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## CHAPTER 5—CONSULTATION AND COORDINATION

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### 5.1 OVERVIEW OF THE PROCESS

Consultation, coordination, and public involvement were undertaken by the BLM throughout the development and preparation of Proposed Resource Management Plan (RMP) and Environmental Impact Statement (EIS) through public and informal meetings, individual contacts, bulletins, news releases, and *Federal Register* notices. Public involvement is mandated by several Federal regulations and guidelines, including the Federal Land Policy and Management Act of 1976 (FLPMA), National Environmental Policy Act of 1969 (NEPA), and guidelines from the President's Council on Environmental Quality (CEQ). In addition, the public participation process is outlined in the BLM Land Use Planning Handbook (H-1601-1).

### 5.2 CONSULTATION AND COORDINATION

This section documents the consultation and coordination efforts undertaken by the Bureau of Land Management (BLM) throughout the development and preparation of this Proposed RMP-EIS. Because of jurisdictional responsibilities, the BLM is required to consult with certain Federal, Native American, and State agencies and entities (40 Code of Federal Regulations [CFR] §1502.25) during the NEPA decisionmaking process. The BLM is also directed to integrate NEPA requirements with other environmental review and consultation requirements to reduce paperwork and delays (40 CFR §1500.4–5). Title II, Section 202, of FLPMA directs the BLM to coordinate planning efforts with Native American tribes and Federal, State, and local government agencies as part of its land use planning process.

#### 5.2.1 Other Federal Agency Consultation

Section 7 of the Endangered Species Act of 1973 (ESA) requires Federal agencies (such as the BLM) to address impacts on species listed under ESA through consultations with the U.S. Fish and Wildlife Service (USFWS). Consultations begin informally when a Federal agency requests a list of species under ESA. If a listed species exists in the area being assessed, the BLM may prepare a biological assessment (BA). The initial determination of effect is made by the lead agency, in this case the BLM (50 CFR Part 420). If the BA determines that the proposed action may adversely affect a listed species or its habitat, the BLM must enter formal consultation with USFWS, which then prepares a biological opinion (BO) that determines whether the Proposed RMP would adversely affect listed species or critical habitat. Although the BO is based on information provided in the BA, it may concur with or dispute the determination of impact. The process of formal and informal consultation with USFWS ensures that the BLM actions conserve listed species and their critical habitat.

The USFWS was involved in the planning process. This was initiated through informal consultation, which included obtaining a species list, development of oil and gas leasing stipulations, and development of best management practices (BMP), and concluding with formal consultation on the RMP-EIS. The goal is to not jeopardize the continued existence of listed species or destroy or adversely modify designated critical habitat, and where possible, to minimize the potential to adversely affect Federally listed species.

## 5.2.2 State and Local Agency Consultation

Letters were sent to Alabama and Mississippi State agencies, county supervisors and commissioners, and the governors of both States to inform them of the RMP planning process. The States of Alabama and Mississippi were requested to be involved in the planning process as cooperating agencies. Only the State of Mississippi accepted the invitation to become an official cooperating agency through a Memorandum of Understanding signed on December 13, 2002. Multiple State agencies were consulted during the RMP-EIS process, including the Department of Environmental Quality, State Heritage groups, and the State Historic Preservation Office (SHPO).

The National Historic Preservation Act of 1966 (NHPA), as amended (16 United States Code [USC] 470), expands protection of historic and archeological properties to include those of national, State, and local significance. NHPA (in Section 106) requires Federal agencies to consult with the SHPO, and sometimes with the Advisory Council on Historic Preservation, concerning the potential effects of agency actions on properties listed on or eligible for the National Register of Historic Places (NRHP). The SHPO is also sometimes consulted concerning applicable methods for determining whether there are NRHP-eligible properties in an agency undertaking's area of potential effect, whether properties are eligible, and appropriate mitigation measures.

The SHPOs for both Mississippi and Alabama were informally contacted concerning potential effects to properties that are listed on or eligible for the NRHP. Formal consultation has been completed for both States. Comments from the Alabama SHPO were incorporated into the Final RMP-EIS.

## 5.2.3 Native American Consultation

The BLM provides government officials of Federally recognized tribes opportunities to comment on and participate in the development of the RMP. The BLM considers comments, notifies consulted tribes of final decisions, and informs them of how their comments were addressed in those decisions. Land use plans and coordination activities must address consistency with tribal plans (Section 202[c][9] of the FLPMA) and protection of treaty rights and must comply with the following statutes and executive orders:

- **Section 101(d)(6) of the NHPA** requires the BLM to consult with Native American tribes when historic properties of traditional religious or cultural importance to a tribe would be affected by BLM decisionmaking.
- **The American Indian Religious Freedom Act (AIRFA)** requires the BLM to protect and preserve the freedom of American Indians and Alaska Natives to exercise their traditional religions, including access to sites and freedom to worship through ceremonial and traditional rites.
- **Executive Order 13007 (Indian Sacred Sites)** requires the BLM to accommodate access to and use of sacred sites and to avoid adversely affecting the physical integrity of sacred sites to the extent practicable, as permitted by law and consistent with essential agency functions.
- **Executive Order 12898 (Environmental Justice)** requires the BLM to take into account relevant CEQ guidelines and Department of the Interior policies and goals.

Specific guidance on Native American consultation is outlined in BLM Manual 8120 and BLM Handbook H-8120-1.

Land use plans and accompanying EISs must identify potential effects on Indian trust resources, trust assets, or tribal health and safety. Any effect must be explicitly identified and documented in the land use plan.

The BLM contacted appropriate Native American tribes (see page 5-5 for a list of tribes contacted), inviting them to participate in the Alabama and Mississippi RMP-EIS development process, and offered to meet with tribal leaders or representatives in person to discuss issues, concerns, and questions they might have. The tribes contacted did not express interest in participating in meetings regarding the RMP-EIS or in becoming cooperating agencies.

## 5.3 PUBLIC PARTICIPATION

Public participation in the RMP-FEIS process includes a variety of efforts to identify and address public concerns and needs. The public involvement process assists the agencies in broadening the information base for decisionmaking, informing the public about the Proposed RMP-FEIS and the potential impacts associated with various management decisions, and ensuring that public needs and viewpoints are understood by the agency.

### 5.3.1 Project Website

A project website was created to provide the public with information on planning issues and the overall planning process as well as to afford the opportunity to submit input directly to the BLM. The project website, [www.es.blm.gov/AL\\_MS\\_RMP](http://www.es.blm.gov/AL_MS_RMP), became publicly accessible in August 2004 and featured information on resource and planning issues associated with the Alabama and Mississippi RMP. Information included *Federal Register* notices, planning bulletins, survey plats of BLM-administered public lands on Fort Morgan Peninsula, a map of the planning area, a form allowing users to add their names to the project mailing list, and a form for users to submit input as part of the alternatives development process.

### 5.3.2 Public Scoping

Scoping is an early and open process for determining the scope of issues to be addressed in the planning process, as defined by 40 CFR Parts 1500 et seq. Scoping serves to solicit agency and public input on planning issues and criteria, areas of concern, and ideas and proposals for long-term management. Scoping provides a formal mechanism for engaging the public in identifying key planning and land management issues.

The official scoping period started with publication of the notice of intent (NOI) in the *Federal Register* on July 12, 2002, and ran through September 2002. The NOI announced the BLM's intent to prepare an RMP for Alabama and Mississippi, called for coal information, and invited the public to participate in identification of issues and review of planning criteria.

Letters were sent to Alabama and Mississippi State agencies, county supervisors and commissioners, and the governors of both States to inform them of the planning process. Letters were also sent to several coal companies to inform them of the planning process and solicit coal data. Individuals were encouraged to submit e-mail or hardcopy comments to the BLM Jackson Field Office.

One e-mail with comments was submitted during the scoping period. Comments addressed a variety of issues, such as the need to have adequate, site-specific data on threatened, endangered, and candidate

species in the planning area; data on soils and aquatic species; and an accurate impact assessment of minerals development on recreation (BLM 2002).

### **5.3.3 Development of Planning Criteria**

The NOI also announced preliminary planning criteria—the framework of laws, regulations, policies, and guidance within which a resource management plan must be developed. Comments on the planning criteria were solicited during the scoping period. No comments were received; therefore, planning criteria presented in the NOI became final.

### **5.3.4 Public Workshop During Alternatives Development**

A public workshop (with an emphasis on the BLM tracts in Baldwin County, Alabama) was held in Gulf Shores, Alabama, on September 2, 2004, to solicit additional comments for developing alternatives. The workshop was conducted in an open house format, with resource stations and with the BLM staff available for individual discussions. Eight participants attended the workshop, including representatives from the Alabama State Lands Division. Information meetings with Baldwin County also took place during this period. Although the BLM provided a deadline of November 30, 2004, to receive information and input via mail, e-mail, or the project website, none were submitted; however, the BLM accepted input from the public and interested agencies throughout the planning process. Comment letters that were submitted after the November deadline dealt primarily with the Baldwin County land tracts and how they should be managed by the BLM. All comments were collected, analyzed, and included in the project administrative record.

