th Century:
Planning, Law, and Policy In the Federal Land Agencies

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Detailed descriptions of the federal land and resource management planning systems, and the state of U.S. Forest Service and Bureau of Land Management experiences were presented in the first three papers of this seminar. The reader should refer to them, and this paper assumes some familiarity with those planning processes.

A comprehensive treatment of land and resource planning in the national forests is contained in Volume 64, Numbers 1 and 2 of the Oregon Law Review. A discussion of the impact of federal land management laws on water development is found in Volume 32, Chapter 23 of the Rocky Mountain Mineral Law Institute Proceedings. An analysis of government interference with private interests in public resources was published recently in Volume 11:1 of the Harvard Environmental Law Reporter. Governmental and "public" demands for control of water use were discussed at the water portion of the Natural Resources Law Center's Eighth Annual Summer Program, June 1-3, 1987.

As the other seminar papers have described, federal land and resource management planning is in its youth. Many rules and procedures are being developed, many standards and guidelines and the analyses supporting them are untested, and many agency personnel are gaining
experience in using these procedures to conduct planning. Many plans must yet be completed, or administrative appeals and protests resolved. Nevertheless, substantial controversy, rhetoric and threats of litigation have cast doubt on many important aspects of the planning process. The Wilderness Society recently sought Congressional investigation of "major violations of the National Forest Management Act's requirements." *The Denver Post*, May 11, 1987.

The reader should also review other papers presented in this seminar on the range resource which discuss riparian area management, and on the preservation resource which discuss the inherent conflicts with resources development. The paper on standards for judicial review of forest plans and the paper on changes in altering land classifications and BLM land use planning provide useful guidance for both the planning and plan change processes which also affect water development activities. A comparison and contrast of this paper with the paper on ski development in national forests provides additional insights to the problems of federal planning and private water development.
Perhaps no federal land and resource management planning activity is as difficult or potentially contentious as that affecting private water development. In the West, rights to the use of water have been allocated under the laws of the several states. Historically, public land laws granted access to water sources, and the vast majority of water development projects were funded by the federal government. The appropriation system recognizes the self-initiation of private rights to the use of water, and comprehensive state water plans are not the universal rule. There is no federal water policy, and the federal role in water project planning and development has declined dramatically in the years since new federal land and resource planning requirements were established.

During the past generation, a substantial percentage of the population relocated from verdant eastern and midwestern states to arid western states, and the public ethic of natural resources development has been influenced increasingly by exhortations of preservation rather than traditional conservation. The coincidence of these factors supports current political demands for nonconsumptive "uses" of water and opposition to water project development. The more recent, and in cases localized or cyclical decline of irrigated agriculture,
energy and minerals development, and heavy industry and manufacturing in some of the public lands states may reduce the influence of organizations responsible for developing new water supplies. In some quarters, public water supply agencies have even been viewed as just one more special interest seeking preclusive use of Federal lands, while the water suppliers must seek new methods for maintaining support for their critical, long-term service to the broad public interest.

Most of the "action" to date has involved National Forest Plans, and this paper will focus on forest planning. The reader is referred to BLM's planning process required by FLPMA (43 U.S.C. § 1711-1712) which is described in regulations at 43 CFR Part 1600 and the BLM Manual. In determining BLM policy in resource management planning as in all of its activities, Instruction Memoranda from the Director on national policy and the State Director on state policy must be reviewed. BLM lists water as an environmental resource and plans for soil and water resources as described in Supplementary Program Guidance 1621.1 (November 14, 1986), a copy of which is attached here.
.2 Soil and Water Resources.

.21 Determinations.

A. Resource Management Planning. The following soil and water related determinations are required in every resource management plan unless one of the exceptions discussed in BLM Manual Section 1620.06 applies.

1. Management Objectives. Establish either areawide or site-specific soil and water management objectives. Such objectives may include but are not limited to the following:

   a. Maintain or improve soil productivity.

   b. Prevent or minimize accelerated soil erosion.

   c. Prevent or minimize flood and sediment damage.

   d. Restore/rehabilitate watersheds (including riparian areas) found to be in unsatisfactory condition.

   e. Minimize saline contributions to the Colorado River.

   f. Protect domestic/municipal water supplies.

   g. Protect unique soil and water values.

2. Management Direction. Identify soil and water management actions necessary to achieve the management objectives. Such direction may include but is not limited to the following:

   a. Establish land use restrictions or other protective measures based on soil and water related criteria (e.g., restrictions on ORV use, access or activity limitations in floodplains, municipal watersheds, areas vulnerable to contamination from various sources of pollution, on soils prone to landslides).

   b. Describe the circumstances under which Best Management Practices (BMP's) will be applied.

   c. Delineate rivers or streams where instream flow needs are critical to successful management and identify any needs for related instream flow assessments.

   d. Designate soil and water related ACEC's.

   e. Identify areas requiring activity level plans for watershed management.
8. **Activity Planning.** The following soil and water related determinations are usually deferred to activity planning: site-specific resource objectives (e.g., vegetation cover needed to protect the soil from accelerated erosion), watershed or riparian rehabilitation techniques, monitoring techniques and schedules, and the design and placement of improvements. Whenever practical, such determinations are made during the preparation of other resource activity plans (e.g., AMP's, HMP's, FMP's) instead of preparing actual soil and water (or watershed) activity plans.

.22 **Factors of Analysis.** The following factors are usually considered in arriving at the soil and water related RMP determinations set forth above.

A. **Legal Requirements.** The BLM has a number of statutory responsibilities that must be considered in establishing soil and water management objectives and actions. Such statutes include the Clean Water Act, the Public Rangelands Improvement Act, the Colorado River Salinity Control Act, the Safe Drinking Water Act, the Farmland Protection Policy Act, Executive Order 11988 on Floodplain Management, and Executive Order 11990 on the Protection of Wetlands. These and other applicable statutes are described in BLM Manual 7000 (Soil, Water, and Air Management).

B. **Watershed Condition.** The process for determining watershed condition includes stratifying the planning area into appropriate hydrologic subunits and selecting and evaluating pertinent watershed components (see .23A1 below).

C. **Watershed Vulnerability.** Watershed vulnerability is an expression of the susceptibility of a watershed unit to degrade from its current condition.

D. **Watershed Responsiveness.** Watershed responsiveness is an expression of the ability of a watershed unit to improve from the current condition through management or treatment measures.

E. **Existing and Anticipated Demand for Water.** A relationship between availability and demand should be established according to existing and projected water uses. Special management consideration should be given to overappropriated basins, instream flow requirements, and federally reserved water.
A. Data Elements. The following soil and water related data may be required during resource management planning.

1. Soil Productivity. The capability of a particular soil or group of soils to support vegetation is generally expressed as a production potential (e.g., lbs. production/unit area/year).

2. Watershed Condition Component. The following components are assessed to determine watershed condition: soil erosion, sediment yield, water quality, and/or runoff/streamflow.

3. Water Availability. This element includes information on both the physical presence and legal availability of water.

4. Soil/Water Features. The principal features of interest include floodplains, prime and unique farmlands, soils of Statewide importance, high saline soils, soils prone to landslides, riparian areas, municipal watersheds, State (high priority) water quality planning areas, nonpoint discharge elimination system permit sites, and polluted groundwater systems.

5. Soil/Water Improvements. This element includes the location, maintenance history, and performance assessment for existing erosion and water control structures or treatments.

b. Water Quality Standards. These standards consist of water uses and water quality criteria necessary to protect those uses. This element includes State antidegradation and nonpoint source control implementation plans.

B. Data Sources. Principle soil and water data sources include soil surveys, soil interpretations, ecological site descriptions, reservoir sedimentation studies, water quality monitoring records, streamflow records, well logs, water source/use inventories, project files, and State water rights files. In addition, there are several existing formulas and models which can aid in characterizing the data elements.

.24 Notices, Consultations, and Hearings. Consultation and coordination with other Federal, State, and local agencies are required as directed by the Watershed Protection and Flood Control Act, the Clean Water Act, and OMB Circular A-81. (See BLM Manual 7000.)
I. Forest and Rangeland Renewable Resources Planning


A. Three levels of planning:

1. National Forest System-wide goals and objectives set by RPA Program in response to RPA Assessment;

2. Regional Guide tentatively allocates region's share of RPA Program objectives and provides regional goals, standards and guidelines to individual national forests;

3. Forest Plans provide long-term planning guidance based on meeting selected goals and objectives through certain management standards and guidelines;

4. All three levels of planning include NEPA process and completion of EISs.

B. RPA Renewable Resource Assessment: Analysis of supply and demand for nation's renewable resources (not limited to Federal lands).
1. First prepared in 1975, Assessment updated in 1979 with further updates required every 10 years. 16 USC § 1601(9)(b).

2. Assessment updated again in 1984 to assist in developing 1985 RPA Program. Most of the nation's water supply problems are caused by annual and seasonal variations in precipitation and water flows. Growing water shortages will adversely affect agricultural and industrial activity and general health and quality of life.

3. Water supplies can be increased by expanding and improving reservoirs, improving snow management, improving conservation including reuse.

C. RPA Renewable Resource Program: Program for management of National Forest System (NFS) developed in response to RPA Assessment.

1. Secretary of Agriculture recommends Program to President who transmits it to Congress along with Statement of Policy.
2. Congress may accept, reject or modify Statement of Policy; Program and Policy used to frame Forest Service budget requests.

3. Program must be developed consistent with the Multiple-use Sustained-yield Act and NEPA every five years. 16 USC §§ 1602, 1606.


D. Regional Guides: Establish Regional goals, standards and guidelines, 36 CFR 219.9(a)(2);

1. Specific management standards and guidelines established for certain activities, id. at 219.9(a)(5);

2. Attempt to identify and resolve regionally significant issues and concerns by development of new standards and guidelines, id. at 219.9(a)(1,4); and

3. Assign tentative resource objectives from RPA Program to each forest within Region, id. at 219.9(3).

E. Forest Plans: Multiple-use resource management plans developed from range of alternatives formulated to address public issues and management concerns while meeting goals and objectives of particular alternative in environmentally sound manner. 16 USC § 1604; 36 CFR §§ 219.1, 219.4(b)(3), 219.11. Ordinarily revised on 10-year cycle; required to be revised every 15 years. 36 CFR 219.10(g). Almost 90%
of plans completed for 123 individual forests: Pacific Northwest (Region 6) has most plans in process.

1. Each alternative plan must represent most cost-efficient combination of management prescriptions which can meet objectives of each alternative. 36 CFR § 219.12(f)(8). Primary goal of formulating alternatives is to identify alternative that comes nearest to maximizing net public benefits consistent with resource integration and management requirements. Id. at § 219.12(f).

2. Forest Plans must contain multiple-use management prescriptions and associated standards and guidelines for each management area. Id. at § 219.11(c). These baseline management requirements are expressed in terms of Forest Direction and Management Area Direction.

a. Forest Direction specifies overall goals and objectives and management requirements to be met for all activities forest-wide.
b. Management Area Direction consists of specific management area prescriptions to emphasize management goal of each specific land area.

3. All NFS land is managed through both Forest Direction and one management area prescription.

4. Minimum requirements for integrating resource planning into Forest Plan are provided for various resources. 36 CFR §§ 219.13-219.26. Minimum management requirements for various resources are also provided. Id. at § 219.27.

5. Plans include supplemental activities unrelated to RPA Program elements (e.g. Riparian Area Management prescriptions overlay other minimum requirements in riparian zones.)

II. Forest Planning Impacts on Water Projects.

A. Is water a renewable resource; what does NFMA say about it?
1. Renewal resource program shall include recommendations which recognize fundamental need to protect quality of water resources. 16 USC § § 1602(5)(C).

2. Secretary shall insure that plans provide for multiple use and sustained yield of products and services obtained from NFS per MUSYA, and include coordination of watershed. 16 USC § 1604(e)(1).

3. Regulations shall specify guidelines which provide for obtaining inventory data on the various renewable resources, and soil and water. 16 USC § 1604(g)(2)(B), and specifying guidelines for plans developed to achieve goals of RPA program which insure consideration of economic and environmental aspects of renewal resource management, to provide for watershed. 16 USC § 1604(g)(3)(A), and insure that timberwood be harvested only where watershed conditions will not be irreversibly damaged, and protection is provided for streams and water bodies from detrimental changes in water temperatures, blockages, sediment deposits. 16 USC § 1604(g)(3)(E)(i), (iii).
4. The term "renewable resources" shall be construed to involve those matters within the scope of responsibilities and authorities of the Forest Service. 16 USC § 1610.

B. Regulations on resource integration treat water and soil resources together.

1. Minimum Resource Planning Requirements: Estimates consumptive and non-consumptive water uses including instream flow requirements; water levels and volumes; compliance with the Clean Water Act, Safe Drinking Water Act and all Federal, State and local law regarding public water and waste disposal systems, evaluation of watershed conditions; and measures to minimize flood risk, restore and preserve floodplains and protect wetlands. 36 CFR 219.23.

