

A Recipe for Successful Recreation Planning on Federal Public Lands with Wildlife Concerns

Bob Randall
Kaplan Kirsch & Rockwell LLP



Recipe

Recreation and Wildlife Planning

1. MAIN INGREDIENTS

- ❑ The federal agency's statutory mission
 - ❑ The legal status of species present in an area
 - ❑ The legal status of the land where an activity occurs
-

2. DIRECTIONS

- ❑ Development of a governing land management plan
 - ❑ Site-specific analysis of the environmental impacts of a proposed activity
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Recipe

Recreation and Wildlife Planning

3. NOTES + TIPS

- How to achieve legally sound recreation management decisions when wildlife concerns are involved

Part 1:
*Assembling the
Ingredients*

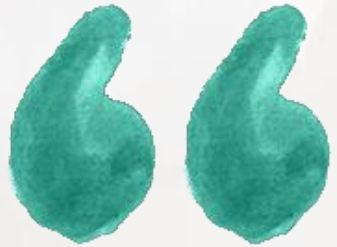


Get to Know Your Federal Land Manager



- Federal land management agencies
 - Dominant Use Agencies
 - National Park Service
 - Fish and Wildlife Service
 - Multiple Use Agencies
 - Forest Service
 - Bureau of Land Management

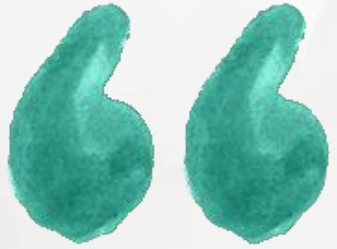
National Park Service



...provide for the **enjoyment** of the scenery, natural and historic objects, and **wildlife** in such manner and by such means as will leave them **unimpaired** for the enjoyment of future generations.

54 U.S.C. § 100101

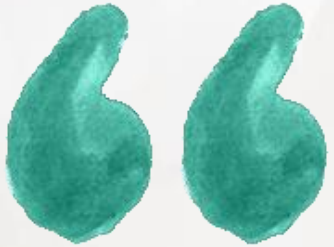
Bureau of Land Management



...provide food and habitat for ***fish and wildlife*** and domestic animals; and that will provide for ***outdoor recreation*** and human occupancy and use” while at the same time recognizing “the Nation’s need for ***domestic sources of minerals***, food, timber, and fiber from the public lands.

17 U.S.C. § 1701

Forest Service



...provide for ***diversity of plant and animal communities*** based on the suitability and capability of the specific land area in order to meet ***overall multiple-use objectives.***

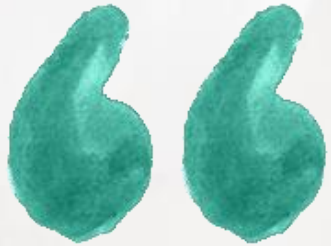
16 U.S.C. § 1604(g)(3)(B)

What kinds of critters are we dealing with?



- Listed species
- Sensitive species
- Game species
- Gremlins

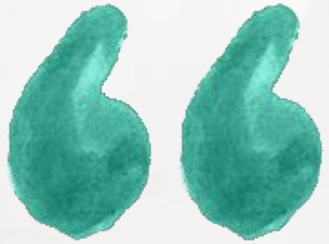
Listed Species



Ensure that actions are “not likely to jeopardize the continued existence” of listed species or to “result in the destruction or adverse modification of [critical] habitat.”

16 U.S.C. § 1536(a)(2)

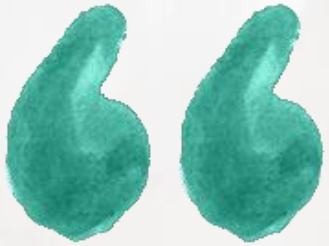
Sensitive Species



Not federally listed, but at risk of becoming listed so Forest Service and BLM will take proactive conservation measures to preserve viable populations.

36 C.F.R. 219.9(c)

Game Species



Both Forest Service and BLM recognize the importance of maintaining habitat conditions necessary to sustain populations of species for hunting, fishing, and other traditional uses.