### **5.3.5 Public Meetings on the Draft RMP and EIS**

Three public meetings were held in October 2007 to give the public an opportunity to comment on the Alabama and Mississippi Draft RMP-EIS. During the three meetings, nine people registered their attendance. These public meetings featured an open house format with the BLM specialists available to provide information. The public was also instructed on how to submit comments on the Draft RMP-EIS.

### **5.3.6 Open Comment Period on the RMP and Draft EIS**

The BLM provided the public with 90 days from the date of publication of the BLM's Notice of Availability (NOA) for the Alabama and Mississippi Draft RMP-EIS to review and submit comments. The Environmental Protection Agency (EPA) filed the NOA in the *Federal Register* on August 31, 2007. The 90-day public comment period officially ended on November 29, 2007. The BLM received comments on the Draft RMP-EIS from members of the public; Federal, State, and local agencies; and private and public organizations. These comments were sent by mail or e-mail or submitted at the public meetings.

A total of 24 letters were received: 14 were sent by e-mail, and 10 were submitted in hard copy or sent by mail. Of the 24 letters received, 6 were identified as being form letters, while the remaining 18 were considered unique letters. Form letters are described as letters containing identical text submitted by more than five individuals. From the 24 letters received, 97 unique comments were identified, of which 32 were considered nonsubstantive and 65 were considered substantive.

### 5.3.7 Future Public Participation

A 30-day protest period will follow the release of this Proposed RMP-FEIS. The Proposed RMP-FEIS will also be sent to the governors of Alabama and Mississippi for a 60-day review for consistency with State or local plans, policies, and programs (43 CFR 1610.3-2). Finally, the Approved RMP/Record of Decision (ROD) will be prepared after any protests and inconsistencies have been resolved (43 CFR 1610.5-2).

### 5.3.8 Public Comment Process and Methodology

The BLM is required to identify and formally respond to all substantive public comments. BLM-specific direction on comment analysis can be found in the National Environmental Policy Act Handbook (H-1790), Section V-11, Subsection 4, “Analyzing the Comments and Preparing the Final EIS.” Substantive comments specifically meet the following criteria:

- **Comments on Inaccuracies and Discrepancies.** Corrections to factual information, data, or analysis should be made in the Final EIS.
- **Comments on the Adequacy of the Analysis.** Comments that reflect a professional disagreement with the conclusions of the analysis or assert that the analysis is inadequate may or may not lead to changes in the Final EIS. Interpretations of the analysis are based on professional expertise. Close scrutiny is warranted where there are disagreements within a discipline. If a change is not warranted, a comment response with rationale must be provided.
- **Comments that Identify New Impacts, Alternatives, or Mitigation Measures.** If comments identify impacts, alternatives, or mitigation measures that were not addressed in the Draft EIS, the BLM must determine if they warrant further consideration. If so, they may be analyzed in the Final EIS, a draft supplement, or a revised and re-circulated Draft EIS.
- **Disagreements with Significance Determinations.** Comments may directly or indirectly question significance determinations or severity of impact. Close scrutiny must be given because this is a compelling part of the NEPA decisionmaking process. If the BLM finds the significance assertion invalid, it must document its rationale in the Final EIS.

Conversely, nonsubstantive comments simply state a position in favor of, or against, an alternative; merely agree or disagree with the BLM policy; or otherwise express an unsupported personal preference or opinion. The BLM is not required to respond to nonsubstantive comments.

After substantive public comments were identified, the comments were entered verbatim into a comment-response table, which enabled the BLM to develop responses to substantive comments and study the relationship among the comments. The list of substantive comments and associated responses can be found in Table 5-1.

During the process of identifying substantive comments, all comments were treated equally. The comments were not weighted by organizational affiliation or status of respondents, and duplicate comments did not add more bias to one comment than another. The process was not one of counting votes, and no effort was made to tabulate the number of people for, or against, any given aspect. Rather, emphasis was placed on the content of each comment.

### 5.3.9 Comments and Responses

The BLM is required to respond only to substantive comments to fully inform the public of concerns raised. In Table 5-1, the BLM provides responses to substantive public comments identified during comment analysis.

**Table 5-1. Substantive Public Comments and Responses on the Draft RMP-EIS**

Public Comment	BLM Response
<p>The RMP cites our draft CCP as a reference (References, 6); however, the final CCP was approved in 2005. This document is available on the Internet at: <a href="http://www.fws.gov/southeast/planning/FinalRefugesDocuments.htm">http://www.fws.gov/southeast/planning/FinalRefugesDocuments.htm</a>.</p>	<p>The Proposed RMP and Final EIS have been updated to reflect the Final Bon Secour Comprehensive Conservation Plan (CCP), approved in November 2005.</p>
<p>On page 3-13, we suggest a few revisions to the marine turtle species accounts. There are no confirmed records of green turtles (<i>Chelonia mydas</i>) nesting in Alabama. To date, there have been 3 confirmed nests by Kemp's ridleys (<i>Lepidochelys kempi</i>) in Alabama (2001, 2006, 2007). Based on our standing records, juvenile Kemp's ridleys are the most common marine turtle in Alabama bays and estuaries.</p>	<p>Section 3.2.6 of the Proposed RMP and Final EIS have been updated to reflect this data from USFWS.</p>
<p>When these parcels are incorporated into the Refuge, some mechanism needs to address the proper planning of individuals submitting a request to place roads or driveways to their adjoining property at some future time through the highway tracts. Page 2-28 in the RMP-EIS draft book states that existing facilities within the highway ROW would be allowed: "New disturbance would be avoided because of the presence of the Federally listed species and designated critical habitat." The standard should allow very few roads or driveways into these areas. This practice should be similar to the application process that is obtainable through the Alabama Department of Conservation, which allegedly owns other portions of the ROW.</p>	<p>As stated in the Draft RMP-DEIS Section 2.3.14, "Valid authorizations would be protected if the land undergoes disposal." If the Fort Morgan tracts are transferred to the Bon Secour National Wildlife Refuge, requests for roads and access would be handled by USFWS. Under BLM management, rights-of-way approvals would avoid new disturbance of native habitat.</p>
<p>If it is the case that the Refuge does not accept certain highway tracts into their ownership for whatever reason, then BLM should revert to Alternative One (1), no action, and retain the property themselves. It is highly requested that BLM <u>does not</u> transfer ownership of these highway tracts to the Alabama Department of Conservation or to the City of Gulf Shores. This request is placed at the consideration of BLM, so that, as per page ES-4 of the draft, " ... the RMP-EIS process includes a variety of efforts to identify and address <u>public concerns</u> and <u>needs</u>". It also states that " ... the potential impacts associated with various management decisions and ensuring that <u>public needs</u> and <u>viewpoints are understood by the agency</u>." .</p> <p>The real residents and property owners of Fort Morgan who call the area their home ... have a current ongoing dilemma that would not be beneficial if ownership of those tracts were placed into the wrong hands. The Alabama</p>	<p>Under the Proposed RMP, the BLM will retain the highway tracts if they are not transferred to USFWS. The BLM modified the Proposed RMP (Alternative 3) for the Fort Morgan Beach and Highway Tracts lands and realty actions to include the following statement in Tables 2-7 and 2-8: "If the tracts are not transferred to the Bon Secour NWR, the BLM will retain the tracts."</p>

Public Comment	BLM Response
<p>Department of Conservation or the City of Gulf Shores are the "wrong hands."</p> <p>It is requested that BLM transfer the ownership of lots #54 and #55 with the following covenants so that the criteria used in the draft can be fulfilled. The covenants should contain language that does <u>not</u> allow any building of a parking lot, or public showers or bathrooms located on these two lots. It is also requested that these covenants be worded in such a way that a Habitat Conservation Plan (HCP) not be able to be used to circumvent these covenants. An HCP is a proposed plan which allows the development of property and interjects a mediation as it pertains to the use of the land and any endangered species such as the ABM. This would benefit the maintenance of the existing fish and wildlife habitat diversity and actively promote the recovery of the Federally listed ABM as well as other endangered species as per the language given in the chart on page 2-27 of the draft. The placement of a boardwalk at some future time over lots #54 and #55 and the placement of sand fence would be beneficial to the area. This would allow continued access to recreation compatible with habitat management, including use of the beach and saltwater fishing.</p> <p>It is also requested that lots #54 and #55 be transferred under the condition/covenant that the placement of all currently existing roadways not be disturbed ... due to that they have been located in their current location for many years.</p>	<p>Covenants would not be used in transfer to USFWS, but would only be used in disposal from Federal ownership to a non-Federal entity (such as the State, county, city, or private). Disposal from Federal ownership was addressed under Alternative 4 to provide a range of alternatives in accordance with NEPA, but is not proposed. Under the Proposed RMP, these tracts would remain in Federal ownership, be transferred to USFWS, and be managed as part of the National Wildlife Refuge System. Upon transfer to USFWS, management decisions for these tracts would follow USFWS policies and management guidance.</p>
<p>I am asking that BLM will transfer the ownership of these lots (No. 54 &amp; 55) with covenants to insure that the criteria in the draft will be fulfilled. The covenants should contain language that <b>will not</b> allow any building of a parking lot or public restrooms/showers on these two lots. It is also important that these covenants are constructed to prevent any Habitat Conservation Plan (HCP) to be used to circumvent these matters or covenants. The placement of a boardwalk and any sand fences in the future over these lots would be very beneficial to the area as it would allow continued access to recreational and educational activities compatible with the habitat. All of this is vital to continue and improve the maintenance of the existing wildlife and fish habitats, as well as to insure the recovery of the Federally listed ABM and other endangered species referred to in the chart on page 2-27 of the draft. I would also like to request that any covenants involved with this consider that the existing roadways <b>will not</b> be disturbed due to the fact that they have been in their current location for many years and that the two roadways adjacent to these lots are and have been maintained at a significant expense by the private land owners located on these roads.</p>	<p>Covenants would not be used in transfer to USFWS, but would only be used in disposal from Federal ownership to a non-Federal entity (such as the State, county, city, or private). Disposal from Federal ownership was addressed under Alternative 4 to provide a range of alternatives in accordance with NEPA, but is not proposed. Under the Proposed RMP, these tracts would remain in Federal ownership, be transferred to USFWS, and be managed as part of the National Wildlife Refuge System. Upon transfer to USFWS, management decisions for these tracts would follow USFWS policies and management guidance.</p>
<p>Upon review of the information forwarded by your office, we have determined that the document is well thought out and very informative. However, we would like to inform you that all areas which were surveyed for cultural resources</p>	<p>Changes were made in the Proposed RMP and Final EIS in Section 2.3.9. The BLM would consult with the SHPO prior to property disposal or mineral leasing and resurvey the area, if necessary, if a cultural resource survey was</p>