2. Minimum Management Requirements: Management prescriptions must conserve water and soil; minimize serious or long-lasting hazards from flood; protect water bodies, wetlands,
and shoreline and streambanks; and in riparian areas, prevent detrimental changes in water temperature or chemical composition, blockages of water courses or sediment deposits which seriously effect water conditions or fish habitat. 36 CFR § 219.27

C. RPA Program: Water demand exceeds supply in some areas. By year 2000 serious water supply problems will exist on 17 major river basins in 11 southwestern and midwestern states. Program projected increased demands for consumptive and nonconsumptive water uses and to improve or maintain water quality and flood control. A Recommended Renewable Resources Program: 1985-2030 (1986 RPA Program), 2 (July 1986).

1. Water opportunities goal of 1985 RPA Program: Provide favorable conditions of water flows, help provide for consumptive and nonconsumptive uses of water, and help meet long-term water quality needs through management, assistance, and technology, increase water yields where cost effective in water-short areas, consistent with other
resource uses and values. Reduce flood losses where economically feasible. Id. at B-4.

2. The Program provides objectives for increasing water yield of minimum quality from NFS lands from 0.4 to 1.6 (high) or 1.3 (low) million acre-feet. 1985 RPA Program FEIS at 2-4.

3. Rocky Mountain Regional goals: Seek to improve water yield quality and quantity; obtain water rights for NFS purposes; conform water development plans to NFS objectives; and protect floodplains, riparian areas, river segments eligible for addition to the National Wild and Scenic River System, and streamflows for fish, wildlife, aesthetic quality, and recreation values. Rocky Mountain Regional Guide (RMRG), 3-26 (1983).

4. Only quantifiable water-related objectives passed to individual national forests by R-2 Regional Guide relate to increasing water yield of minimum quality (an RPA Program
objective) and increasing overall water yield by 0.018 million acre-feet. RMRG at 3-26, 3-30.


6. Individual Forest Plans have goals, objectives, standards and guidelines in the form of Forest Direction and Management Area Direction which have to be integrated into individual water development projects.

   a. Emphasis on Water Impoundment Sites:
      Management Area Prescription 9E.
      Bighorn National Forest, FEIS, III-214-222.

   b. Provides for Utility Corridors:
      Management Area Prescription 1D. Routt National Forest, FEIS, III-91-94.

   c. Emphasis on Riparian Area Management:
      Management Area Prescription 9A.
7. Forest Plans typically provide only water yield increases from USFS activities; some plans list potential water projects, but none examined by this author have described water yield increases from projects planned by others.

D. All plans, permits, contracts, and other instruments for occupancy and use of NFS lands must be consistent with Forest Plan. 16 USC 1604(i).

1. When proposed project is inconsistent with Forest Plan, one or the other must be changed. Forest Service Manual (FSM) Interim Directive (ID) 1922.332.

2. Forest Plan changes resulting in significant amendments require procedures similar to developing Forest Plan, including public participation. 16 USC § 1604(f)(4); 36 CFR 219.10(f). Whether amendment is significant or insignificant is determined by criteria located at FSM ID 1922.33a and b. 51FR 1377 (1986).
3. It is important to have future projects considered when Forest Plan is being developed to minimize amendment requirements.

E. Significant Problems Concerning Water Development Projects Under the RPA Planning Process.

1. National, regional and forest recognition of water shortages/need for development but objectives relate only to water yield from USFS activities.

2. Contrast treatment of water yield/development with timber sales offered and with winter sports sites allocation.

3. Failure to plan for known, proposed or potential water development, and even to list potential projects in some Forest Plans. Management area prescriptions for water development not allocated to land until permits applied for proposed project.
4. Failure to provide minimum resource planning requirements for water development projects; compare treatment of another self-initiated development: minerals, 36 CFR 219.22

a. Outstanding mineral rights in area.

b. Potential for future mineral development.

c. Access requirements for mineral development.

d. Probable effect of other prescriptions on mineral resources.

5. Integrating projects after plans completed through a site-specific EIS.

6. Instream/bypass flow requirements as condition of approving occupancy.

III. Development of Management Area Prescription 9E, Emphasis on Water Impoundments.

1. Bighorn Plan identified water as an important resource of the forest and noted importance of water originating on forest to the development of agriculture and the surrounding communities.

2. While Plan being developed, Wyoming Water Development Commission was studying potential water development projects, including Tongue River, Prairie Dog, Little Bighorn, Shell Valley Watershed, and Powder River/Buffalo. Private groups had proposed eight additional reservoirs. Little Bighorn River was being studied for development and use in Powder River Basin.

3. Little Horn Water Group indicated draft plan failed to consider existing permits and major investment made toward developing Little Bighorn.

4. Wyoming Water Planning Program requested specific consideration of various projects in Bighorn Plan; USFS provided overall guidance in Management Area Prescription 9E, with site-specific projects requiring analysis geared to Forest Plan EIS.
5. Forest Plan sets outer limits in which specific projects must be negotiated; Prescription provides for managing impacts.

6. Potential weakness of system arises if plan contained overall Forest Direction which conflicts with water project development. Strong participation from Governor, State Engineer, other state agencies, local communities, water user groups; State Engineer and Wyoming Water Development Commission fought expansion of USFS "instream flow" or "channel maintenance" program as attempt by Forest Service to avoid result in United States v. New Mexico, 438 US 696 (1978).

7. Latest scheme is called "channel stability," and USFS has developed an interim procedure which is undergoing continuing refinement. FSH 2509.17 Interim Directive No. 1, September 10, 1985, Procedure For Quantifying Channel Maintenance Flows.
8. Wyoming officials' participation in planning process paralleled extensive settlement discussions on Bighorn River general stream adjudication which resolved federal reserved water rights claims.

B. Pike and San Isabel National Forests Plan Development, Colorado.

1. Planning Question III: How should forest be managed to respond to demands and needs for water yield, storage, transmission uses, water quality requirements, and protect the soil resource?

2. Public issues, and management concerns included making water more available and identifying water impoundment sites. Development of possible management prescriptions attempted to plan and execute a coordinated program of watershed management and water resource development on all watershed lands to yield maximum public benefit. Only applicable standard guideline developed was maintaining liaison with
officials involved in watershed management matters, including NFS use, and protection of water from pollution.

3. Planning criteria were established, but other than conducting an inventory of existing water facilities and USFS needs for water, the criteria did not respond directly to the issue of how to plan for increasing supplies of water to meet demands for additional consumptive use.

4. Regional Guide forecasts increase in proposals to store water on high elevation sites and for facilities to transport water downhill to users. Management activities were described which could incrementally increase water yields however only regional goal addressing issue was: "insure that water resource development plans and projects conform with National Forest System objectives." RMRG 2-30, 3-26.

5. Forest Plan, October 18, 1984, noted the proposed Two Forks Dam and another unnamed dam on Tarryall Creek. Water development
proposals would be studied on case-by-case basis, and facilities would be found compatible with Forest Plan if adequately mitigated to keep soil and erosion loss within acceptable levels; Two Forks proposal would be documented in EIS subsequent to Forest Plan. USFS claimed instream flows for favorable conditions of water flow under reservation principle with conflict being resolved through litigation in state and federal courts.

6. Two Forks Draft EIS, December 1986, includes amendment to Forest Plan by incorporating Management Area Prescription 9E, emphasis on water impoundments, similar to what was done in Bighorn National Forest Plan.


A. Pre-FLPMA Authorizations were provided by various public land laws, generally through U.S. Department of the Interior.
1. Act of July 26, 1866 (43 USC § 661) acknowledged and confirmed the right-of-way for the construction of ditches and canals by water appropriators for mining, agricultural, manufacturing, or other purposes. (See P.L. 94-579, Section 706(a), October 21, 1976, 90 Stat. 2793).

2. Act of March 3, 1891 granted a right-of-way through the public lands and reservations of the United States to any canal ditch company, irrigation or drainage district formed for the purpose of irrigation or drainage; right-of-way for ground occupied by the water of any reservoir, canal and lateral, and 50 feet on each side of the marginal limits, and additional right-of-way necessary for proper operation and maintenance. Maps of locations subject to approval by agency with jurisdiction over reservation. 43 USC §§ 946-950.

a. Within 12 months of location of 10 miles of canal on surveyed land, and within 12 months after survey of unsurveyed land, map required to be filed with officer designated by Secretary of the Interior.
b. Benefits of act applicable to previously constructed facilities, and if constructed by an individual or association of individuals, map showing the line of the canal, ditch, or reservoir was sufficient. Any section of canal or ditch not completed within five years of location had right-of-way forfeited.

c. Rights-of-way may be used for purposes of a public nature; rights-of-way may be used for purposes of water transportation, for domestic purposes, or for the development of power, as subsidiary to the main purpose of irrigation or drainage. (Act of May 11, 1898, 43 USC, Section 951).

3. Act of February 15, 1901 authorized Secretary of the Interior to permit use of rights-of-way through the public lands, forests, and other reservations, and Yosemite, Sequoia and General Grant National Parks for water systems, among other facilities and purposes, for irrigation,
mining, manufacturing, timbering, supplying water for domestic, public or any other beneficial uses to the extent of the ground occupied by the facilities, and not to exceed 50 feet on each side of their marginal limits or the center line of pipes and pipelines. Permit through reservations allowed only upon approval of chief officer of appropriate department upon finding not incompatible with the public interest. Permit granted by Secretary could be revoked by him in his discretion and did not confer any right, easement, or interest in any public land, reservation, or park. 43 USC § 959.

4. Act of February 1, 1905 granted right-of-way for construction and maintenance of water facilities within and across national forests for municipal or mining purposes, and for milling and reduction of ores during the period of their beneficial use, under regulations prescribed by Secretary of Interior, subject to laws of the state in which forest is situated.
a. Act transferred authority for administering the forest reserves to the Department of Agriculture; Department of the Interior retained authority to grant and administer rights-of-way; regulations typically required review by appropriate forest service officials which resulted in stipulations being attached prior to issuance of right-of-way document.

b. After FLPMA, question arose whether USFS or BLM had authority to administer right-of-way. Tenth Circuit determined FLPMA can have no impact on pre-FLPMA right-of-way and Secretary of the Interior has continuing authority to administer it. Questions regarding approved deviations or amendments are considered matters of administration. City and County of Denver v. Bergland, 695 F.2d 465 (10th Cir. 1982)

5. Act of October 21, 1976 (FLPMA) in Title V provides authority for Secretary of Agriculture to grant rights-of-way across
National Forest System lands and for Secretary of the Interior to grant rights-of-way across all other public lands.

a. Authority of prior public land laws granting or authorizing rights-of-way repealed by FLPMA, but "nothing in this Act, or any amendment by this Act, shall be construed as terminating any valid lease, permit, patent, right-of-way, other land use right or authorization existing on the date of approval of this Act. (PL 94-579, Section 701).

b. Issuance of right-of-way is discretionary, and NEPA applies clearly. Applicant required to disclose "plans, contracts, agreements, or other information reasonably related to the use . . . including its effect on competition, which he deems necessary to a determination . . ." whether and on what conditions the right-of-way should be granted. 43 USC § 1761.
c. Utilization of rights-of-way in common required to the extent practical and U.S. reserves right to grant additional rights-of-way for compatible uses. 43 USC § 1763.

d. Right-of-way boundaries specified as precisely as practical and limited to ground Secretary determines will be occupied by facilities, to be necessary for operation and maintenance, to be necessary to protect public safety, and will do no unnecessary damage to the environment. Temporary use of additional lands may be authorized. 43 USC § 1764(a).

e. Right-of-way limited to reasonable term in light of all circumstances of project including cost, useful life, and any public purpose it serves. Specify whether or not renewable and applicable terms and conditions. 43 USC § 1764(b).
f. Rights-of-way issued under regulations or stipulations consistent with applicable law and terms and conditions Secretary may prescribe regarding extent, duration, survey, location, construction, maintenance, transfer or assignment, and termination. 43 USC § 1764(c).

g. For new project which may have a significant impact on the environment, Secretary requires plan of construction, operation and rehabilitation, including compliance with terms and conditions of FLPMA Section 505. 43 USC § 1764(d).

h. Secretary concerned issues regulations with respect to terms and conditions to be included in rights-of-way, which shall be regularly revised as needed, and may be applicable to rights-of-way renewed pursuant to FLPMA. 43 USC § 1764(e).
i. Holder of right-of-way pays annually in advance fair market value as determined by the Secretary. The Secretary may require reimbursement of reasonable administrative and other costs in processing right-of-way application and inspection and monitoring of construction, operation, and termination of facility. Free use available to nonprofit organizations providing reduced charge benefits to public. 43 USC § 1764(g).

j. Secretary required to promulgate regulations specifying extent holders of rights-of-way shall be liable to U.S. for damage or injury, and indemnification of U.S. for liabilities, damages, or claims caused by use and occupancy of right-of-way. 43 USC § 1764(h).

k. Bond or other security may be required to secure obligations imposed by terms and conditions of right-of-way or other rule or regulation. 43 USC § 1764(i).
l. Right-of-way granted or renewed only when Secretary satisfied that applicant has technical and financial capability to construct project. 43 USC § 1764(j).

m. Mandatory terms and conditions:

(1) Carry out purposes of FLPMA and regulations;

(2) Minimize damage to scenic and esthetic values and fish and wildlife habitat and otherwise protect the environment;

(3) Require compliance with applicable air and water quality standards established by or pursuant to applicable federal or state law;

(4) Require compliance with state standards for public health and safety, environmental protection, and siting, construction, operation, and maintenance if more stringent than applicable federal standards. 43 USC § 1765(a).
Discretionary terms and conditions, as Secretary deems necessary to:

(1) Protect federal property and economic interests;

(2) Manage efficiently the lands subject or adjacent to right-of-way and protect other lawful users of lands adjacent or traversed by right-of-way;

(3) Protect lives and property;

(4) Protect interests of individuals living in general area who rely on fish, wildlife, and other biotic resources for subsistence;

(5) Require location along route causing least damage to the environment, taking into consideration the feasibility and other relevant factors; and
(6) Otherwise protect the public interest in the land traversed by the right-of-way or adjacent thereto. 43 USC § 1765(b).