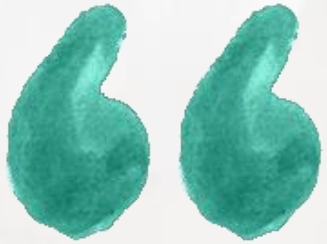
36 C.F.R. 219.10,
BLM Manual 6500.12.B.1

Where am I, anyway?



- Wilderness Areas
- National Monuments
- Areas of Critical Environmental Concern
- Other areas

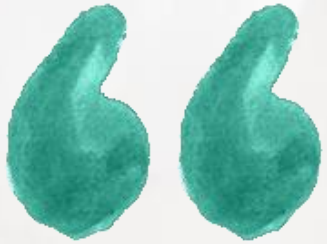
Designated Wilderness Area



Designation creates restrictions on the types of activities that may take place in order to “preserve the wilderness character of the area.”

16 U.S.C. 1133(b)

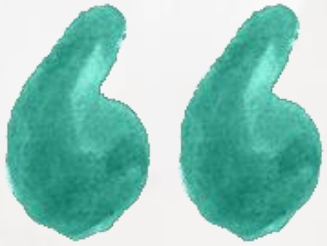
National Monuments



The uses permitted within a monument depend on the purposes of the monument and any restrictions stated in the proclamation.

54 U.S.C. 320301

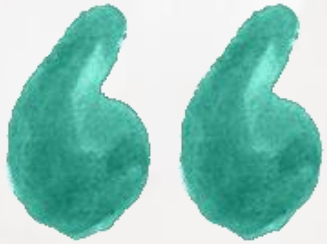
Areas of Critical Environmental Concern



BLM designates these areas to protect high-quality wildlife habitat from disruption by other uses.

43 U.S.C. 1702(a)

Other land designations



Wilderness Study Areas, Inventoried Roadless Areas, *Colorado* Roadless Areas, National Wildlife Refuges, National Recreation Areas, National Conservation Areas, etc.



Part 2: *Mixing It All Up*



Let's make a plan (and follow it)!

Forest Service

- National Forest Management Act (NFMA)
- 16 U.S.C. 1604

Bureau of Land Mgmt

- Federal Land Management and Policy Act (NFMA)
- 43 U.S.C. 1712



Notoriously Expensive Planning Act (aka NEPA)

- 3 possible levels of analysis
 - Categorical Exclusion
 - Environmental Assessment
 - Environmental Impact Statement
- Scope of analysis
 - Direct impacts
 - Indirect impacts
 - Cumulative impacts



Categorical Exclusion

- Actions that “do not individually or cumulatively have a significant impact on the environment”
40 C.F.R. 1508.4
- No further NEPA analysis required (except in rare circumstances)
- Agencies maintain lists of types of actions that typically can be categorically excluded

See 40 C.F.R. 1508.4



Environmental Assessment

- Prepared to determine whether an action has the potential to significantly impact the environment
- If not, agency can issue a FONSI – a finding of no significant impact

See 40 C.F.R. 1508.9



Environmental Impact Statement

- Must analyze all potentially significant environmental impacts of the proposed action
- Must do same for all reasonable alternatives to the proposed action
- Subject to rigorous public notice and comment requirements

See 40 C.F.R. 1502-1503



Scope of Analysis

- **Direct effects**
 - Caused by the action
 - Occur at the same time and place
- **Indirect impacts**
 - Caused by the action
 - Later in time or farther removed in distance
- **Cumulative Impacts**
 - Incremental impact when added to other past, present, and reasonably foreseeable future actions
- 40 C.F.R. 1508.8



Part 3:
A Recipe for Success



Understand Local Conditions

- Prepare in advance
 - Get to know the applicable forest and resource management plans
 - consider whether a plan amendment might be needed to achieve the activity.
- Identify any special land designations
- Identify species and habitats present



Identify Win-Win Solutions

- Offset impacts to wildlife habitat with other beneficial impacts.
- Enhance wildlife habitat in areas away from recreational trails to ensure species viability.



It Takes a Village

- Incorporate diverse views
- Include the public
- Plan collaboratively
- Build broadest possible support



Thank you!

Bob Randall
Kaplan Kirsch & Rockwell LLP
303.825.7000
brandall@kaplankirsch.com

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