Public Comment	BLM Response
<p>prior to 1996 when the AHC cultural resource assessment standards were established will have to be re-surveyed. Furthermore, there are two areas which we feel need clarification.</p> <ol style="list-style-type: none"> <li>1. Regarding disposals of property, our office should be consulted to determine if a cultural resource assessment have been conducted after 1996 or if an assessment is needed. Please advise us as to whether or not this will be practiced.</li> <li>2. Regarding areas where federally owned minerals lie below privately owned land, our office should be consulted to determine if a cultural resource assessment if warranted. It is our opinion that the private land would not be disturbed if the federally owned minerals were not to be mined. Please advise use as to your position on this issues.</li> </ol>	<p>conducted prior to 1996.</p>
<p>However, I'm disturbed by the editor's observation (third para.) that the plan "does not appear to recommend the transfer of the highway tracts to the NWR", and by his quote from the Plan to the effect that "the tracts [beach and highway] would be open to leasing..."</p> <p>Although these leases would apparently prohibit "surface occupancy", I'm wondering what kind of uses would be allowed under "standard lease terms and conditions and best management practices. This to me is scary.</p> <p>I'm wondering why, in view of the proximity of those lots to the NWR (whether or not contiguous), and the importance of protecting and providing habitat for the environmentally sensitive wildlife in that area, and the very limited habitat remaining in the area for those species, – I'm wondering why it would not be appropriate to transfer all of the BLM lands in that vicinity to the NWR, irrespective of whether they may be classified as "beach" or "highway"?</p>	<p>Under the Proposed RMP, all of the Fort Morgan tracts, including the Highway tracts, are identified for transfer to USFWS. In addition, the Proposed RMP states that "the BLM would retain the tracts if the tracts are not transferred to the USFWS" in Tables 2-7 and 2-8.</p> <p>Under the Proposed RMP, the Fort Morgan Beach and Highway tracts would be open to oil and gas leasing subject to a no-surface-occupancy stipulation, which is in addition to standard lease terms and conditions. This means that the minerals are available for leasing but could only accessed by directional drilling from other properties and allows no surface use of the BLM tracts.</p>
<p>Page D-8, Appendix D: Proposed Conservation Measures and BMPs, "Disposal of Produced Water" – This Section prescribes disposal of mining/gas/oil water wastes by reinjection into a permeable formation, or alternatively, discharged into surface waters. EPA suggests that the discussion relating to waste water disposal be more robust, given that mining and production gas well wastes are inevitably generated from these operations and can have significant impacts to the environment. As national energy needs increase, hydrocarbon exploration in these regions will most likely continue. Reasonably foreseeable development scenarios (Appendix J) indicated that during the next 20 years, installation of oil and gas wells on federal lands is estimated to number 32 in Alabama, and up to 360 in Mississippi. The cumulative impact of brine waste reinjection into aquifers beneath federal and in adjacent non-federal lands over the next 20 years could be significant: by year 2027, the number of new wells on non-federal lands is estimated to be 4,020 in Alabama and 12,010 in Mississippi.</p>	<p>We agree with EPA that the discussion relating to waste water disposal should be more robust. The cumulative impacts discussion was expanded to address the concerns regarding brine waster reinjection under the water resources discussions in Sections 4.4.1 and 4.4.2. Additional information regarding State underground injection well control (UIC) programs have been included in Appendix D under the "Disposal of Produced Water" heading.</p>

Public Comment	BLM Response
<p>Basic information regarding State underground injection well control (UIC) programs should have been included in the draft EIS/RMP. UIC programs are direct implementation programs that are federally administered by EPA Regional Offices or primacy programs that are administered by State agencies which have been delegated primary enforcement authority. The UIC program may, in some instances, consist of a State-administered program applicable to other classes of wells. Federal regulations establish requirements for federally administered programs, and establish minimum requirements for State-administered programs. While EPA has oversight responsibility for delegated programs, UIC Programs in Alabama and Mississippi are primacy programs administered by one or more State agencies.</p> <p>Alabama’s Department of Environmental Management (ADEM) prohibits injection of pollutants from Class I Wells below an Underground Source of Drinking Water (USDW); injection of wastes from oil and gas production (Class III Wells) is regulated by the Alabama State Oil &amp; Gas Board; ADEM regulates Class III Wells involving solution mining of certain minerals, such as salt. Class IV Wells are banned national by federal regulations; all others (Class V Wells) comprise about 90% of permitted injection wells in Alabama. EPA regulates all classes of injection wells on Tribal lands in Alabama. For surface water discharges into waters of the U.S., applicants would need State-issued National Pollution Discharge Elimination System (NPDES) permits, or federally-issued NPDES permits if the receiving water were on Tribal lands.</p> <p>The UIC Program in Mississippi is implemented by the Mississippi Department of Environmental Quality (DEQ) and the Mississippi Oil &amp; Gas Board. The Oil and Gas Board regulates Class II wells, and the DEW Management Support Brand, regulates all other well classes. In addition to Class II injection wells, Mississippi has Class I hazardous waste injection wells, Class I non-hazardous injection wells, and Class V injection wells. EPA regulates all classes of injection wells on Tribal lands in Mississippi. For surface water discharges into waters of the U.S., applicants would need State-issued NPDES permits, or federally-issued NPDES permits if the receiving waters were on Tribal lands.</p>	<p>We agree with EPA that the discussion relating to waste water disposal should be more robust. The cumulative impacts discussion was expanded to address the concerns regarding brine waster reinjection under the water resources discussions in Sections 4.4.1 and 4.4.2. Additional information regarding State underground injection well control (UIC) programs have been included in Appendix D under the “Disposal of Produced Water” heading.</p>
<p>Page D-8: Section Disposal of Produced Water – The first paragraph, line 2: The text reads “...The preferred method for disposal of produced water will be disposed of through reinjection to a permeable formation of total dissolved solids (TDS) content higher than 10,000 mg/l*...” This asterisk references an avian raptor electrocution study, an unlikely source for TDS values, and is probably a typographical error.</p>	<p>The asterisk is a typographical error and corrections have been made in Appendix D.</p>
<p>Page D-9: Section Disposal of Produced Water—The information in the reference <i>Avian Power Line Interaction Committee (APLIC), 1996</i>. may be out of date. This publication has been updated with <i>The Avian Power Line</i></p>	<p>This reference has been updated in the 2006 revision of this report.</p>