6. Act of October 21, 1986 authorized Secretary of Agriculture to issue permanent easement without reimbursement for agricultural irrigation or stockwatering systems in operation prior to FLPMA if: Located in appropriation doctrine state, solely agricultural use not located solely on federal land, original facilities in substantially continuous operation without abandonment, applicant has valid water right, recordable survey and other information concerning location and characteristics of system necessary for proper management of national forest lands is provided, and application is submitted by December 31, 1996.

a. Intended to resolve questions regarding essentially undocumented or poorly documented rights-of-way; United States had brought criminal trespass charges against ranchers in northwest Colorado.
b. Totally voluntary, and permanent easements to be fully transferable without new conditions or fees; future extension or enlargement of facilities after October 21, 1976, requires separate authorization.

c. Act authorizes one-time payment of fees; intend to save USDA administrative cost in collecting small fees annually.

d. Act transferred to Secretary of Agriculture authority to administer pre-FLPMA rights-of-way across National Forest System lands.

(1) Legislative history is critical to understanding implications of jurisdiction transfer since question not debated in Congress, and matter passed Senate on consent calendar. (Congressional Record S15805-15808, October 9, 1986).
(2) Assurances provided by Secretary of Agriculture letter of October 1, 1986, (3), (4), (5) and (6) below were required by Senator Wallop prior to favorable report of bill (H.R. 2921): "Holders of existing rights-of-way shall continue to have the full use of the estate granted in accordance with the terms of the grant and applicable law. These include the right to cure defects discovered during administration, whether they be minor or require an application to amend the granted right-of-way. No administrative action will preclude the full enjoyment of the granted right-of-way nor alter the nature of the interest granted. No requirement for re-permitting is intended by the Department."

(3) "The end use of water off the federal lands, as it may change over time, casts no greater burden on the federal property to carry the water to its place of use."
(4) "The construction placed on the Act of 1891, as amended, by the Department for the rights-of-way it will administer does not prejudice or diminish the rights of grantees thereunder. We do not assert that the end-use of water, which may change from irrigation to municipal or other beneficial uses recognized under state law, in and of itself occasions a forfeiture of such rights-of-way."

(5) "The Department will be careful to avoid any action that will reduce the rights conferred under pre-FLPMA grants, and will process pending application (sic) for amendment and other pending administrative matters in accordance with the applicable regulations, policies and procedures of the Department of the Interior."

(6) "The Department must, of course, maintain its authority to assure that holders of rights-of-way on
federal lands use those lands in sound ways. However, we do not assert that pre-FLPMA rights-of-way for water conveyance and storage systems must be subjected to a re-permitting process. The Department recognizes that long-standing uses ought not be diminished by insignificant defects in survey or description made many years ago, or a change in the end use of the water off federal lands."

CONCLUSION

Neither federal agency plans for the development of private water projects, but both agencies have developed procedures for responding to definite proposals by including them in plans or changes to plans. Both agencies provide comprehensive systems for regulating impacts to water quality, fish and wildlife habitat, floodplains, wetlands, riparian zones, water quality, recreations, esthetics and lately, stream channel stability. Anyone interested in developing water resources must participate in the planning process on a continuing bases in a professional effective manner.
Filing of Plat of Survey; California

1. This supplemental plat of the following described land will be officially filed in the California State Office, Sacramento, California immediately:

Mount Diablo Meridian. Shasta County
T. 31 N., R. 5 W.

2. This supplemental plat of the East 1/2, Section 7, Township 31 North, Range 5 West, Mount Diablo Meridian, California, was accepted March 6, 1987.

3. This supplemental plat will immediately become the basic record of describing the land for all authorized purposes. This plat has been placed in the open files and is available to the public for information only.

4. This supplemental plat was executed to meet certain administrative needs of the Bureau of Land Management.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2841, Sacramento, California 95825.

Herman J. Lyttge,
Chief, Public Information Section.

[BILLING CODE 4310-40-M]

[CA-940-07-4520-12; C-1-87]

Minerals Management Service

Outlier Continental Shelf Development Operations Coordination Document; Corpus Christi Oil & Gas Co.

AGENCY: Minerals Management Service, Interior.


SUMMARY: Notice is hereby given that Corpus Christi Oil & Gas Company has submitted a DOCD describing the activities it proposes to conduct on Lease OCS-G 8346, Block 366, Matagorda Island Area, offshore Texas. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Port O'Connor, Texas.

DATE: The subject DOCD was deemed submitted on March 27, 1987.

ADDRESS: A copy of the subject DOCD is available for public review at the Office of the Regional Director, Gulf of Mexico OCS Region, Minerals Management Service, 1201 Elmwood Park Boulevard, Room 114, New Orleans, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Ms. Angie D. Gobert, Minerals Management Service, Gulf of Mexico OCS Region, Field Operations, Plans, Platform and Pipeline Section, Exploration/Development Plans Unit; Telephone (504) 738-2678.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected States, executive of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.


J. Rogers Peary,
Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 87-7587 Filed 4-6-87; 8:45 am]

BILLING CODE 4310-A0-M

[DEPARTMENT OF THE INTERIOR]

Bureau of Land Management

[AA750-07-4410-01-2410]

[DEPARTMENT OF AGRICULTURE]

Forest Service

Public Land and Resources; Planning, Programming, and Budgeting National Forest Land and Resource Management Planning

AGENCIES: Bureau of Land Management, USDI, and Forest Service, USDA.

ACTION: Joint notice of land and resource management planning schedules.

SUMMARY: Land and resource management plans of the Bureau of...
Bureau of Land Management and Part B—Forest Service): Comments on the schedules should be directed to the appropriate (see ADDRESSES, Part A and Part B).-Part A—Bureau of Land Management Resources management planning for the Bureau of Land Management administered lands is governed by regulations (43 CFR 1867 and 1860). Those regulations require that the Bureau publish a planning schedule advising the public of the status of plans in preparation and projected new starts for the three succeeding fiscal years and calling for public comment on the projected new starts. The schedule below fulfills that requirement.

The planning process begins with the publication of a Notice of Intent to initiate a plan. The projected planning starts are shown on the schedule through 1990. Public notice and opportunity for participation in each resource management plan (RMP) shall be provided as required by the regulations (43 CFR 1860.27). Publications of the draft RMP and associated draft environmental impact statement as indicated on the schedule is a key opportunity for public comment. A key to the abbreviations used is provided after the schedule.

DATER: Comments on the schedule will be accepted until May 7, 1987.
ADDRESSES: Comments should be sent to Director (760), Bureau of Land Management, Washington, DC 20240.
FOR FURTHER INFORMATION CONTACT: Forest W. Litrell, (202) 853-8824.
SUPPLEMENTARY INFORMATION:

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### State District/Resource Areas

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<td>Socorro RMP (grazing, lands, coal, wild horses)</td>
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### PART A—BUREAU OF LAND MANAGEMENT PLANNING SCHEDULE—CONTINUED

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<td>Kanab RMP (rangeland, recreation, watershed)</td>
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<td>San Rafael RMP (livestock, oil &amp; gas, recreation)</td>
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<td>Pony Express RMP (rangeland, lands, minerals)</td>
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<td>Diamond Mtn. RMP (wildlife, oil and gas)</td>
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<td>Wyoming:</td>
<td>Lander RMP (wilderness)</td>
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<td>Rawlings:</td>
<td>Lander RMP (wilderness, areas less than 5000 acres)</td>
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<td>Medicine Bow/Divide</td>
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<td>Rock Springs: Pinedale</td>
<td>Pinedale RMP (rangeland, oil and gas, lands, forestry recreation, wildlife, watershed)</td>
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<tr>
<td>Worland: Cody</td>
<td>Cody RMP (oil &amp; gas, range)</td>
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</table>
Robert Burford, Director.

Part B—Forest Service

The National Forest Management Act of 1976 directed the Secretary of Agriculture to attempt to complete land and resource management plans for each "administrative unit" (e.g., National Forest) of the National Forest System by September 30, 1985. Regulations to guide this effort were initially developed in 1979, and revised in 1982 at the direction of the Presidential Task Force on Regulatory Relief (Vol. 47, N. 190 of the Federal Register, September 30, 1982). Additional revision to the rules was necessary to respond to a court decision that the 1979 Roadless Area Review and Evaluation (RARE II) environmental statement and associated procedures were inadequate under the National Environmental Policy Act (NEPA).

The NFMA regulations require integrated planning for all resources of the National Forest System—recreation, fish and wildlife, water, timber, range, and wilderness. The rules set forth a process for developing and revising the land and resource management plans as required by the Forest and Rangeland Renewable Resources Planning Act of 1974 (RPA), as amended by the National Forest Management Act of 1976 (NFMA). These rules require development of Regional Guides and Forest Plans. Each plan will include all management planning for resources and be supported by an environmental impact statement.

All drafts and final Regional Guides and Forest Plans and associated environmental impact statements have been or will be filed with the Environmental Protection Agency and made available to the public for comment. A planning schedule is included below showing the fiscal year in which draft and final documents have been or will be filed. Also given are the addresses of the Forest Service's nine Regional Offices and National Forest headquarters in each Region for which plans are to be prepared. Readers interested in the progress and status of a particular Regional Guide or Forest Plan should contact the appropriate Regional Forester or Forest Supervisor.

DATES: Comments on the schedule will be accepted until May 7, 1987.

ADDRESS: Comments should be sent to: Chief, Forest Service, USDA, P.O. Box 2417, Washington, DC 20013.

FOR FURTHER INFORMATION CONTACT: Joyce P. Parker, Land Management Planning, P.O. Box 2417, Washington, DC 20013. (202) 447-6697.

J. Lamar Beasley, Deputy Chief.


Robert Burford, Director.

Part A—BUREAU OF LAND MANAGEMENT PLANNING SCHEDULE—Continued

<table>
<thead>
<tr>
<th>State District/Resource Area</th>
<th>Plan Name (Major Resource Issues)</th>
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<tr>
<td>Washakie</td>
<td>Washakie RMP (range, wilderness)</td>
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</table>

1. Projected planning starts for California will appear in the FY 88 planning schedule.

Key to Abbreviations:

DEIS—Draft environmental impact statement.

FEIS—Final environmental impact statement.

MPA—Management framework plan amendment.

ORV—Off road vehicle.

PFEIS—Preliminary final environmental impact statement (wilderness only).

RMP—Resource management plan.

ROW—Rights-of-way.

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J. Lamar Beasley, Deputy Chief.


National Forest System Field Offices and Fiscal Year Filing Dates of Regional Guides and Forest Plans with Environmental Protection Agency—Continued

<table>
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<tr>
<th>Headquarters location 1</th>
<th>Fiscal year to be completed</th>
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<tbody>
<tr>
<td></td>
<td>DEIS</td>
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<th>Headquarters location 1</th>
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National Forest System Field Offices and Fiscal Year Filing Dates of Regional Guides and Forest Plans with Environmental Protection Agency—Continued

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<tr>
<th>Headquarters location 1</th>
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J. Lamar Beasley, Deputy Chief.

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<td>SOUTH CAROLINA</td>
<td>Sumter, Columbia 29102</td>
<td>1985</td>
<td>1986</td>
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1 Mailing address for each National Forest in the forest units. Two or more separated by semi-colons. 
2 DEIS and FEIS mean Draft and Final Environmental Impact Statements. 
3 Filed with EPA in fiscal year 1987. One EIS will be filed for each National Forest. 
4 An earlier published Draft EIS will be supplemented or revised.
DEPARTMENT OF AGRICULTURE
Forest Service

Land and Resource Management Plans; Amendment and Revision of Forest Plans

AGENCY: Forest Service, USDA.

ACTION: Notice of interim directive: request for comments.

SUMMARY: The Forest Service is issuing an interim directive to its field personnel to clarify the distinction between significant and nonsignificant changes to a forest land and resource management plan. The directive also clarifies the distinction between amendment of a plan and plan revision and assigns responsibility for approving revision schedules and significant amendments to forest land and resource management plans. There is an immediate need to issue this direction in order to avoid inconsistent interpretation and application by Regional and Forest-level personnel. The Agency invites public comment on this interim directive, which will be considered in issuing the final direction.

DATE: The interim directive is effective upon receipt by Forest Service personnel through the Agency's directive system. Public comment on the interim directive must be received by March 14, 1986.

ADDRESSES: Send written comments to R. Max Peterson, Chief (1929), Forest Service, USDA, P.O. Box 2417, Washington, DC 20013. The public may inspect comments received on this Interim Directive in the office of the Director, Land Management Planning Staff, Room 3840, South Building, 14th and Independence SW, Washington, DC, between the hours of 8:30 a.m. and 4:30 p.m.

FOR FURTHER INFORMATION CONTACT: Everett Towle, Director, Land Management Planning, Phone (202) 447-6697.

SUPPLEMENTARY INFORMATION: Section 16 U.S.C. 1004(f)(4) and (5) of the Forest and Rangeland Renewable Resources Planning Act of 1974 as amended by the National Forest Management Act of 1978 requires that forest land and resource management plans be amended and revised in response to changing conditions in the planning area. The regulations implementing the Act permit amendments that may result in either significant or nonsignificant changes to the forest land and resource management plan (36 CFR 210.10(f)). In the process of implementing the Act and regulations, it has become evident that Forest Service personnel require additional administrative guidance on the amendment process. The Forest Service is providing this guidance through issuance of an interim directive to Chapter 1920 of the Forest Service Manual.

Various factors may trigger the need to change a forest land and resource management plan. In this event, a Forest Supervisor must determine the significance of the change. The interim directive clarifies the types of changes that might be considered significant, such as those having an "across-the-board" effect on the entire plan; or those that may not be significant, such as changes in implementation-schedules necessitated by appropriation actions. The directive underscores the documentation and public notice required in either type of amendment. Factors used to determine the degree of significance of the change and procedures for documentation and public notification are specified in the draft Forest Service Handbook section appended to this notice.

The interim directive also clarifies differences between amendment and revision of forest land and resource management plans. The directive explains that a Forest Supervisor or Regional Forester might amend a plan in order to make changes resulting from such actions as resolution of administrative appeals, budget actions, externally proposed actions, the results of monitoring, or planning errors. The National Forest Management Act requires forest plans be revised at least every 15 years or when conditions have changed significantly.

Finally, the interim directive assigns responsibility to Regional Foresters to approve significant amendments. The Chief of the Forest Service reserves the authority to review and approve significant amendments to a forest plan (38 CFR 219.12(k); FSM 1922.8). Under the interim directive, the Chief is responsible for reviewing and approving significant amendments to forest plans.

The interim directive reserves authority to the Chief to approve the schedule for revision of forest plans and requires the responsible Regional Forester to review and approve significant amendments to forest plans. It also clarifies the distinction between significant and nonsignificant amendments to a forest plan and clarifies the distinction between amendment and revision of forest plans.

1922—Forest Planning

1922.04—Responsibility. The Chief is responsible for approving the schedule for revising forest plans.

1922.06—Regional Forester. * * * 4. Review and approve as appropriate, any significant amendment to a forest plan. 5. Propose to the Chief, a schedule for revising forest plans.

1922.33—Amendment. The need to amend a forest plan is derived from several sources, including the following:
1. Recommendations of the interdisciplinary team based on findings that emerge from monitoring and evaluating implementation of the forest plan (36 CFR 219.12(k); FSM 1922.8).
2. Decisions by the Forest Supervisor that existing or proposed permits, contracts, cooperative agreements, and other instruments authorizing occupancy and use should be considered for approval but are not consistent with the forest plan (36 CFR 219.10(a)).
3. Changes in proposed implementation schedules necessary to reflect differences between funding levels contemplated in the plan and funds actually appropriated.
4. Changes necessitated by resolution of administrative appeals.
5. Changes to correct planning errors found during plan implementation.
6. Changes necessitated by changed physical, social, or economic conditions.
Based upon advice and recommendation of the interdisciplinary team, the Forest Supervisor shall: determine whether proposed changes in a forest plan are significant or nonsignificant; make the determination in accordance with the requirements of 16 U.S.C. 1604(f); 36 CFR 219.10(e) and (f); 36 CFR 219.12(k), and sections 1922.33a and 1922.33b that follow; document the determination of significance or nonsignificance in a decision document; and provide appropriate public notification prior to implementing the changes. Written findings of Forest Officers regarding the consistency of projects or activities with the forest plan and the determination of the significance of an amendment are an integral part of the decision-making process; and as such are appealable under 36 CFR 211.18, not as preliminary planning process decisions, but as an important element of the final decision.

1922.33a—Nonsignificant Amendments. Nonsignificant amendments to a forest plan can result from changes such as:

1. Actions that do not significantly alter the multiple-use goals and objectives for long-term land and resource management.
2. Adjustments of management area boundaries or management prescriptions resulting from further site-specific analysis when the adjustments do not cause significant changes in the long-term multiple-use goals and objectives for land and resource management.
3. Occasions when a decision is made to proceed with consideration of a project or activity that is not consistent with the plan and the change is minor.
5. Short-term fluctuations in an implementation schedule or changes in planned annual output(s).

1922.33b—Significant Amendments. The following examples are indicative of changes that may cause a significant amendment to a forest land and resource management plan:

1. Changes that have an important effect on the entire plan or affect land and resources throughout a large portion of the planning area such as large, forest-wide increases or decreases in resource demands.
2. Changes that would significantly alter the long-term relationship between levels of multiple use goods and services originally projected (36 CFR 219.10(e)). This category would include changes in implementation schedules created by sustained differences between proposed budgets and actual appropriations. When a significant change needs to be made to the forest land and resource management plan, the Forest Supervisor must prepare an amendment. Documentation of a significant amendment and the analysis of it should focus on the issue(s) that have triggered the need for the change. In developing and obtaining approval of a significant amendment to the forest plan, follow the same procedures as are required for developing and approving the forest plan (36 CFR 219.10(f)).

1922.34—Revision. The National Forest Management Act requires revision of forest plans at least every 15 years; however, a plan may be revised sooner if physical conditions or demands on the land and resources have changed sufficiently to affect overall goals or uses for the entire forest. To revise a forest plan, follow procedures set forth in 36 CFR 219.12 after obtaining approval of the Chief to schedule a revision.

Appendix A—Draft Section 4.25c of FSH 1909.12

The Land and Resource Management Planning Handbook

4.25c—Amendment. The forest plan is maintained through amendment, with a requirement for documentation and proper public notification of all changes, additions, deviations, or corrections made to the plan. Generally, make amendments as the need occurs rather than accumulating all changes to be dealt with annually. The following diagram indicates the usual process for evaluating the need to change the forest plan.
### Evaluation of Monitoring Results

- Past Services, Project or Activity
- Recent Vessel, Equipment or Other
- Non-Federal Service Proposal

### Check Proposal Against?

- Recent Plan
- Other Relevant Factors such as
  - Laws, Regulations, and Policies

### Consistency with Forest Plan

<table>
<thead>
<tr>
<th>Consistent with Forest Plan</th>
<th>Not Consistent with Forest Plan</th>
</tr>
</thead>
<tbody>
<tr>
<td>No Change Required</td>
<td>Change Proposal to be...</td>
</tr>
<tr>
<td>Document Findings as an</td>
<td>Consistent with Forest Plan or</td>
</tr>
<tr>
<td>Integral Part of Decision</td>
<td>Change Forest Plan</td>
</tr>
</tbody>
</table>

### DECISION NOTICE TO IMPLEMENT PROJECT

<table>
<thead>
<tr>
<th>NONSIGNIFICANT</th>
<th>SIGNIFICANT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Notify Public of Intention to Amend Plan</td>
<td>Prepare Plan Amendment(s)</td>
</tr>
<tr>
<td>36 CFR 219.12a</td>
<td>Focus on Issue That Triggered</td>
</tr>
<tr>
<td>Conduct Environmental Analysis of the Project</td>
<td>Need for Change</td>
</tr>
<tr>
<td>Include Project Environmental Analysis</td>
<td></td>
</tr>
</tbody>
</table>

### DECISION NOTICE TO AMEND PLAN AND IMPLEMENT PROJECT

BILLING CODE 3410-11-C
1. Consistency with the Forest Plan and Other Factors. Projects and activities, whether Forest Service or non-Forest Service proposals, are usually evaluated against various factors before a decision is made to proceed with the project or activity. In addition to the forest plan, applicable laws, regulations, other federal, state, and local agencies’ policy, and direction must be considered. If a proposal does not comply with and can not be modified to comply with these factors, it usually will be eliminated from further consideration. For purposes of this section, the assumption is that the relevant factors, other than the forest plan, have been considered and the remaining evaluation concerns only the forest plan.

2. Change to Forest Plan Not Required—Proposal is Consistent with the Plan. Do not prepare an amendment to a forest plan when the proposed project or activity is consistent with the prescriptions and the standards and guidelines of the forest plan. The plan need not be explicit about a proposal or activity. It will not be unusual for a use to be proposed about which the plan is silent. It is sufficient that the use can be accommodated within the prescriptions, standards, and guidelines of the plan. If the proposal is consistent with and to be permitted, document the finding of consistency as a part of the environmental analysis for the project and/or activity. The environmental analysis may result in a categorical exclusion from documentation or may require documentation in an environmental assessment or in an environmental impact statement. The process concludes with the signing of the decision notice or record of decision by the Responsible Official and implementation of the project or activity, or granting of a special use permit. The determination of consistency with the forest plan should also be included in the project decision notice or record of decision.

If the proposal can be modified to be made consistent with the forest plan and the modification is undertaken, the proposal should be treated as being consistent with the forest plan.

3. Change to Forest Plan Required—Proposal is not Consistent with the Plan. Prepare an amendment to a forest plan when a project or activity is inconsistent with management area designation, management prescriptions, standards and guidelines, implementation schedules, or other direction specified in the forest plan and the project or activity is to be considered further. Make a determination of the degree of significance of the change under 16 U.S.C. 1604(h)(4), 36 CFR 219.10(f), and FSM 1922.33. In order for a change to be significant, the proposed amendment must have an important effect on the forest plan and/or significantly affect land and resources throughout a large portion of the planning area. Whenever an amendment is under consideration, an initial determination of significance must be made and subsequently verified and the final determination of significance must be made and subsequently verified and the final determination included in the decision document for the amendment. The initial determination is a preliminary planning process decision for purposes of 36 CFR 211.18. Some of the factors to be considered in determining the degree of significance are described in Section 4 below. There may be others, depending on the situation.

a. Nonsignificant Amendments to the Forest Plan. If the change is determined not to be significant, all parties who received a copy of the final environmental impact statement, the forest plan, and the record of decision should be notified of the decision to amend the forest plan. Prepare a written decision notice or record of decision to amend the forest plan, including a determination of the nonsignificance of the change, and publish a notice of the decision to amend the plan in local newspapers. If the environmental consequences of the activity will have a significant impact on the quality of the human environment and the final environmental impact statement for the forest plan does not document a adequate analysis of the effects, an environmental impact statement must be prepared for the activity whether or not the proposal is consistent with the plan. For example, a proposal, inconsistent with the plan, to control forest pests with the use of chemicals could cause the need for an EIS because the NEPA test of significance is met but the activities may not require a significant change in the forest plan. Or, assume that the site specific review shows that the management area boundaries need to be adjusted and that certain acres inappropriately are included in a timber harvest prescription. In this case, an amendment changing management area boundaries and the prescription is required; however, the amendment does not change the entire plan or affect a large portion of the area covered by the plan and the amendment is nonsignificant.

Another illustration would be a special use application which, in order to be approved, requires a change in the management prescription assigned to an area or a change in a requirement of the prescription. Assume that the site specific impact of the proposal is "significant" for NEPA purposes under 40 CFR 1508.27. What is the impact on the forest plan? Is it significant? Any number of ground disturbing activities, such as oil and gas development, road construction, timber harvesting, or mining could present situations where the site specific impact might be significant enough from an environmental standpoint to warrant an EIS, but not significantly change the forest plan. In other words, allowing the activity does not significantly change the long-term goals and objectives or the management direction for a large portion of the planning area.

In such cases, the Forest Supervisor signs the record of decision or decision notice and at the same time, the activity is approved, amends the plan and implements the project or activity.

b. Significant Amendment. If the change in the forest plan is determined to be significant, an environmental impact statement (EIS) is required (16 U.S.C. 1604(h)(4), 36 CFR 219.10(f), and 36 CFR 219.12). The EIS may be a new one or it may be possible to supplement the current environmental impact statement. Follow direction in 36 CFR 219 to process significant amendments but concentrate on the relevant paragraph affected by the change proposed. The EIS accompanying the proposed amendment to a forest plan also provides an environmental analysis of the proposed project or activity that generated the need for change. Prepare a record of decision that accompanies the final environmental impact statement and addresses both the project and the change to be made to the forest plan. Upon approval of the record of decision by the Regional Forester, the plan is amended and the project or activity may be implemented.