Public Comment	BLM Response
<p><i>Interaction Committee (APLIC), 2006. Suggested Practices for Raptor Protection on Power Lines: State of the Art 2006. APLIC, Edison Electric Institute, and the California Energy Commission. Washington D.C. and Sacramento, CA.</i></p>	
<p>EPA supports BLM's suite of Preferred Alternatives. Because of the high number of new wells that are estimated to be drilled on federal and non-federal lands over the next 20 years, we suggest a more robust discussion of the Alabama and Mississippi underground injection well control programs. EPA rates this draft EIS as "EC-2", that is, we have environmental concerns and suggest that the final EIS provide additional information on State UIC programs.</p>	<p>We agree with EPA that the discussion relating to waste water disposal should be more robust. The cumulative impacts discussion was expanded to address the concerns regarding brine waster reinjection under the water resources discussions in Sections 4.4.1 and 4.4.2. Additional information regarding State underground injection well control (UIC) programs have been included in Appendix D under the "Disposal of Produced Water" heading.</p>
<p><b>90-day Comment Period Shortened to 76 Days.</b></p> <p>Dear Reader letter, 3rd paragraph, 2nd sentence. "A 90-day comment period will begin with the date the Environmental Protection Agency (EPA) publishes the filing of this Draft RMP-EIS in the Federal Register."</p> <p>In JFO's September 2007 Newsletter (<a href="http://www.es.blm.gov/AL_MS_RMP/documents.php">http://www.es.blm.gov/AL_MS_RMP/documents.php</a>): "The document was published on August 17, 2007, and initiated the 90-day public review period. Written comments on the Draft RMP/EIS will be accepted until <b>November 15, 2007.</b>" (See the attached JFO newsletter.) As per EPA's August 31, 2007 Federal Register Notice, the "<b>Comment Period Ends 11/29/2007.</b>"</p> <p><b>JFO has shortened the official 90-day comment period by 14 days.</b> What, if anything, can JFO do to rectify this major regulatory, procedural error? Will the public be notified they have more time to submit comments on the draft plan? If so, when and how will that be done? Will another Federal Register notice be published? Given the fact the public didn't have 90-days to comment on the draft plan, can any of these actions remedy such an astonishing error?</p>	<p>The BLM followed its regulations by providing the required 90-day comment period. 43 CFR §1610.2(e). The BLM did not shorten the comment period for the Alabama-Mississippi Draft RMP-DEIS.</p> <p>While there was an error in the newsletter that, unfortunately, was not noticed before its printing and distribution, the BLM adhered to its regulations and to the EPA's Federal Register Notice announcing the availability of the Draft RMP-DEIS and accepted comments until the close of the comment period, November 29, 2007.</p>
<p><b>Crucial Information Missing from Required FOIA Notification</b></p> <p>Dear Reader letter, 4th paragraph, 2nd and 3rd sentences. "Before you include your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment – including your personal identifying information may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so."</p> <p>As written, these statements sound more like a warning, than the required public notification required by FOIA and BLM's planning handbook.</p> <p>Offices must place the following or a similar statement in all notices ... Individual respondents may request confidentiality. If you wish to withhold your</p>	<p>The text noted in the "Dear Reader" letter notifies commenters that they can request that the BLM keep their information confidential. To quote: "While you can ask us in your comment to withhold your personal identifying information from public view...". That is the process the public should follow, and the BLM fully intends to keep personal information confidential to the extent permitted by law, as stated in the Dear Reader letter.</p> <p>The BLM will attempt to retain confidentiality of those commenters that requested that their information be withheld. However, as the text in the "Dear Reader" letter notes, all of the information submitted becomes part of the public record for the project. And, while this information will not be included in the documents that are publicly released, the information will be contained within the project record.</p>

Public Comment	BLM Response
<p>name or address from public review or from disclosure under the Freedom of Information Act, <b>you must state this prominently at the beginning of your comments.</b> Such requests will be honored to the extent allowed by law (see Section I. C). (Bold added for emphasis.)</p> <p>JFO didn't advise the public on the process they're suppose to follow, to request confidentiality of their name and personal information. Will JFO staff contact people who sent comments, to see if they want their name and personal information kept confidential? If so, how and when will that be done?</p> <p>How will JFO document what they did? If people want their information kept confidential, how will their request be documented in writing? Include the correct FOIA notification text, in future Federal Register notices and Dear Reader letters, preferably the sample text that's provided in the planning handbook.</p>	
<p><b>BLM-administered Coal Dropped From the Draft RMP -EIS.</b></p> <p><b>Alternatives Analyzed in Detail,</b> Section 2.4.1 Management of Federal Mineral Ownership. Page 2-9, last paragraph, 3rd sentence. "Proposed management for <b>coal leasing is presented in Section 2.3,</b> Standard Management Common to All Alternatives." (Bold added for emphasis.)</p> <p>Standard Management Common to All Alternatives, Section 2.3.12 Minerals. Page 2-6, 3rd paragraph, last two sentences. "Non-USFS FMO in the Warrior Basin would be available for further coal leasing considerations and limited to underground mining methods. BMP's would be applied as appropriate when processing a Lease by Application."</p> <p>Simply stating that BLM-administered coal will be available for future leasing, doesn't fulfill FLPMA and NEPA requirements. <b>JFO dropped BLM-administered coal</b> from the draft plan, with a single policy statement. There's no "proposed action" for leasing and developing BLM-administered coal in Alabama. There's no need for the coal data in Chapter 3 and nothing to analyze in Chapter 4. If minerals planning isn't conducted in the AL-MS Plan: JFO staff will need to prepare RMP amendments, before (1) lease by applications (LBAs) can be processed and (2) lease sales conducted by the Eastern States Office (ESO).</p> <p>JFO admits it won't do planning, for oil and gas minerals found (identified), after the plan is approved (see page 2-6, 2nd paragraph.). To be consistent with this management policy, JFO won't do planning for coal after the AL-MS Plan is approved. If minerals planning isn't done in this or RMP amendments, JFO will violate FLPMA, NEPA and other laws and regulations. Do the planning work that was supposed to have been done, for BLM-administered coal in the Draft AL-MS RMP-EIS.</p>	<p>As required by the BLM land use planning handbook, the RMP identifies areas for further consideration for coal leasing. This was included as an action Common to All Alternatives in Section 2.3.12 and was analyzed in Chapter 4 as required by NEPA. A coal development reasonable foreseeable development scenario was developed for the cumulative impact analysis in Section 4.4.</p> <p>The Council on Environmental Quality (CEQ) regulations for implementing the procedural provisions of the National Environmental Policy Act (NEPA) requires the agency to explore and evaluate all reasonable alternatives. 40 CFR §1502.14(a). Since the area available for coal leasing and associated reasonable actions was limited, the BLM determined that the best course for its management of this one resource was continuation of present management (the No Action Alternative) rather than a set of "false alternatives" in which the actions were not reasonable. The action included in the RMP is analyzed as part of the EIS and would allow any associated coal leasing action that falls within the scope of the management action to proceed, subject to subsequent NEPA analysis which may be tiered from the RMP-EIS. However, if the public were to have proposed an alternative for coal leasing, the BLM would have considered it as an option for the RMP.</p>
<p><b>Management Policy in Preferred Alternative, Isn't Legal or Enforceable</b> Page ES-2, last paragraph, 2nd sentence. "For <u>some</u> of the surface tracts,</p>	<p>In the case of the Fort Morgan tracts, withdrawal of lands to USFWS would provide for their management as part of the National Wildlife Refuge System,</p>

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<p>there would be <b>conditions placed on the disposal</b> that development and use of the tract would be consistent with the <b>resource management objectives and allowable uses</b> established for the tract" (Bold and underline added for emphasis.)</p> <p>Although it sounds good, how can JFO legally do what's stated in this sentence? Give good, clear, understandable and applicable examples, as to how RMP management conditions (objectives and uses) can be imposed on another federal agency or landowner, for <b>lands that are no longer subject to BLM planning after they're disposed</b>.</p> <p>Covenants are included in patents to protect pipelines and power lines. Can a covenant be included, to impose BLM management objectives and allowable uses on the land owner? What happens if they sell the land? Will BLM management objectives and uses be included in future land deeds?</p> <p>How legal and enforceable are RMP conditions, on BLM lands that are (1) transferred to another agency or (2) sold to an individual or company? With JFO's custodial management its lands, how would the JFO know, if RMP <b>conditions</b> weren't complied with?</p> <p>Provide information as to how the RMP management conditions will be enforced by JFO staff. What actions can the JFO take against an agency or landowner, if they do something other than what was established in JFO's AL-MS Plan? Does the management or ownership revert back to BLM if the agency or landowner doesn't comply with JFO's RMP conditions?</p> <p>It's stated on page 2-1 that alternatives must be viable. If JFO can't legally impose and enforce RMP management conditions on lands it disposes of this management policy isn't real, legal and enforceable. Drop this policy from Alternative 3. When this text is dropped, are the Lands and Realty sections the same for Alternatives 3 and 4? If so, drop one of the alternatives.</p>	<p>which would be deemed consistent with the management goals and objectives of Alternative 3. In the case of disposal from Federal ownership, Section 208 of the Federal Land Policy and Management Act gives the BLM authority to issue patents or other documents of conveyance with conditions and covenants as deemed necessary to protect the public interest. The conditions would constitute a covenant "running with the land,," which means it stays with the property after resale. Covenants are legal conditions and the new landowner must comply with the covenants as conditions of ownership. Enforcement of covenants would be completed by the BLM using a compliance program similar to the compliance program used for lands patented under the Recreation and Public Purposes Act. Under this program, there are regular compliance examinations followed by legal action, if necessary.</p>
<p><b>Cooperating Agency Participation in JFO Plan.</b></p> <p>It's noted on the Title Page. The AL-MS Plan was prepared in cooperation with The State of Mississippi. Which state agencies were involved and what did they do? What information did they provide JFO staff? When did they provide the information? How was it submitted? How was it used in the preparation of the draft plan?</p> <p>The participation of the State of Mississippi is questioned, especially since JFO did planning on a single tract of BLM land. Of the <b>5,047 acres</b> of BLM land in Mississippi, planning was done on <b>174 acres or 3 percent of the BLM lands in Alabama and Mississippi</b>. There isn't information in Chapter 5, on the state's involvement and participation as a cooperating agency. If the State of Mississippi didn't participate in this project, remove the cooperating agency notation from (1) the title page and (2) other, similar statements in the draft</p>	<p>At the initiation of the planning process, the BLM invited cooperating agencies, including the State of Mississippi, which accepted the invitation. Part of the acceptance includes the option of sharing information, reviewing drafts, and performing similar duties. The State can decide whether to exercise the option after it has accepted cooperating agency status. During the planning effort, the BLM directly coordinated and/or shared information with several Mississippi State agencies, including the Department of Environmental Quality, the Department of Archives and History, and the Department of Wildlife Fisheries and Parks.</p>