4. Factors for Determining Significant Change to the Forest Plan. The following factors supplement direction contained in FSM 1922.33. For most projects, they are the important considerations for determining if proposed change to a forest plan is significant or nonsignificant. Other factors may also be important, depending on the circumstances.

a. Timing. What is the time period in which the change will take place? Will it occur during or after the plan period (the first decade)? Will the impact only be realized after the next scheduled revision of the plan? In most cases, the later the change occurs, the less likely it is to be significant for the current plan.
b. Location. What part of the planning area is involved? How many total acres are involved? Are there other areas of land with similar characteristics that may be involved? What is the relationship of the affected area to the overall planning area? In most cases, the smaller the area affected, the less likely the change is to be significant.

c. Goals, Objectives, and Outputs. Does the change alter long-term relationships between the levels of goods and services projected by the plan? Does an increase in one type of output trigger an increase or decrease in another? Is there a demand for goods or services not discussed in the plan? In most cases, changes in outputs will not be significant unless the opportunity to achieve the output in later years is foregone.

d. Management Prescription. Is the change in a management prescription made for a specific situation or is it applicable to all future decisions? Does the change alter the long-term strategy for management of the land and resources? Generally, the more lasting, irreversible, or irreversible the change, the more likely it will be significant.

[FR Doc. 86-71 Filed 1-10-86; 8:45 am]
BILLING CODE 3410-11-48
A. MANAGEMENT PRESCRIPTION SUMMARY

General Description And Goals:

Management emphasis is on needed water impoundments where beneficial effects are demonstrated and water rights have been obtained. Provide for recreation developments and wildlife habitat.
### Visual Resource Management (A04)

| Visual Resource Management (A04) | 01 | Design impoundments to conform to Visual Quality Objectives established for the project. (0766)  
| Management of Developed Recreation Sites (A08, 09, 11 & 13) | 02 | Harmonize material and designs with the environment. (0768)  
|  | 01 | Provide opportunities for dispersed and developed recreation adjacent to the impoundment site. Provide recreation developments that are commensurate with land and water capabilities, and the multiple use goals for the area. (0770)  
|  | 02 | Require impoundment proponent to provide recreation facilities in one of two ways:  
|  |  | a. Proponent will provide facilities meeting Forest Service standards and requirements.  
|  |  | b. Forest Service will construct facilities at expense of proponent. (0772)  
|  | 03 | Provide no more than recreation Level 3 development scale facilities unless full time operation and maintenance personnel can be justified. (0774)  
|  | 04 | Except for boat ramps, do not develop facilities within 100 feet above maximum high water line, reservoir tributaries, or other wetlands or riparian areas. (0776)  
| Dispersed Recreation Management (A14 and 15) | 01 | Allow hunting and fishing subject to State laws and regulations. (0778)  

**Management Prescription 09E**
<table>
<thead>
<tr>
<th>MANAGEMENT ACTIVITIES</th>
<th>GENERAL DIRECTION</th>
<th>STANDARDS &amp; GUIDELINES</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Continuation of:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dispersed Recreation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Management (A1 and 15)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wildlife and Fish Resource Management (C01)</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>02</strong> Make the decisions to allow no boating, non-motorized boating, or motorized boating on a case-by-case basis. All boating is subject to State laws and regulations. (0780 ) ( )</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>01</strong> Design impoundments so that a lake fishery is created or enhanced. (0782 ) ( )</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>02</strong> Coordinate with the State of Wyoming, with the U.S. Fish and Wildlife Service, and the proponent on such items as instream flow requirements below reservoir, and minimum conservation pool requirements as well as on provisions for habitat maintenance or improvement for game fish, waterfowl, shore birds, passerine birds, reptiles, amphibians, mammals, and specialty birds such as kingfishers and osprey. (078481) ( )</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>03</strong> Provide the instream flows and conservation pools necessary to maintain fisheries. Provide mitigation or compensation measures as determined in cooperation with the State Game and Fish Department and the U.S. Fish and Wildlife Service. (0786 ) ( )</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>04</strong> Encourage riparian habitat by establishing vegetation on potential areas around the periphery of the impoundment. (0788 ) ( )</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>05</strong> Recognize needs of management indicator species in each affected habitat and implement appropriate mitigation and enhancement measures. (0790 ) ( )</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Range Resource Management (D02)</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>01</strong> Allocate forage to livestock only when compatible or desirable for certain wildlife species. (079281) ( )</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>02</strong> Prevent conflicts with recreation and water quality. (0794 ) ( )</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
03 Allow stock watering that does not interfere with recreation or wildlife habitat needs. (0796 )

01 Clear merchantable and unmerchantable trees and shrubs to a line two feet above the high water line when this vegetation will later substantially interfere with water level regulation, recreation use or public safety. (0798 )

a. Clear the shoreline of trees and brush to prevent flooding kill at high water line, and the area down to below normal seasonal low waterline. (6672 )

b. Base tree removal on an evaluation of: clearing costs, wildlife habitat, fire danger, site esthetics, public safety, and utilization for recreation, dam spillway capacity and plugging problems and maintenance (FSM 7531.4) (6674 )

c. Clear the entire pool area if the brush remaining creates greater use, maintenance, user safety and dam safety costs than clearing costs. (6676 )

02 Permit use of commercial and noncommercial harvest methods to manage tree stands to accomplish clearing and other vegetation management objectives associated with reservoir sites, borrow areas, roads, and transmission lines. (0800 )

a. FSM 7503.12 - 7303.6 and FSM R2 Supp. No. 10. (6678 )

01 Protect soil and water resources. (0802 )

02 Require that impoundment proponent obtain appropriate water rights from the State Engineer. (0804 )

a. Review and approve a construction or enlargement permit for a reservoir only when application for appropriate storage rights have been
CONTINUATION OF:
Water Uses Management (F0A)

GENERAL
STANDARDS & GUIDELINES

03 Require adequate transmission structures where impounded water must be transported in the natural conveyance system in quantities and flow rates that are in excess of the natural stream channel capacity (see Forest Direction Water Resources Management).

04 During impoundment construction, protect all stream channels by using temporary bypass structures. Construct appropriate sediment traps when necessary to minimize downstream sedimentation.
### MANAGEMENT ACTIVITIES

**Continuation of:**

**Water Uses Management**

<table>
<thead>
<tr>
<th>Activity</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>05</td>
<td>Revegetate areas of exposed soils. In wilderness areas use only native plant species. (0816)</td>
</tr>
<tr>
<td>06</td>
<td>Require in-stream flows, that range of stream-flows quantified as necessary to at least maintain favorable conditions of water flow over an annual period for purposes of maintaining conditions and conveyance capacities of natural channel systems and maintaining other uses and values such as fisheries, recreation and aesthetics. (0820)</td>
</tr>
</tbody>
</table>

**Transportation System Management**

<table>
<thead>
<tr>
<th>Activity</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>01</td>
<td>Construct roads and trails for public access to site, relocate as necessary and/or replace any roads or trails that are eliminated by the impoundment. (0824)</td>
</tr>
<tr>
<td>02</td>
<td>Provide public access. (0826)</td>
</tr>
</tbody>
</table>

### GENERAL DIRECTION

**and/or downstream structures and water supplies.**

a. **Revegetate disturbed soils by** the following growing season. (0827) |

### STANDARDS & GUIDELINES

**a. Construction and reconstruction standards for local roads are:**

- **Travel Speed**
  - Average less than 20 mph

- **Lanes**
  - Usually single lane except for developed recreation sites.

- **Surface**
  - Varies from asphalt to native surface; majority native surface.

- **Width**
  - Typically 10 thru 14 feet. Turnouts optional depending upon traffic management. Usually not intervisible.

- **Drainage**
  - Dips and culverts. (0840)
MANAGEMENT ACTIVITIES	 GENERAL DIRECTION	 STANDARDS & GUIDELINES

CONTINUATION OF:

Transportation System Management (01 & 20)

03 Relocate and replace all affected roads and trails that are needed for future use.

(0828 ) ( )

(0828 ) ( )

04 Construct access roads to a standard that will safely accommodate the projected maximum traffic requirements during the 20-year road design life for the traffic level desired to meet the multiple use goals for the area.

(0830 ) ( )

(0830 ) ( )

05 Avoid livestock concentration areas and important wildlife habitats with road location.

(0834 ) ( )

(0834 ) ( )

06 Locate and design roads with primary consideration given to safety, soil and water protection, aesthetics, and wildlife habitat needs. Consider adequate road surfacing when economically justified or when needed for management activities, and to protect soil and water resources. Provide for control of traffic when control is needed.

(0836 ) ( )

(0836 ) ( )

07 Provide parking areas for trailhead facilities and for dispersed recreation users.

(0838 ) ( )

(0838 ) ( )

08 Prohibit motorized travel off designated routes.

(0840 ) ( )

(0840 ) ( )

Trail System Management (L23)

04 Construct and maintain trails accessing the site. Where conflicts exist, provide separate trail systems for foot/horse use and for trail bike use. Standards of construction and maintenance will be in accordance with safety and intended use and for protection of soil and water resources and investments.

(0842 ) ( )

(0842 ) ( )


(0896 ) ( )

(0896 ) ( )

MANAGEMENT PRESCRIPTION 09E
02 Maintain existing trail routes or construct new routes as part of the transportation system. Develop loop routes and coordinate them to complement non-motorized opportunities in adjacent ROS class areas.

01 Maintain air quality by decreasing the effect of wind action on exposed, bare soil during low water (dust) periods through use of the following methods when applicable:

a. Orient impoundments perpendicular to prevailing winds.

b. Select sites which do not expose large areas during drawdown.

c. Require planting and maintenance of windbreaks on windward side of areas bared during drawdown.

d. Provide for earthen or rock windbreaks or snow fence on bare areas as required to control dust.

e. Require annual seasonal seeding of fast growing herbaceous cover (such as annual rye) to control dust on areas that are exposed during drawdown.
Management Prescription ID

(Provides for Utility Corridors)

Management Prescription Summary

General description and goals:

Management emphasis is for major oil and gas pipelines, major water transmission and slurry pipelines, electrical transmission lines, and transcontinental telephone lines. Management activities within these linear corridors strive to be compatible with the management goals of the management areas through which they pass.
### B. MANAGEMENT REQUIREMENTS

#### MANAGEMENT ACTIVITIES

<table>
<thead>
<tr>
<th>Visual Resource Management (A04)</th>
<th>GENERAL DIRECTION</th>
<th>STANDARDS &amp; GUIDELINES</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. Design and construct utilities to harmonize with the landscape.</td>
<td></td>
<td>a. Use &quot;National Forest Landscape Management&quot;, Volume 2— Utilities for principles and concepts.</td>
</tr>
<tr>
<td>Dispersed Recreation Management (A14 and 15)</td>
<td>1. Manage dispersed recreation opportunities consistent or compatible with adjacent management areas.</td>
<td>(0297)</td>
</tr>
<tr>
<td>Wildlife Habitat Improvement and Maintenance (C02, 04, 05 and 06)</td>
<td>1. Manage wildlife and fish habitat consistent or compatible with adjacent management areas.</td>
<td>(0296)</td>
</tr>
<tr>
<td>Range Resource Management (D02)</td>
<td>1. Manage the range resource consistent or compatible with adjacent management areas.</td>
<td>(0298)</td>
</tr>
<tr>
<td>Silvicultural Prescriptions (E03, 06 &amp; 07)</td>
<td>1. Manage forest cover types consistent or compatible with adjacent management areas. Provide required clearances and minimize the visual impact of the utility right-of-way.</td>
<td>(0299)</td>
</tr>
<tr>
<td></td>
<td>2. Utilize firewood material using both commercial and noncommercial methods.</td>
<td>(0147)</td>
</tr>
<tr>
<td>Rights-of-way and Land Adjustments (J02, 13, 15, 16, 17, and 18)</td>
<td>1. Designate existing transportation and utility uses, if they originate on or cross National Forest system lands, as rights-of-way, consistent with Forest Plan goals.</td>
<td>(0852)</td>
</tr>
<tr>
<td></td>
<td>a. Designate as utility corridors:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Electrical Transmissions - 69 Kilovolts or larger.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Pipelines - 10 inches in diameter or longer.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Telecommunications - All microwave paths and fixed telecommunication electronic sites.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Railways - 10 miles in length or longer.</td>
<td></td>
</tr>
</tbody>
</table>
2. Identify areas where designation as transportation and utility corridors in the future are compatible with management area goals. Follow the process and definitions established in FEM 1922.91. (0854)

a. Future transportation and utility corridors are excluded from wilderness (Management Areas SA, BB, BC and BD) unless authorized by the President; Research Natural Areas (Management Area 10A); and Wild Rivers (Management Area 10D). (6706)
b. Avoid the following Management Areas unless studies indicate that the impact of the corridor can be mitigated:

1. Developed recreation sites and winter sports sites (Management Areas IA and IB).

2. Management Area 3B emphasizing primitive recreation in unroaded areas.

3. Riparian areas.

4. Experimental Forests, Special Interest Areas and Municipal Water Supply and Municipal Watersheds (Management Areas 10B, 10C, and 10E).

5. Scenic Rivers (Management Area 10D). (6708)
3. Design, construct and maintain electrical transmission lines in accordance with the rules of the National Electrical Safety Code, ANSI. Unless otherwise indicated on the plan and profile drawings, all construction and clearances of the transmission line shall conform to the latest edition of the National Electrical Safety Code, ANSI issued by the American National Standards Institute.