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<p>plan.</p> <p>1. ES-1, 2nd paragraph. "Within the two States, there are also <b>8,077 acres</b> of land with uncertain title. These are public domain lands according to General Land Office records, but may have private claims of ownership. The RMP <b>will not make management decisions on these lands per se</b>; however, these lands, which are listed in Appendix will be available for <b>disposal to qualified applicants under the Color-of-Title Act.</b>" (bold and underline added for emphasis.)</p> <p>a. It's stated "these are public domain lands according to General Land Office records." Where's the information, Eastern States and Jackson staff have on these lands? JFO staff has repeatedly visited these lands, throughout the years.</p> <p>b. What do you mean, "<b>The RMP will not make management decisions on these lands per se?</b>" Either you make decisions (1) on a tract-by-tract basis and (2) published them in the Alabama and Mississippi Records of Decision—or you don't. Without the benefit of land use pinning in the draft plan, the <b>JFO has (1) made decisions on 8,077 acres of public land and (2) published them in the draft RMP-EIS. The JFO decisions, make 8,077 acres</b>" available for disposal to qualified applicants under the Color-of-Title Act."</p> <p>How often is color-of-title (COT) cases completed by the Eastern States Office? Since few <u>COT cases are ever completed</u>, this management policy (and decision) is worthless and meaningless. Since COT work must be initiated by an applicant, very little work will be done, to resolve these land cases in the next 20 years.</p> <p>As more time passes, the resolution of future COT cases becomes even more difficult, complicated and costly for everyone. And as far the lands that remain in federal ownership, there won't be policy or decisions, as to how these lands will be managed and used for the next 20 years.</p> <p>Just as with the management policy (and decision) for future coal leasing, JFO has dropped 8,077 acres from the draft plan in a single sentence. If the Albuquerque and Farmington (New Mexico) BLM Offices had taken the same approach as the Jackson Office, work would never have been completed on (1) hundreds of Rio Grande and (2) hundreds of Navajo occupancy cases, respectively.</p>	<p>The BLM decided to exclude lands of uncertain title when developing resource management alternatives. These tracts are available for color-of-title disposal under all alternatives. The RMP alternatives, however, do not address BLM management of surface resources, because historic and current indications are that the private claims on most of these lands will prove to be valid and result in their eventual disposal. The BLM Eastern States is currently undertaking a lands identification program to identify potential color-of-title cases and resolve them.</p>
<p>2. Page i, 1st paragraph, 2nd sentence. "Within the two states BLM administers approximately 333 acres of public land surface. . . ."</p> <p>Page 4-35, 4th Paragraph, 1st sentence. "Under Alternative 2, the Coosa River, Fort Morgan Beach, Fowl River, and Geneva tracts (<b>a total of 114 acres or 71 percent BLM surface ownership in Alabama</b>)... ." Bold and an underline added for emphasis.</p>	<p>We cannot account for your acreage conclusions, as the acreages in our document do not add up to 10,839. As discussed in Section 1.3, "within the two States combined, the BLM administers approximately 333 acres of public land surface." This does not account for 8,077 acres of lands with uncertain title listed in Appendix B as these are public domain lands, according to General Land Office records, but have private claims of ownership. In the</p>

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<p>Based on the information in the previous comment, these sentences are grossly misleading and incorrect. JFO has chosen to do planning on <b>333 of the 10,839 acres</b> under its administration in Alabama and Mississippi. <b>Planning was done on (about) 3 percent of the BLM land</b> (See <b>General Comment B5</b>).</p> <p>Using an estimated 1.5 million-dollar figure, it has cost the government <b>\$4,500 an acre</b> for land use planning or <b>\$50,000 per well</b> for minerals planning. (The 1.5 million-dollars are a conservative estimate, for the work performed by BIM and contract staff, from 2001 through October 2007. JFO proposes to complete the plan in 2008.)</p> <p>The <b>438-page draft RMP-EIS</b> is the size of many western BLM plans that address (1) millions of acres of BLM land and (2) thousands, if not tens-of-thousands of wells. The fact that 333 acres and 30 wells were addressed in a plan, that's projected to take seven years to write and cost more than 1.5 million-dollars, raises serious questions. What have JFO and Washington Office (WO) and contract staff been doing on this project? How have planning (and non planning) dollars been spent on this project?</p> <p>It's hard to believe one of the top 10 contractors in the world, is working on AL-MS Plan. (This contractor has and is preparing other BLM plans in the west.) This raises further questions, as to <b>how JFO managed the project</b>. Did JFO staff check the work submitted by BLM and contract staff to make sure it was complete and correct, i.e., quality control?</p> <p><b>The Jackson Field Office has to take full responsibility for this grossly deficient, inaccurate, inadequate and unacceptable document.</b> JFO is responsible for what goes into the document—not contract staff. JFO is for management of the entire project—schedules and dollars. And last, but not least, JFO is responsible for complying with FLPMA, NEPA and other laws and regulations.</p> <p>JFO needs to do the land use planning, it was supposed to do for this project. They need to prepare another Draft AL-MS RMP-EIS and send it out for a 90-day comment period. It needs to be prepared in accordance with (1) FLPMA, NEPA and other laws and regulations and (2) BLM manuals and handbooks. This includes the Bureau's Special Program Guidance for preparing Reasonable Foreseeable Development Scenarios (RFDSs) for oil and gas and coal.</p>	<p>case of the Little River Canyon tract, the area was established as a National Preserve and made a unit of the National Park System by Public Law 102-427 on October 21, 1992. Once it was determined that all of the public domain lands in Little River Canyon are within the boundaries of the National Park Service (NPS) unit, they were dropped from the planning effort. The Little River Canyon tracts are included in the withdrawn lands Appendix I (page I-6).</p> <p>As discussed in Section 2.3.14, lands of uncertain title are claimed by private owners but government land records show that they were not transferred from Federal ownership. Tracts with uncertain titles would be handled on a case-by-case basis in accordance with the Color-of-Title Act, under which claimants may apply for transfer of these tracts and, if qualified, purchase the tracts to obtain title. Appendix B provides a list of lands of uncertain title occurring within the planning area. The RMP alternatives, however, do not address BLM management of surface resources, because historic and current indications are that the private claims on most of these lands will prove to be valid and result in their eventual disposal.</p> <p>As background, the Jackson Field Office was directed to prepare the Alabama-Mississippi RMP-EIS to fulfill the land use planning mandate of the Federal Land Policy and Management Act of 1976. The planning effort addressed the Federal mineral estate (not including National Forest lands) and the scattered public domain surface tracts in this two-State area.</p> <p>It is true that RMPs have become increasingly complex and lengthy documents. The templates being used for most RMPs in the BLM have been refined to meet regulatory needs in an effort to meet legal mandates and to withstand legal challenges.</p>
<p>3. Page 2-7, Standard Management Common to All Alternatives, 2.3.14 Lands and Realty. "After this plan is approved it is expected that some <b>additional surface tracts</b> may return to BLM administration after revocation of withdrawals, reversion of R&amp;PP lands and resolution of title. These <b>additional surface tracts will be managed according to applicable guidance of this plan.</b>"</p>	<p>This management statement is intended to capture any unforeseen tracts that the BLM must administer by applying the general management theme of the alternative selected to the tracts. Any proposed action would require a determination of consistency with the Approved RMP. If the proposed action is not consistent, plan amendment would be required before the approval of the action could be allowed.</p>

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<p>JFO staff knows the resolution of the title, clears up any confusion of the government's (BLM's) ownership of the land—lands which have remained under the administration of the BLM. Is this management policy included, to <b>avoid planning for land tracts that weren't covered in the draft plan?</b>                      Additional BLM lands, would further reduce the amount of land (4 percent) covered in the draft plan.</p> <p>JFO admits it will find additional BLM land tracts, after the AL-MS plan is approved. As per the second sentence, JFO is establishing its own land use planning policy. JFO states, new land tracts will automatically be covered by a plan that didn't address them during the 2001 to 2008 planning. Documentation of new BLM land tracts, and their management and use, will be performed through the BLM's plan maintenance process.</p> <p>As per BLM's planning handbook (H-1601-1), "Maintenance must not expand the scope of resource uses or restrictions or change the terms, conditions, and decisions of the approved plan." New land decisions (and actions) after the AL-MS Plan is approved, <b>will expand (add to)</b> the (1) amount of the acreage covered in the plan and (2) resource uses or restrictions on BLM lands and (3) decisions recorded in the Alabama and Mississippi Records of Decision.</p> <p>According to JFO's planning policy on page 2-7, this office doesn't have any intention of complying with one of the most important sections in BLM's planning regulations (see Title 43 Code of Federal Regulations (CFR) Subpart 1601.5-3 <b>Conformity and implementation.</b>)</p> <p>(a) <b>All future resource management authorizations and actions</b>, as well as budget... shall conform to the approved plan.</p> <p>(c) If a proposed action is not in conformance, and warrants further consideration before a plan revision is scheduled, such consideration shall be through a plan amendment in accordance with the provisions of §1610.5-5 of this title.</p> <p>JFO's policy to manage new surface tracts (1) in accordance with policy and decisions -made for other land tracts and (2) without the benefit of any land use planning—isn't legal. Rewrite it to reflect what's legally required for future planning of BLM land tracts.</p>	
<p>4. Why were the BLM lands, in the Little River Canyon Preserve, omitted from the Draft AL-MS RMP-EIS? There's no mention of the tract in the document. It's not even listed as lands of uncertain title in Appendix B. Is this one of the <b>"additional surface tracts"</b> that's <b>alluded to in Section 2.3.14</b> on Page 2-7?                      This tract is essentially the same as the Jordan Lake and Hancock County tracts. It's noted on page 3-63, 4th paragraph.                      The Hancock County tract was patented to the University of Mississippi in</p>	<p>In the case of the Little River Canyon tract, the area was established as a National Preserve and made a unit of the National Park System by Public Law 102-427 on October 21, 1992. Once it was determined that all of the public domain lands in Little River Canyon are within the boundaries of the National Park Service (NPS) unit, they were dropped from the planning effort.</p> <p>The Little River Canyon tracts are included in the withdrawn lands Appendix I (page I-6).</p>