4. All design, materials and construction, operation, maintenance and termination practices employed in connection with oil pipelines shall be in accordance with safe and proven engineering practices and shall meet or exceed the following:


   b. Department of Transportation Regulations. 49 CFR, Part 195. "Transportation of Liquids by Pipeline."

5. All design, materials and construction, operation, maintenance and termination practices employed in connection with gas pipelines shall be in accordance with safe and proven engineering practices and shall meet or exceed the following:


Management Prescription 9A

(Emphasis is on Riparian Area Management)

Management Prescription Summary

General description and goals:

Emphasis is on the management of all of the component ecosystems of riparian areas. These components include the aquatic ecosystem, the riparian ecosystem (characterized by distinct vegetation), and adjacent ecosystems that remain within approximately 100 ft. measured horizontally from both edges of all perennial streams and from the shores of lakes and other still water bodies. All of the components are managed together as a land unit comprising an integrated riparian area, and not as separate components.

The goals of management are to provide healthy, self-perpetuating plant communities, meet water quality standards, provide habitats for viable populations of wildlife and fish, and provide stable stream channels and still water-body shorelines. The aquatic ecosystem may contain fisheries habitat improvement and channel stabilizing facilities that harmonize with the visual setting and maintain or improve wildlife or fish habitat requirements. The linear nature of streamside riparian areas permits programming of management activities which are not visually evident or are visually subordinate.

Forest riparian ecosystems are treated to improve wildlife and fish habitat diversity through specified silvicultural objectives. Both commercial and noncommercial vegetation treatments are used to achieve multi-resource benefits. Clearcutting is used to regenerate aspen clones. Other forest cover types are treated with either small-group or single-tree selection methods.

Livestock grazing is at a level that will assure maintenance of the vigor and regenerative capacity of the riparian plant communities. Vehicular travel is limited on roads and trails at times when the ecosystems would be unacceptably damaged. Developed recreation facility construction for overnight use is prohibited within the 100-year floodplain.

The management area over which this prescription is to be applied will also be affected by several management activities in the Forest-wide direction. Most notable is the direction involving upland zones, in the Water Resource Improvement and Maintenance management activity, and elsewhere.
**B. MANAGEMENT REQUIREMENTS**

**MANAGEMENT ACTIVITIES**

| Visual Resource Management (A04) | 1. Design and implement management activities which sustain inherent visual values of riparian areas and blend with the surrounding natural landscapes. (0656) |
| Dispersed Recreation Management (A14 and 15) | 1. Semi-primitive nonmotorized, semi-primitive motorized, roaded natural and rural recreation opportunities can be provided. (0445) |
| | 2. Provide roaded natural recreation opportunities within 1/2 mile of Forest arterial, collector and local roads with better than primitive surfaces which are open to public travel. Provide semi-primitive motorized recreation opportunities with a low to moderate incidence of contact with other groups and individuals within 1/2 mile of designated local roads with primitive surfaces and trails open to motorized recreation use. Where local roads are closed to public motorized recreation travel, provide for dispersed non-motorized recreation opportunities. Manage recreation use to provide for the incidence of contact with other groups and individuals appropriate for the established ROS class. Provide semi-primitive non-motorized recreation opportunities in all areas more than 1/2 mile away from roads and trails open to motorized recreation use. (0655) |

**GENERAL DIRECTION**

| Dispersed Recreation Management (A14 and 15) | 1. Semi-primitive nonmotorized, semi-primitive motorized, roaded natural and rural recreation opportunities can be provided. (0445) |

**STANDARDS & GUIDELINES**

| Visual Resource Management (A04) | a. Do not exceed an Adopted Visual Quality Objective (VQO) of Partial Retention. (6135) |
| Dispersed Recreation Management (A14 and 15) | a. Maximum Use and Capacity Levels are: |

| Recreation use and capacity range during the snow-free period (PAOT/acre): |
| Trail use and capacity range (PAOT/mile of trail): |

**Capacity Range**

<table>
<thead>
<tr>
<th>Use</th>
<th>Very Low</th>
<th>Low</th>
<th>Low - Moderate</th>
<th>High</th>
</tr>
</thead>
<tbody>
<tr>
<td>ROS Class - Semi-Primitive Nonmotorized</td>
<td>On Trails</td>
<td>PACT/mile 2.0</td>
<td>3.0</td>
<td>9.0</td>
</tr>
<tr>
<td></td>
<td>Area-wide</td>
<td>PACT/acre</td>
<td>.004</td>
<td>.008</td>
</tr>
<tr>
<td>ROS Class - Semi-Primitive Motorized</td>
<td>On Trails</td>
<td>PACT/mile 2.0</td>
<td>3.0</td>
<td>9.0</td>
</tr>
<tr>
<td></td>
<td>Area-wide</td>
<td>PACT/acre</td>
<td>.004</td>
<td>.008</td>
</tr>
</tbody>
</table>

**MANAGEMENT PRESCRIPTION 09A**
CONTINUATION OF:
Dispersed
Recreation
Management
(A14 and 15)

ROS Class — Roaded Natural
---
On Trails
PAOT/mile --- --- --- ---
Area-wide
PAOT/acre .04 .08 1.2 2.5
---
ROS Class — Rural
---
On Trails
PAOT/mile --- --- --- ---
Area-wide
PAOT/acre .5 .8 5.0 7.5
---
Reduce the above use level coefficients as necessary to reflect usable acres, patterns of use, and general attractiveness of the specific management area type as described in the ROS Users Guide, Chapter 25.

Reduce the above use levels where unacceptable changes to the biophysical resources will occur.
(6402)

b. Specify off-road vehicle restrictions based on ORV use management (FSM 2355, R2 Supp. 88).
(6083)

c. See FSM 2331, FSM 7732, FSH 7709.12 (Trails Handbook), FSH 7109.11a and 11b (Sign Handbook).
(6226)
Continuation of:
Dispersed Recreation Management (A14 and 15)

3. Permit undesignated sites in Frissell condition class 1 through 3 where unrestricted camping is permitted. (0174)

4. Manage site use and occupancy to maintain sites within Frissell condition class 3 except for designated sites which may be class 4. Close and restore class 5 sites. (0175)

5. Prohibit motorized vehicle use (including snowmobiles) off Forest System roads and trails in alpine shrub and Krumholz ecosystems. Prohibit motorized vehicle use off Forest System roads and trails (except snowmobiles operating on snow) in other alpine and other ecosystems where needed to protect soils, vegetation or special wildlife habitat. (0154)

Wildlife Habitat Improvement and Maintenance (C02, 04, 05 and 06)

1. Provide habitat diversity through vegetation treatments, in conjunction with other resource activities, designed to maintain or improve wildlife or fisheries habitat. (0658)

2. Provide habitat for viable populations of all native vertebrate species of fish and wildlife. (0750)

3. Plan lake and stream habitat improvement projects with the assistance of state wildlife agencies, where aquatic habitats are below productive potential. Plan those improvements that harmonize with the visual setting. (0660)

4. Maintain a current fish habitat inventory in cooperation with state wildlife agencies. (0662)

Management Prescription 09A
### Continuation of: Wildlife Habitat Improvement and Maintenance

- **5.** Maintain instream flows in cooperation with state wildlife agencies to support a sustained yield of natural fisheries resources.

- **6.** Maintain proper stocking and livestock distribution to protect riparian ecosystems.

- **7.** Prohibit trailing of livestock along the length of riparian areas except where existing stock driveways occur. Rehabilitate existing stock driveways where damage is occurring in riparian areas. Relocate them outside riparian areas if possible, and if necessary to achieve riparian-area goals.

- **8.** Manage forest cover types using the following harvest methods:
  - Clearcut in aspen, and
  - Selection (Group or Single tree) in all other cover types.

---

## Silvicultural Prescriptions

- **1.** Manage forest cover types to perpetuate tree cover and provide healthy stands, high water quality and wildlife and fish habitat.

- **2.** Apply harvest treatments to forest cover types as specified below on at least 80% of the forest cover type. Up to 20 percent of the type may be treated using other harvest methods specified in Forest Direction.

- **b.** Silvicultural Standards:
  (These standards may be exceeded on areas managed for old growth)

1. **Clearcut:**

<table>
<thead>
<tr>
<th>Forest Cover Type</th>
<th>Rotation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aspen</td>
<td>60-120</td>
</tr>
</tbody>
</table>
Continuation of:

Silvicultural Prescriptions (EO3, 06 & 07)

<table>
<thead>
<tr>
<th>MANAGEMENT ACTIVITIES</th>
<th>GENERAL DIRECTION</th>
<th>STANDARDS &amp; GUIDELINES</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. Selection (group or single tree):</td>
<td>All other Forest Cover Types</td>
<td></td>
</tr>
<tr>
<td>Rotation Age</td>
<td>90-160</td>
<td></td>
</tr>
<tr>
<td>Cutting Cycle</td>
<td>20-30 yrs</td>
<td></td>
</tr>
<tr>
<td>For group selection, size of openings are less than two acres. (6154RT)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

3. Apply intermediate treatments to maintain growing stock level standards. (0140 )

4. Adjust stocking levels by site quality, higher stocking should occur on better sites. (0669 )

5. Utilize firewood material using both commercial and noncommercial methods. (0147 )

6. Establish a satisfactory stand either naturally or through artificial regeneration methods within a five-year period after disturbance. (0726 )

7. Prohibit log landing and decking areas within the riparian area. (0570 )
When the Visual Quality Objective of an area is partial retention, the re-grown stand shall meet or exceed all of the following characteristics before a cut-over area is no longer considered an opening:

<table>
<thead>
<tr>
<th>Forest Cover Type</th>
<th>Minimum Stocking Level (Trees/acre)</th>
<th>Tree Height 1/2 of the adjacent mature stand height</th>
<th>Management Activities (E03, 06 &amp; 07)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lodgepole Pine</td>
<td>150</td>
<td>25</td>
<td></td>
</tr>
<tr>
<td>Engelmann Spruce - Subalpine fir</td>
<td>150</td>
<td>25</td>
<td></td>
</tr>
<tr>
<td>Aspen</td>
<td>300</td>
<td>25</td>
<td></td>
</tr>
<tr>
<td>Forest Cover Type</td>
<td>Crown Distribution 2/3 (Percent)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lodgepole Pine</td>
<td>30</td>
<td>75%</td>
<td></td>
</tr>
<tr>
<td>Engelmann Spruce - Subalpine fir</td>
<td>30</td>
<td>75%</td>
<td></td>
</tr>
<tr>
<td>Aspen</td>
<td>30</td>
<td>75%</td>
<td></td>
</tr>
</tbody>
</table>

30

For management purposes, a cut-over area is considered an opening until such time as:
- Increased water yield drops below 50 percent of the potential increase;
- Forage and/or browse production drops below 40 percent of potential production;
- Deer and elk hiding cover reaches 60 percent of potential;
- Minimum stocking standards by forest cover type and site productivity are met; and
- The area appears as a young forest rather than a restocked opening, and takes on the appearance of the adjoining characteristic landscape.
CONTINUATION OF:
Silvicultural Prescriptions (E03, 06 & 07)

1. Prevent or remove debris accumulations that reduce stream channel stability and capacity.

2. Proposed new land-use facilities (roads, campgrounds, buildings) will not normally be located within flood-plain boundaries for the 100-year flood. Protect present and all necessary future facilities that cannot be located out of the 100-year floodplain by structural mitigation (deflection structures, riprap, etc.).

3. Prevent stream channel instability, loss of channel cross-sectional areas, and loss of water quality resulting from activities that alter vegetative cover.

4. Maintain sediment yield within threshold limits. The effects on water and sediment yields from vegetation manipulation and road construction projects will be determined through the use of appropriate modeling and quantification procedures to determine sediment yield threshold limits and water yield increase potentials.

a. Limit Changes in Channel rating or classification scores to an increase of 10 percent or less. Use channel stability criteria established by Cooper, 1978 and Frankel, 1975. Use channel classification criteria established by Rosgen, 1980.

b. Prescription-induced water yield increases should not exceed prescribed thresholds of allowable increase nor should the total yield of water and sediment exceed maximum allowable amounts as stated in the above references.

1/ Applies to trees specified as minimum stocking level.

2/ Percent of plots or transects that are stocked.

(a036RT)
3. Avoid channelization of natural streams. Where channelization is necessary for flood control or other purposes, use stream geometry relationships to re-establish meanders, width/depth ratios, etc. consistent with each major stream type.

4. Treat disturbed areas resulting from management activities to reduce sediment yields to the natural erosion rates in the shortest possible time.

5. Stabilize streambanks which are damaged beyond natural recovery in a reasonable time period with appropriate methods or procedures that emphasize control by vegetation.

6. Design and locate settling ponds to reduce downstream sediment yield and to prevent washout during high water. Locate settling ponds outside of the active channel. Restore any channel changes to hydraulic geometry standards for each stream type.

7. Include wildlife and fish habitat, aesthetic, or safety goals when planning projects that result in vegetation type conversion.

8. Require concurrent monitoring to ensure that mitigative measures are effective and in compliance with state water quality standards.
Soil Resource Management (KAI)

1. Rehabilitate disturbed soils areas where adverse impacts would occur according to the following priorities:
   - Aquatic ecosystems;
   - Riparian ecosystems; and
   - Riparian areas outside of aquatic and riparian ecosystems.

2. Prevent soil surface compaction and disturbance in riparian ecosystems. Allow use of heavy construction equipment for construction, residue removal, etc., during periods when the soil is least susceptible to compaction or rutting.

3. Maintain or enhance the long-term productivity of soils within the riparian ecosystem.

Mining Law Compliance and Administration (G01)

1. Minimize detrimental disturbance to the riparian area by mineral activities. Initiate timely and effective rehabilitation of disturbed areas and restore riparian areas to a state of productivity comparable to that before disturbance.

2. Prevent the depositing of soil material from drilling, processing, or site preparation in natural drainageways.

3. Locate the lower edge of disturbed or deposited soil banks outside the active floodplain.

4. Prohibit stockpiling of topsoil or any other disturbed soil in the active floodplain.

5. Prohibit mineral processing (milling) activities within the active floodplain.

6. Discontinue heavy equipment use when soil compaction, rutting, and puddling is present.
2. Locate mineral removal activities away from the water's edge or outside the riparian area.
   a. Locate drilling mud pits outside the active floodplain unless alternate locations are more environmentally damaging. If location is unavoidable, seal and dike all pits to prevent leakage.
   b. Drain and restore roads, pads, and drill sites immediately after use is discontinued. Revegetate to 80 percent of ground cover in the first year. Provide surface protection during storm-flow and snowmelt runoff events.

3. Design and locate placer mine settling ponds to prevent washout during high water. Locate settling ponds outside of the active channel. Restore any channel changes to hydraulic geometry standards for each stream type.
   a. Permit diversion activities within the riparian zone where technology is available to maintain water quality standards, sediment threshold limits, and instream flow standards.

4. Confine heavy equipment use to areas necessary for mineral extraction.
   a. Permit diversion activities within the riparian zone where technology is available to maintain water quality standards, sediment threshold limits, and instream flow standards.

5. Locate mining camps outside the active floodplain.
   a. Permit diversion activities within the riparian zone where technology is available to maintain water quality standards, sediment threshold limits, and instream flow standards.

6. Require concurrent monitoring to ensure that mitigative measures are effective and in compliance with State water quality standards.
   a. Permit diversion activities within the riparian zone where technology is available to maintain water quality standards, sediment threshold limits, and instream flow standards.
Transportation System Management (L01 & 20)

1. Locate roads and trails outside riparian areas unless alternative routes have been reviewed and rejected as being more environmentally damaging. (0718)

2. Create artificial sediment traps with barriers where the natural vegetation is inadequate to protect the waterway or lake from significant accelerated sedimentation. (0720)

3. Minimize detrimental disturbance to the riparian area by construction activities. Initiate timely and effective rehabilitation of disturbed areas and restore riparian areas so that a vegetation ground cover or suitable substitute protects the soil from erosion and prevents increased sediment yield. (0724)

a. Do not parallel streams when road location must occur in riparian areas except where absolutely necessary. Cross streams at right angles. Locate crossings at points of low bank slope and firm surfaces. (6628)
UNIFORM FOREST
MANAGEMENT PRESCRIPTION PB

(Emphasis is on Increased Water Yield through Vegetation Manipulation)

A. MANAGEMENT PRESCRIPTION SUMMARY

1. General Description and Goals:

Management emphasis is on increased water yield and improved timing of flow through manipulation of forest vegetation. The locations, shape, and size of vegetation treatment areas are specifically designed. Clearcutting is the harvest method used with all forest cover types. Management activities in foreground, middleground, and background may dominate but harmonize and blend with the natural setting.

Livestock grazing occurs but not to the point that regeneration of forested areas or water-yield objectives are impaired. Semi-primitive recreation is the predominant recreation use. Motorized travel may be prohibited.

2. Areas Where the Prescription can be Considered for Application:

The prescription can be applied to forested areas where vegetation manipulation is permitted. It cannot be applied to wilderness or special areas such as research natural areas where vegetation manipulation does not meet the management objectives of the area.

3. Management Opportunities Emphasized:

(Foresters complete this section based on their local Public Issues and Management Concerns.)
A. MANAGEMENT PRESCRIPTION SUMMARY

1. General Description and Goals:

Management emphasis is on increased on-site water yield in non-forested areas through the use of structural facilities designed to manipulate available winter precipitations, i.e., snow.

Snow deposition structures are placed so that deposition occurs in selected areas to minimize evaporation and sublimation. Evaporation/sublimation suppressants may be used to increase longevity of developed snow packs. Management activities in foreground, middleground, and background may dominate, yet harmonize and blend with the natural setting. Livestock grazing occurs but not to the point that vegetation of non-forested areas or water yield objectives are impaired. Semi-primitive recreation is the predominant recreation use. Motorized travel may be prohibited.

2. Areas where the Prescription can be Considered for Application:

The prescription can be applied to any nonforested area where structural facilities are permitted.

3. Management Opportunities Emphasized:

(Foresists complete this section based on their local public issues and management concerns.)
UNIFORM FOREST
MANAGEMENT PRESCRIPTION 100

(PROVIDES FOR WILD AND SCENIC RIVERS)

A. MANAGEMENT PRESCRIPTION SUMMARY

1. General Description and Goals:

   Management emphasis is on river segments designated as a component of the National Wild and Scenic River System and those recommended for designation. "Wild Rivers" are managed to be free of impoundments and generally inaccessible except by trails with watersheds or shorelines essentially primitive and water unpolluted. "Scenic Rivers" are managed to be free of impoundments with shorelines or watersheds largely undeveloped and accessible in places by roads. "Recreational Rivers" are managed to be readily accessible by road or railroads and to maintain developments that may have occurred along the shoreline and impoundments or diversions that may have occurred in the past.

2. Areas where the Prescription Can Be Considered for Application:

   The prescription is to be applied to all components of the Wild and Scenic Rivers system and those recommended for designation.

3. Management Opportunities Emphasized:

   (Forests complete this section based on their local Public Issues and Management Concerns.)

B. MANAGEMENT REQUIREMENTS

   Forests develop management requirements for each Wild and Scenic River and each recommended for designation. Base management requirements on the legislation, management plan and the proposed action in the EIS for the existing or recommended Wild and Scenic River segments.
UNIFORM FOREST
MANAGEMENT PRESCRIPTION 10E

(Provides for Municipal Watershed and Municipal Water Supply Watersheds.)

A. MANAGEMENT PRESCRIPTION SUMMARY

1. General Description and Goals:

   Management emphasis is to protect or improve the quality and quantity of municipal water supplies. Management practices vary from use restrictions to water resource improvement practices, with the primary objective of meeting water quality standards established for the individual watershed. A secondary objective is to manage the watersheds to improve the yield and timing of water flows consistent with water quality requirements.

2. Areas Where the Prescription Can Be Considered for Application:

   The prescription is to be applied to all existing municipal watersheds and municipal supply watersheds.

3. Management Opportunities Emphasized:

   (Focuses on describing the local public issues and management concerns.)

DATA IGNORED - IN CONTROL MODE

DESF
DESF IGNORED - IN CONTROL MODE

DBRAPTS PRINTS
Two Forks EIS yielded facts but not consensus

By W. H. Miller

RECENTLY I have been quoted, correctly I hasten to add, as saying the $37.3 million cost of the Environmental Impact Study (EIS) for the proposed Two Forks project was “approaching a national scandal.”

That, unfortunately, has been interpreted to imply there has been excessive spending by federal agencies, or overcharging by professional consulting firms, or overly extensive review of legitimate concerns about the impact on the environment of such a project, or misuse of funds. In actuality, I made the statement to bring to the public’s attention the tremendous costs of a process that not only involved accumulating engineering, hydrological and other technical data and studying the effects of the project on the environment, but also of attempting to forge a consensus on a complex issue.

As Alfred Emanuel Smith said in a 1928 campaign speech, “Let’s look at the record,” and review all the elements that account for that $37.3 million figure.

The EIS process had its genesis in 1979 when an agreement was reached allowing construction of the Foothills Treatment Plant and Strontia Springs Dam and Reservoir. This came after a prolonged and bitter debate involving the Denver Water Department, suburban water entities, various environmental organizations and federal agencies. At that time, federal agencies agreed among themselves that permits necessary for construction of future water projects of the Denver Water Department would not be issued until their effects on the entire future water system and the environment were studied in depth.

This is the origin of the term “Systemwide Environmental Impact Study,” which will not be found in any federal statutes requiring environmental assessments before permits are issued. This systemwide study looked at alternative ways the Denver metropolitan area could meet its long-term need for water for the next half-century. Over a hundred sources were evaluated during this process. They were screened and reduced to those most feasible and these then were analyzed in scenarios for long-term development of a water supply. The cost of this systemwide analysis was $8.9 million.

Prior to launching this study, the Denver Water Department had accomplished work over a long period of time on Two Forks and the Williams Fork collection system, which would be included in the systemwide study and the site-specific study that would follow. Total cost of this work by the water department and consultants was $4.5 million.

Since the Corps of Engineers had played a key role in resolving the Foothills dispute, the Denver Water Board in 1982 requested the Corps to take the lead in coordinating the systemwide study and the site-specific study to follow.

The site-specific study addresses the board's request to construct a 1.1 million acre foot Two Forks Reservoir on the South Platte River and to extend its Williams Fork gravity collection system. This site-specific EIS, when completed this year, will have cost a total of $25.9 million.

An interesting way to examine the $37.3 million cost is by broad categories of activities:

- Demand analysis (projected population and demand modeling), $1.2 million.
- Scenario analysis (examining a variety of water projects in various 50-year combinations), $4 million.
- Hydrology (flow of the Colorado River from headwaters to Grand Junction and the Platte River from its origins through Overton, Neb.), $1.5 million.
- Geology (rock formations, faults, dam safety), $3.4 million.
- Basic data and impact assessment (in such areas as wetlands, vegetation, wildlife, cultural resources, transportation, recreation, socioeconomic), $13.9 million.
- Writing and production (assembly and printing all phases of the study, including detailed maps and graphs — over 20,000 pages), $1.7 million.
- Work groups (an innovative process developed by the Corps in which technical expertise from a variety of local state and federal agencies in 20 different disciplines scope and reviewed the study), $2.6 million.
- Discarded sources (the process in which alternative were examined and eliminated), $1.5 million.
- Consensus development (Governor’s Roundtable, the Environmental Caucus, committee review by the Western Slope and state agencies), $1.5 million.
- Metro cooperation (coordination between Metropolitan Water Providers, Denver Water Department, local government agencies, community at large), $1.5 million.
- Two Forks and William Forks pre-design (the work to prepare for design and construction), $4.1 million.

This $37.3 million represents what the studies have cost the Denver Water Department and the providers. It does not include administrative costs borne by the Corps of Engineers, U.S. Forest Service, U.S. Fish & Wildlife, and the Colorado Division of Wildlife — to mention but four agencies involved.

Why, then, a comment about the cost approaching a national scandal? Because the total cost of constructing Dillon Dam and Reservoir was $19.5 million; because the cost of this study is equivalent to almost half of the water department’s projected 1987 revenues of $77 million from the sale of water; because it’s a tremendous outlay of cost for any study no matter how comprehensive and hotly valued, and, finally, because so very few of the people who paid for the study will ever see it or even be concerned about its contents or its cost.

Even though the study contains “state of the art” data of value to the water and environmental communities, it is already labeled, by project opponents, as “inadequate.”

Saddest of all, five years and $37.3 million later, factual information in the study probably has not converted anyone from a previously held conviction either in support of or opposition to the project.

W. H. Miller is manager of the Denver Water Department.
United States Department of the Interior
BUREAU OF LAND MANAGEMENT
WASHINGTON, D.C. 20210

March 6, 1986

Instruction Memorandum No. 86–299
Expires 9/30/87

To:	Directorate, WD Division Chiefs, and AFOS

From:	Director

Subject: Achieving a Consistent Approach Bureauwide to Areas of Critical Environmental Concern (ACEC) Designation in Resource Management Planning

The Congress singled out ACECs for priority designation during land use planning in section 202(c)(3) of the Federal Land Policy and Management Act (FLPMA). To date, 40 resource management plans (RMPs) have been completed to the proposed RMP and final environmental impact statement (EIS) stage. (Over 25 more RMPs are in preparation.) ACECs are frequently an issue in plan protests to the Director. Consideration of ACEC protests and associated planning records over time has shown that treatment of ACECs in these completed RMPs, and in plan amendments in some cases, is uneven and inconsistent. Consequently, some of the protests have been difficult to resolve. This is a concern for the Bureau of Land Management (BLM) and a growing source of criticism.

Several factors may account for the inconsistency. However, we believe that confusion and uncertainty about ACEC requirements and implementation procedures largely account for the present level of disparity. Some field offices, for example, are still citing the "Orange Book" as a source of procedural guidance or suggesting that ACEC designations are made after RMP completions.