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<p>1961, under the authority of the R&amp;PP Act . . . Under terms of the patent, the tract is to be used only for recreational and research site purposes. The patent contains a clause stating that ownership of the surface estate will <b>revert to the United States if the land is devoted to a use other than that for which the land was conveyed.</b></p> <p>The former BLM lands, which are within the Little Canyon River Preserve, reverted back to BLM when DeKalb and Cherokee Counties stopped using them, for the purposes approved and permitted by the BLM.</p> <p>See <a href="http://www.nps.gov/archive/liri/Natural/Natural.htm">http://www.nps.gov/archive/liri/Natural/Natural.htm</a> for information on the preserve. This is "<b>one of the longest and deepest canyons in the eastern United States...dominated by cliff and gorge walls.</b>" It's a premier piece of property, with a wild and scenic river—one that most western BLM offices would covet—and one they would retain and manage intensively.</p> <p>Decisions made by JFO management in 2004 and 2005, were to be presented for this land tract in Section 2.3.14 of the draft plan. Although there was limited text in the document, <b>the 2,400-acre Little River Canyon tract, was in JFO's 2005 Preliminary Draft AL-MS RMP.</b> The planning work performed for this tract, is in JFO's process records and contractor project files.</p> <p>Include the Little River Canyon tract and the other BLM lands (8,077 acres) in Chapters 1 through 4. Identify (and analyze) a full range of alternatives for these lands. As for the Little River Canyon tract, an alternative is proposed to (1) provide BLM funding and staff and (2) jointly manage the BLM portion of the Little River Canyon Preserve, with the U.S. Park Service. It's a viable alternative for both agencies, particularly with perpetual budget cuts in program dollars and staff.</p>	
<p>5. The omission of the 2,400-acre Little River Canyon tract from the draft plan, raises serious questions about the lands information in the document. Based on ESO, JFO and General Land Office records, how much BLM land is there in Alabama and Mississippi? How complete and correct are the lands lists in Appendices A, B and I? Isn't there more than one Corps of Engineer (COE) withdrawal in Alabama and two COE withdrawals in Mississippi?</p> <p>The addition of the 2,400-acre Little River Canyon tract changes the 8,439-acre number to 10,839. JFO has chosen to do planning on 333 of the 10,839 acres under its administration in Alabama and Mississippi. <b>Planning was done on (about) 3 percent of the BLM land.</b></p>	<p>The BLM made a concerted effort to identify and include any lands that should be included as part of the RMP effort. If a tract did not reasonably fall within the BLM's administration, the tract was dismissed from further planning. In the case of the Little River Canyon tract, the area was established as a National Preserve and made a unit of the National Park System by Public Law 102-427 on October 21, 1992. Once it was determined that all of the public domain lands in Little River Canyon are within the boundaries of the NPS unit, they were dropped from the planning effort.</p> <p>The Little River Canyon tract is 1,625 acres, not 2,400 acres. We consider that it was proper to develop management alternatives for the 333 acres administered by the BLM identified in the RMP. Lands with uncertain title are addressed in the RMP, but we did not develop the BLM management alternatives because they are claimed by private owners. In addition, the Little River Canyon tract is administered by the NPS, who administers and plans for these lands. (Also see response to your comment regarding planning on 3</p>

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	percent of BLM land.)
<p>a. There isn't information, as to whether Alternatives 3 and 4 include the sale of federal land. Does disposal include land sales? If not, include sale in one or both alternatives. Clearly provide information on all the methods of disposal the public can participate in, in obtaining Fort Morgan highway and beach tracts.</p>	<p>This information is included in management common to all alternatives for lands and realty (Draft RMP-DEIS Section 2.3.14). Disposal includes sale, exchange, or Recreation and Public Purposes Act (R&amp;PP) conveyance as defined by FLPMA. The Glossary of the Draft RMP-DEIS defines disposal to include land sale.</p>
<p>b. What is the current assessed value of each of the highway and beach tracts? Provide this information, so the public will have an idea of the fair market value of the lands—an important factor in the sale (or exchange) of federal land. (Based on Baldwin County tax records, the beach tracts are assessed at hundreds-of-thousands of dollars. At one time, one tract was assessed at \$300,000 and another at \$400,000.) Include this information in the Social and Economic sections of the draft plan.</p>	<p>The RMP provides management direction over the next 20 years, and, as such, land sales or exchanges can occur at any point during that time. Since land value fluctuates, including such information is not deemed necessary to analyze impacts at the RMP-EIS level. Fair market valuation would be part of the process for each disposal action during RMP implementation.</p>
<p>c. Having been to these tracts, there are power lines and pipelines, outbuildings, roads and their uses of Fort Morgan highway and beach tracts. This information is missing from the draft plan. It needs to be included, to (1) address the current uses of BLM land and (2) analyze the effect of JFO land use decisions on these uses. Whether the uses are authorized or unauthorized, include this information for each tract. Include information on the uses occurring on lands adjacent to the BLM tracts. People have to drive across BLM land to get to their homes. Based on what I could see from the highway, they looked like they were expensive homes.</p>	<p>Tract descriptions have been revised to include this information in Sections 3.3.2 and 3.3.3. However, this plan is part of a multi-year process, and the actual situation may differ from the baseline data gathered for the document.</p>
<p>d. If a person wants to buy (or exchange) any of these tracts, how would existing land uses be resolved, to allow for future land sales (or exchanges)? What's the process for resolving unauthorized uses of BLM lands? How long does it take to resolve these problems? Include this information in the draft plan.</p>	<p>Existing land uses and unauthorized uses would be resolved at the time of the sale or exchange. As stated in Draft RMP-EIS Section 2.3.14, "Resolution of unauthorized use would be pursued on a case-by-case basis. Resolution would include termination of use and payment of damages, including reclamation of disturbed land, if needed. In some cases, use may be authorized through ROWs, permits, leases, or land disposal. Valid authorizations would be protected if the land undergoes disposal."</p>
<p>e. It's stated in Alternative 4 that land would be disposed of without any restrictive covenants. Although this statement is made, wouldn't there be covenants or restrictions to protect power lines, pipelines, legal access, etc.? If so, what would they be? How are the covenants or restrictions written? How long will the landowner be required to comply with covenants?</p>	<p>As stated in Draft RMP-EIS Section 2.3.14, "Valid authorizations would be protected if the land undergoes disposal." These are not considered restrictive covenants, as was included as part of Alternative 3. Valid authorizations are third party rights protected when a patent is issued. A covenant, in the context of this RMP, would be a use restriction to protect specific resource values or uses.</p>
<p>f. It's stated "Disposal may not be allowed if they would jeopardize Federally-listed species or designated critical habitat." Based on (1) resource data, (2) impact analysis of threatened and endangered species (T&amp;E) and (3)</p>	<p>Chapter 3 identifies tracts that have threatened and endangered (T&amp;E) species or species concerns. We do know which tracts are affected by T&amp;E, but we don't know if there is a mitigation or offset that could allow disposal</p>