Designation and protection of ACECs are a useful tool for managers in meeting BLM multiple use objectives. We have prepared an action plan outlining a series of steps to (1) assure improved use of ACECs, and (2) achieve a consistent approach bureauwide to designation. (See Enclosure 1.) The staff work, consultation, review, and the products associated with these steps will, we believe, increase awareness and understanding of ACECs and related requirements. We also expect the outlined steps to clarify key features of the ACEC provisions and result in appropriate revision of existing BLM directives and training materials. The emphasis and review of FLPMA's ACEC provisions at this time should also be helpful in preparing RMPs that have not reached the draft stage.

The first item on the action plan is a guidance statement. The statement will serve as a base for subsequent ACEC action plan steps. (See Enclosure 2.)
The statement may also be a useful reference to the designation of ACECs in ongoing resource management planning. Comments on the draft guidance statement and later reviews associated with other action plan steps (e.g., hazardous waste site recommendations, etc.) will be used in revising the ACEC portion of BLM Manual Section 1617. Comments on Enclosure 2 should be submitted to the Director (202) by April 18, 1986.

Additionally, field offices will have opportunity to review proposed BLM Manual Section revisions before they are approved. Plans for an outreach program and external review are still being developed at this time. The results of early public contacts will help refine strategies with respect to the timing and scope of subsequent public involvement.

If you have questions regarding this memorandum, please contact the Office of Planning and Environmental Coordination (Gordon Knight, 653-8824 or Jim Colby, 653-8830).

James M. Parker
Acting

2 Enclosures

Encl. 1 - Action Plan
Encl. 2 - Draft Guidance Statement
ACTION PLAN FOR ACHIEVING CONSISTENT BUREAUWIDE APPROACH TO ACEC DESIGNATIONS IN RESOURCE MANAGEMENT PLANNING

A. ACTION STEPS AND TIMEFRAMES

Step 1. Guidance Statement. Prepare a guidance statement for Director approval that clarifies the ACEC requirements of the FLMMA and provides a basis for consistent BLM interpretation of ACEC provisions. Use the statement as a base for achieving consistency in ACEC designations. Send the approved statement to field officials along with a copy of the action plan for achieving a consistent approach to ACECs.


Step 2. Hazardous Waste. Prepare an option paper which examines a proposal (from BLM) to provide for the designation of existing hazardous waste sites as ACEC. Set forth pros and cons. Obtain appropriate BLM review and comment as a basis for a decision recommendation to the Director.

Deadline: March 14, 1986.

Step 3. Draft Special Management Area (Recreation) Policy Paper. Review the draft paper, incorporating recent experiences, and prepare paper for technical review. Then complete a detailed crosswalk and technical review of draft paper in light of the Director's ACEC guidance statement (Step 1) and the objective of a consistent bureauwide approach to ACEC designation. Assess implications to the draft paper and its further development. Assess options for integrating, harmonizing or eliminating any conflicts and/or contradictions. Provide recommendations, if needed, to aid Director decisionmaking.


Step 4. BLM Management Team Briefing. Brief the Management Team on ACEC designation experiences, related consistency problems, and the need for a unified approach. Review the statutory requirements for ACECs and the policy basis for achieving a consistent approach as set forth in the Director's guidance statement (Step 1). Explain the action plan and its associated elements. Discuss how States can implement the guidance.


Step 5. NLAC - Spring Meeting. Brief the National Public Lands Advisory Council on the BLM action plan for achieving a consistent approach to ACEC designations. Provide appropriate reference materials. Explain the ACEC requirements, the basic concept, and the rationale for BLM implementing guidance. Seek advice, as appropriate, on elements under review for Director decision (e.g., the hazardous waste site proposal and special management areas (recreation) policy paper).


Encl. 1-1
Step 6. Directives Revisions. Make changes to existing planning Manual Sections as necessary to incorporate Director guidance for achieving a consistent approach to ACEC designation. Coordinate preparation, or revision, of resource program (activity) guidance by program offices as needed to aid BLM management/protection of ACECs (e.g., renewable resources, recreation and cultural, geology, hazardous waste, etc.).


Step 7. Public Involvement (Outreach). Conduct a staged outreach which provides for the following: (a) low-keyed, informal, advisory contacts with various interest group representatives, initiate early-on and focus on steps underway to achieve a consistent Bureauwide approach to ACEC designation, (b) consultation with the NPLAC, and (c) consideration of expanded, more formal public involvement, including review of Directives revisions, as indicated through completion of preceding Action Plan steps and Director feedback.


Step 8. Training Strategy. Assess the training situation and management opportunities to provide in FY 87 and FY 88 appropriate instruction on ACEC requirements and the BLM approach to ACECs in plan preparation and implementation. Integrate, as opportunities permit, ACEC teaching points into on-going planning and resource program training. Prepare necessary instructional materials and implement. Orient training to the development of a common understanding of the ACEC provision and associated requirements.


B. RESPONSIBILITIES

1. Step 1 Office of Planning and Environmental Coordination (202) and Division of Recreation, Cultural and Wilderness Resources (340) jointly.

2. Steps 2 and 4-7 - WO-202 in coordination with WO-340, Office of Legislation and Regulatory Management (140), Hazardous Waste (501) and other program offices, as appropriate.


4. Step 5 - WO-202 through the Phoenix Training Center (PTC) in coordination with the Training Office (830) and other program offices, as appropriate.

C. IMPLEMENTATION SCHEDULE

Action Plan Element | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep
---|---|---|---|---|---|---|---|---
1. Guidance Statement | | | | | | | | 1/2
2. Hazardous Waste | | | | | | | | 1/4
3. Special Mgmt Area Paper Crosswalk | | | | | | | | 1/2
4. Mgmt Team Briefing | | | | | | | | 1/4
5. NPLAC Briefing | | | | | | | | 1/4
6. Directives Revision | | | | | | | | 1/4
7. Outreach | | | | | | | | 1/4
8. Training Strategy | | | | | | | | 1/4

Encl. 1-2
AREAS OF CRITICAL ENVIRONMENTAL CONCERN IN RESOURCE MANAGEMENT PLANNING

I. Statutory Aspects

A. Designation of Areas of Critical Environmental Concern (ACEC). The Federal Land Policy and Management Act (FLPMA) requires that the BLM "give priority to the designation and protection of ACECs" in the development and revision of land use plans (Section 202(c)(3)). The FLPMA defines ACEC to mean "areas within the public lands where special management attention is required (when such areas are developed or used or where no development is required) to protect and prevent irreparable damage to important historic, cultural, or scenic values, fish and wildlife resources or other natural processes, or to protect life and safety from natural hazards." (Section 103(a))

B. Significance of Statutory Mandate. The language of the ACEC provisions and the legislative history of the Act provide clear guidelines for implementation. To aid understanding, key features are reviewed below:

1. The designation of ACECs during resource management planning is an affirmative requirement. That requirement is at least comparable to Congressional direction to BLM to "use and observe the principles of multiple use and sustained yield" (Section 202(c)(1)) and to "use a systematic interdisciplinary approach" in planning (Section 202(c)(2)).

2. Priority is afforded to ACECs. Among the nine requirements of Section 202(c), this is the only direction which uses the words "give priority." Areas which require special management attention must be accorded precedence during resource management planning. The statutory language necessitates in a very active sense more than mere "consideration," which is the direction in some subsequent paragraphs. This means the study of areas reviewed for designation must be thorough and well documented to show substantially more attention than "consideration."

3. The ACEC provision demands two specific actions for areas requiring special management attention. They are designation and protection. Just providing protective management for a recognized ACEC value, alone, is insufficient to fulfill the statutory requirement. Designation is also required. The Kemp (or amendment) must provide both. Designation and protection are complementary rather than alternative actions.

4. ACECs are fully supportive of and compatible with BLM's multiple use mandate and mission. This feature is emphasized in the FLPMA definition in the parenthetical phrase "when such areas are developed or used or where no development is required." The legislative record further underscores the Congressional intent to harmonize ACECs with multiple use management and public land development. Management prescriptions for ACECs may exclude uses but the ACEC designation, per se, does not presume the exclusion of any uses. ACECs are an integral part of multiple use management and a tool to achieve the best possible balance of uses where special values exist.
5. The ACEC provision conveys a unique and explicit designation authority. It is the only existing authority for BLM managers to specifically designate public land areas. Under it, areas are designated that warrant special management attention to protect and prevent irreparable damage to important historic, cultural, or scenic values, fish and wildlife resources or other natural systems or processes, or to protect life and safety from natural hazards.

b. ACECs may be designated, modified or dropped (due to changed circumstances) only through the planning process and by approval of an RMP, RMP revision or plan amendment. ACECs are not designated through an activity plan or by announcement in the Federal Register (although there are notice requirements for designation).

C. Characteristic Areas. The definition of ACECs portrays the diversity of public land resources and values subject to designation. The following list further reflects the diversity of areas eligible for designation as envisioned in the FLPA and related legislative history. The list should also aid BLM understanding of the ACEC provision.

1. Historic Resources and Values. These may include historical features which are important to the region, State, and Nation; rare or sensitive archeological resources; and significant religious or cultural resources important to Native Americans.

2. Cultural Resources and Values. These may include rare or sensitive archeological resources; and significant religious or cultural resources important to Native Americans.

3. Scenic Values. These include areas of high scenic value and relative scarcity.

4. Fish and Wildlife Resources. Important or critical habitat for endangered, sensitive, or threatened species is an example.

5. Other Natural Systems or Processes. The following illustrate types of resources or values, among others, in this category:

   a. Important or critical habitat for endangered, sensitive, or threatened plant species or rare, endemic, or relic plants or plant communities.

   b. Geologic features which exemplify natural systems or processes such as volcanism, fossilization, geothermal activity, cave formation, etc.

   c. Unusual or unique terrestrial, aquatic, or riparian communities.

   d. Areas of unstable soils and high seismic activity; rare soils.

   e. Dunes, lakes and floodplains of rivers and streams.
6. Natural Hazards. These include areas where human visitation or habitation is likely and which have hazards such as those listed below: (A hazard caused initially or triggered by human activity is not "natural" for ACEC purposes if it subsequently becomes part of a natural process and endangers human life, health, or property.)

a. avalanche areas
b. dangerous flooding areas
c. landslide or seismic areas

d. dangerous cliffs, etc.

7. Combination of Values. These include areas which have a combination of values which individually may or may not qualify an area for ACEC designation. An example would be an area with significant scenic, historic, and biologic values.

II. Implementation Aspects

A. ACEC Directives. The pertinent provisions of PLMA and the planning regulations (43 CFR 1600) and BLM Manual Section 1617.8 set forth current guidance and procedures for designating ACECs. The Manual Section includes a useful review of the key ACEC concepts and instructions for handling nominations. All procedural directions for designating ACECs during planning are contained in that Manual Section, including other cross-referenced planning Manual Sections and planning regulations provisions. Note that the "Orange Book" was replaced by BLM Manual Section 1617 on April 6, 1984. Key features of the current directives are addressed below.

B. Manager Role in Designation. BLM managers supervising the preparation of RMPs (AAs), providing general direction and guidance (DMs), and approving RMPs (SDs) determine, through the planning process, whether an area warrants designation and special management attention. The guidance for planning, including the ACEC directives (A above) and the specific information developed during planning, is the basis for managers' ACEC recommendations and decisions. The information developed during planning includes the results of resource inventories, public participation, consultation and coordination with other Federal agencies, State and local governments, and Indian tribes. It also includes the written analysis and evaluation that redeveloped in the course of preparing an RMP. The guidance and planning information, in combination, provides the manager the operational context, including physical setting, within which to make the decision for ACEC designations. Designation is not automatic.

C. Identification Criteria. The planning regulations establish two criteria, relevance and importance, to aid in the evaluation and designation of ACECs. These criteria serve as thresholds to help determine, in the course of plan preparations, whether an area warrants designation. The relevance and importance determinations initially made in the analysis of the management
section are reexamined in light of the written analysis, public comment and other information that are developed in preparation of the draft and proposed RMP. In all cases, if both the criteria are met, the area shall be given priority for ACEC designation throughout the planning process. The decision to designate or not designate an area is made by the manager considering both criteria and supporting information.

D. Documentation. State Director approval of an RMP document accompanies ACEC designation. The narratives, tables and maps making up the plan set forth the allowable uses and management direction applicable to the ACEC(s). The analysis in the RMP and associated EIS shows the substantive evaluation and review made during plan preparation and the magnitude of study/priority afforded to ACEC designations. Most importantly, the plan and associated EIS serve to demonstrate that all areas found to meet the identifying criteria have been given priority for designation and protection. (Giving priority can be demonstrated many ways — emphasis in planning, treatment in at least two plan alternatives, presentation in the document, etc.) The RMP document should clearly explain decisions to designate ACECs. It should clearly explain decisions which conclude potential areas do not warrant designation.

E. Activity Planning. Site-specific and more detailed plans for ACECs will usually be prepared. The preparation of such plans is guided by applicable resource program requirements in conformance with management prescriptions of the RMP. The resource value(s) associated with the ACEC determines which activity plan guidance applies (e.g., Cultural, Geology and Minerals, Recreation, Vegetation, Wildlife, etc.). If multiple program activities are involved in a particular ACEC, rather than a single program activity, a coordinated or combined activity plan will be prepared.