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<p>input by the U.S. Fish and Wildlife Service (USFWS), how many of the Fort Morgan tracts won't be available for disposal?</p> <p>Based on the planning and environmental work done for this plan, JFO staff should know which tracts won't be disposed of because of T&amp;E species and habitat. <b>If none of them will be disposed of, this isn't a real management action (and policy) in Alternative 4.</b> If that's the case, drop it from Alternative 4.</p>	<p>during implementation. Future disposal actions could include mitigation, offsets, or compensation relative to impacts on T&amp;E species and habitat. These measures would be developed and applied during plan implementation.</p>
<p>g. What mitigating measures can a person submit, with an application for a land sale (or exchange), to mitigate tentative impacts to T&amp;E species? The Endangered Species Act (ESA) allows for actions to proceed, when impacts to species or habitat can be mitigated? Land and homeowners must be complying with this ESA provision, to get approval from the USFWS, for the renovation or new construction of homes and businesses on Fort Morgan Peninsula.</p>	<p>As discussed in Draft RMP-EIS Section 2.3.14, "Lands may be exchanged as authorized by Section 206 of FLPMA when the exchange would serve the national interest and benefit the BLM programs or the programs of other Federal agencies." The ESA allows for actions to proceed with mitigation of impacts in consultation with USFWS. The BLM created a suite of alternatives that serves the spirit and intent of FLPMA, as noted in the excerpt above. Mitigation would be developed and consultation would occur with the implementation of disposal actions.</p>
<p>h. It's stated "<b>Land exchanges to benefit Federally-listed species would be permitted.</b>" Since JFO can only perform land use planning, for the lands under its administration, will this management action (and policy) be implemented by JFO staff? If so, <b>what lands in Alabama do JFO staff want to acquire that will "benefit Federally-listed (T&amp;E) species?"</b></p> <p>It's stated in the same alternative that "Disposal may not be allowed if they would jeopardize Federally-listed species or designated critical habitat." As written, the management actions (and policy) in Alternative 4 don't make any sense. It sounds like gobbledygook. Or worse, <b>is it a way to avoid stating BLM's real intentions for the Fort Morgan tracts?</b></p> <p>1. Since JFO's preferred alternative is to transfer the lands to the USFWS, was a management action (and policy) put in to supposedly validate future land exchanges, of former BLM land, by the USFWS?</p> <p><b>2. Is it the intention of both agencies for the USFWS to</b></p> <p><b>(a) exchange Fort Morgan lands for other lands it wants,</b></p> <p><b>(b) apply such restrictive T&amp;E policy to former BLM and USFWS lands and</b></p> <p><b>(c) essentially retain de facto (governmental) management of the Fort Morgan tracts?</b></p> <p>As written, the management actions (and policy) in Alternative 4 are contradictory and cancel each other out. Rewrite or drop them from the alternative.</p>	<p>In the surface tract alternative tables (Table 2-6 through Table 2-12) under the revised Alternative 3, which is the Proposed Plan, none of the Fort Morgan tracts would be available for exchange or other disposal from Federal ownership.</p> <p>In the surface tract alternative tables (Table 2-6 through Table 2-12) under Alternative 4, the BLM does not have particular exchanges in mind, but important values may be identified at a later date. This alternative would allow the BLM to exercise that option.</p>
<p>i. Although not stated as such, is Alternative 4 JFO's Preferred Alternative? Does it accomplish more objectives than Alternative 3? Regardless of which alternative is picked, will both fulfill JFO's perpetual, pre-FLPMA mission, policy</p>	<p>The BLM clearly selected Alternative 3 as the preferred alternative in the Draft RMP-EIS to relay to the public the BLM's chosen intentions for all of the tracts</p>

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<p>and work—to continue to dispose of the lands it's mandated to retain and manage under FLPMA? Is Alternative 4, a win-win alternative for (a) one agency that wants to avoid management of its lands and (b) another agency, who covets both the Fort Morgan tracts and other lands in Alabama or another state?</p>	<p>and non-USFS FMO, including the Fort Morgan tracts. Under the revised Alternative 3, which is the Proposed Plan, none of the Fort Morgan tracts would be available for disposal from Federal ownership.</p>
<p>j. Information isn't presented, as to how BLM land would be transferred to the USFWS. A federal law would need to be passed, to give USFWS title to BLM's Fort Morgan land. <b>Without the title, USFWS wouldn't be able to legally conduct a land exchange with the former BLM lands, on Fort Morgan Peninsula.</b> Provide information as to the (1) different mechanisms for transferring land to the USFWS, (2) terms of each type of transfer and (3) limitations on what USFWS could do with former BLM lands.</p>	<p>Withdrawal to the USFWS could be completed without legislation. The BLM would administratively transfer the land to the USFWS in a withdrawal (43 CFR 2300). The terms and limitations would be included in the withdrawal language and would follow the goals and objectives as provided in the proposed RMP.</p>
<p>k. Since land exchanges are mentioned in Alternative 4, what's the process for submitting an application to the BLM? (Land exchanges are conducted between members of the public and BLM offices in the west?) Describe the process for conducting a BLM land exchange. Include information as to how an exchange (1) could change (impact) the dynamics of current and future uses of the Fort Morgan tracts and (2) the uses of adjacent lands, homes and businesses.</p>	<p>In the surface tract alternative tables (Table 2-6 through Table 2-12) under the revised Alternative 3, which is the Proposed Plan, none of the Fort Morgan tracts would be available for exchange or other disposal from Federal ownership.  In the surface tract alternative tables (Table 2-6 through Table 2-12) under Alternative 4, the BLM does not have particular exchanges in mind, but important values may be identified at a later date. This alternative would allow the BLM to exercise that option. Exchanges are open to members of the public, as well as State or local government. Exchanges would be conducted in accordance with the BLM laws and regulations as outlined in the BLM's Land Use Handbook. The potential impacts associated with the lands and realty actions for each of the tracts under the alternatives are evaluated under cumulative impacts, which is based on a reasonably foreseeable scenario developed by the BLM. Site specific NEPA analysis would evaluate impacts on the uses of adjacent lands, homes, and businesses.</p>
<p>l. What would be the benefits or drawback, of relinquishing federal ownership of the Fort Morgan tracts? How would disposal of Fort Morgan highway tracts, affect (impact) the people that have to drive across BLM land, to get to their homes, a small strip mall and volunteer fire station?</p>	<p>In the surface tract alternative tables (Table 2-6 through Table 2-12) under the revised Alternative 3, which is the Proposed Plan, none of the Fort Morgan tracts would be available for exchange or other disposal from Federal ownership. Thus, existing rights would be maintained and existing uses would be authorized. The potential impacts associated with the lands and realty actions for each of the tracts under the alternatives are evaluated under cumulative impacts, which is based on a reasonably foreseeable scenario developed by the BLM.</p>
<p>n. Western BLM offices address the management of their lands in, near or adjacent to towns. Their RMP decisions are based on public input and the analysis conducted in their RMP's. Is this an instance, where JFO needs to select an alternative to keep (retain) the highway tracts, when it makes</p>	<p>The management of the surface tracts, including those near or adjacent to towns, is included in the Draft RMP-EIS. Alternatives were developed based on professional knowledge and any input provided by the public. Impact analysis was provided in Chapter 4 of the Draft RMP-EIS.</p>

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<p>decisions for the AL-MS RMP-EIS?</p> <p>1. Page 1-2, footnote 1, last sentence. "In the case of metes and bounds and lot number descriptions, <b>the acreage reflects that of the entire section</b> associated with the description, otherwise known as "nominal acreage." (Bold added for emphasis.)</p> <p>Even though 5, 10, 20, 40, 80, or 120 acres may have been leased in the section (nominal acreage)—the entire section (about 640 acres) was included in the total acreage leased for oil and gas development. How many times did JFO staff count the whole section and not the "nominal acreage" that was leased in the section? This approach <b>inflates the amount of leased acreage presented in the draft plan</b>. The question is, by how much?</p> <p>What's the actual acreage that's been leased for BLM oil and gas minerals? How much of a difference is there, between what's actually leased and the numbers used in the draft plan? Change the acreage numbers, to accurately reflect what's currently leased for oil and gas.</p>	<p>The RMP was developed with existing information without additional adjudication of land title records. The aliquot part methodology described in Chapter 1 (Table 1, footnote 1) does tend to inflate acreage, but it does also assure that mineral ownership is accounted for and that potential impacts on resources are identified and considered. This methodology did not affect the number of wells anticipated or amount of disturbance expected.</p>
<p>2. Page 1-2, footnote 1, first sentence. "Where one or more mineral resource categories are Federally-owned, <b>the acreage is listed as if all minerals are Federally-owned.</b>"</p> <p>See the previous comment. This approach inflates the amount of acreage presented for BLM minerals? Again the question is asked—by how much? Based on this and other statements in the plan, JFO makes a good case for not knowing how much or where their minerals are.</p> <p>Further, how does this approach account for those instances, where BLM owns a percentage of the minerals? In some cases, BLM owns less than 50 percent of the minerals. When the government owns so little of the minerals, why doesn't the BLM dispose of them?</p> <p>Minerals planning needs to be done in the AL-MS Plan, to allow for the future disposal of these minerals. JFO staff knows these mineral leases are. Include information in the document, for these leases. Include management policy, alternatives and impact analysis for the future disposal of these minerals.</p>	<p>All categories of FMO were included, and fractional Federal interests were included. Acreage was not counted more than once. This methodology did not affect the number of wells anticipated or amount of disturbance expected.</p>
<p>3. Page 2-6, 2nd paragraph, 1st sentence. "After this plan is approved it is expected that additional FMO will be identified or acquired." (Bold added for emphasis.)</p> <p>To acknowledge and state that JFO expects to find FMO it has missed, is an <b>admission of incomplete minerals data in the Draft AL-MS RMP-EIS</b>. This, by itself raises serious questions, as to how complete and reliable the data is. Add to that, questions about <b>inflating FMO acreage numbers</b> in Tables 1-1 and 1-2 and the entire mineral's section is fatally flawed and unusable. If planning wasn't performed for all the FMO, then the corresponding question</p>	<p>The RMP was developed with existing information without additional adjudication of land title records. The aliquot part methodology described in Chapter 1 (Table 1, footnote 1) does tend to inflate acreage, but it does also assure that mineral ownership is accounted for and that potential impacts on resources are identified and considered. This methodology did not affect the number of wells anticipated or amount of disturbance expected.</p> <p>The RMP is a living document and can be modified by maintenance actions and adaptive management, or Plan amendments, if needed, as discussed in</p>

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<p>can be asked. How much BLM planning was performed for FMO that doesn't exist?</p>	<p>Appendix K.</p>
<p>4. Page 1-2, Table 1-1, D. Lands of uncertain title.                      If minerals analysis will be conducted on a statewide basis, why weren't the 3,057 acres included with the <b>159-acre figure</b> listed in Table 1-1? As is shown in Table 1-1 and noted in footnote 5, <b>JFO didn't perform land use planning for 3,057 acres of BLM land (or minerals)</b> in Alabama. (The same is true for 5,047 acres in Mississippi.)                      If minerals analysis will be conducted on a statewide basis, include the 3,057 (and 5,047) acres in Tables 1-1 and 1-2. Make the necessary text changes in this and other, sections of the draft plan, preferably in another draft.</p>	<p>The BLM decided to exclude lands of uncertain title when developing resource management alternatives. Historic and current indications are that the private claims on most of these lands will prove to be valid and result in the eventual sale of the tracts under the Color-of-Title Act. Therefore, it is expected that most of this land is not Federal land, and thus should not be included in the RMP-EIS.</p>
<p>5. Page 1-2, Table 1-1, <b>C. Federal agency...Federal minerals.</b>                      JFO didn't include acreage figures, for the federal minerals under each surface managing agency or their special management areas. There's no way to know, how JFO staff came up with the 10,220 acre figure in Table 1-1.                      The following acreage figures were found for six of the 14 special management areas (SMAs) listed in Table 3-8 (see pages 3-35 and 3-36). Except for the Little River Canyon Preserve, there wasn't information on the amount of federal land in the refuges and military installations. These acreage figures are for the total acreage in the SMA.  <b>Little River Canyon Preserve</b>  <b>14,000 acres</b>  <a href="http://www.nps.gov/archive/liri/Acreage/Acreage.htm">http://www.nps.gov/archive/liri/Acreage/Acreage.htm</a>                      Bon Secour National Wildlife Refuge                      7,000 acres  <a href="http://www.fws.gov/bonsecour/">http://www.fws.gov/bonsecour/</a>  <b>Wheeler National Wildlife Refuge</b>  <b>35,000 acres</b>  <a href="http://www.fws.gov/wheeler/info/facts.htm">http://www.fws.gov/wheeler/info/facts.htm</a>  <b>Fort McClellan Military Reservation</b>  <b>45,679 acres</b>  <a href="http://www.globalsecurity.org/military/facility/fort-mcclellan.htm">http://www.globalsecurity.org/military/facility/fort-mcclellan.htm</a>  <b>Anniston Army Depot</b>  <b>15,000 acres</b>  <a href="http://www.anad.army.mil/history.shtml">http://www.anad.army.mil/history.shtml</a>  <b>Redstone Arsenal</b>  <b>37,910 acres</b></p>	<p>The acreage for Federal agency surface land–Federal minerals indicated in Draft RMP-EIS Table 1-1 (10,220 acres) is derived from the acreages contained in Table 3-7 in Chapter 3 of the document, which includes 1,495 Department of Defense (DoD) acres; 3,300 NPS acres; 3,384 USFWS acres; and 2,041 acres for other Federal agencies. Acreage in the tables includes only the confirmed FMO beneath the surface acreage.</p>

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<p><a href="http://www.garrison.redstone.army.mil/sites/about/facts.asp">http://www.garrison.redstone.army.mil/sites/about/facts.asp</a></p> <p>Total 154,589 acres</p> <p>Based on the amount of land in these special management areas, there's more than 10,220 acres of federal minerals, under surface managing agency lands. There's <b>10,338 acres</b> of federal land in the Little River Canyon Preserve.</p> <p>In addition to the omission of acreage figures, for special management areas, the list in Table 3-8 isn't complete. For example, only two of the 11 national wildlife refuges (NWRs) are listed in Table 3-8. See the attached map, for a list of the surface managing agencies and their special management areas (see <a href="http://nationalatlas.gov/printable/images/pdf/fedlands/al.pdf">http://nationalatlas.gov/printable/images/pdf/fedlands/al.pdf</a>).</p>	
<p>6. It's noted on page 2-1 "Oil and gas leasing of BLM-administered non-United States Forest Service (USFS) Federal mineral ownership (FMO) could occur anywhere in the state (Alabama); therefore a statewide perspective is needed. . ."</p> <p>If a statewide approach is used, JFO staff needs to compile a complete list of surface managing agencies. Include the (1) federal minerals acreage, for each special management area, (2) Corps of Engineer lands and facilities and (3) each agency's leasing stipulations, for each special management area.</p> <p>Based on <b>the federal laws that established wildlife refuges, national parks, military installations</b>, etc., how much of the federal minerals are open or legally closed to leasing and development? How much of the mineral acreage, inside these special management areas, was leased before the refuge, park, installation, etc. was established? The Grand Gay NWR was established in 1992. The Kay Cave NWR was established in 1997. The Cahaba River NWR was established September 25, 2002 and the Mountain Longleaf NWR in May 29, 2003.</p> <p>It's assumed the same type of errors are in Tables 1-2 and 3-17. Just as with the surface managing agencies in Alabama, complete and correct information needs to be presented for Mississippi.</p>	<p>The acreage for Federal agency surface land–Federal minerals indicated in Draft RMP-EIS Table 1-1 (10,220 acres) is derived from the acreages contained in Table 3-7 in Chapter 3 of the document, which includes 1,495 DoD acres; 3,300 NPS acres; 3,384 USFWS acres; and 2,041 acres for other Federal agencies. The same applies for Table 1-2 and Table 3-16 for Mississippi.</p> <p>Acreage closed to leasing is identified in Table 2-3 and Table 2-4.</p>
<p>7. Pages 1-1 and 1-2, Tables 1-1 and 1-2. Pages 2-10 through 2-17, Tables 2-3 and 2-4.</p> <p>A <b>10,220 acre figure</b> is presented in Table 1-1, while an <b>8,179 acre figure</b> is presented in Table 2-3. Why are the numbers different? Based on the information in the tables, there's no way of knowing what happened to the 2,041 acres.</p> <p>Are there errors, in the numbers used in the tables? Or did JFO staff develop leasing stipulations for 2,041 of the 10,220 acres? If so, there's no way of knowing, which leasing stipulations apply to surface managing agency lands.</p>	<p>The 10,220 acres in Table 1-1 indicate the total acreage for Federal agency surface land–Federal minerals while the 8,179-acre figure in Table 2-3 represents the amount of these lands where leasing is not allowed. The remaining area (2,041 acres) is included as part of the 305,640 acres open to leasing subject to standard lease terms and conditions. The same applies to the acreages for Mississippi indicated in Table 1-2 (116,350 acres) and Table 2-4 (63,004 acres).</p> <p>As part of the planning process, the surface managing agencies were contacted regarding information on mineral leasing on their lands. That information is included in Tables 3-8 and 3-17. Additionally, Section 2.3.12</p>

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<p>Did surface managing agencies review, and agree to BLM stipulations developed for their lands? Where are agency leasing stipulations? They need to be included in BLM's draft plan.</p> <p>There's an even bigger discrepancy, for the federal minerals under surface managing agencies in Mississippi. A 116,350 acre figure is presented in Table 1-2, while a <b>63,004 acre figure</b> is presented in Table 2-4. Why is there such a big difference in the acreage numbers?</p> <p>Did JFO staff develop leasing stipulations for <b>53,346</b> of the 116,350 acres? If so, there's no way of knowing, which leasing stipulations apply to surface managing agency lands. Did surface managing agencies review, and agree to BLM stipulations developed for their lands? Where are agency leasing stipulations? They need to be included in BLM's draft plan.</p> <p>Clearly present the geographic location for each (1) surface managing agency and (2) the areal extent of the leasing stipulations on their lands. Provide information in the text, to distinguish between leasing stipulations for (1) surface managing agency lands and (2) other surface owners, i.e., private, state, Indian, BLM, etc. Also include the number of active, shut in and plugged and abandoned (P&amp;A'd) wells on each special management area.</p>	<p>indicates that "the BLM would apply stipulations to oil and gas leases as determined through this plan; however, surface management agencies may provide their own stipulations that would be attached to a lease during the lease approval process."</p>
<p>8. JFO's Reasonable Foreseeable Development Scenario, for oil and gas leasing and development (drilling) in Alabama and Mississippi, doesn't comply with BLM's Special Program Guidance (1624) for preparing RFDSs. As a result, there's very little leasing and development information in the draft plan.</p> <p>Hundreds-of-thousands of acres, of leasing stipulations were developed for Tables 2-3 and 2-4. Based on the type, number and extent of the <b>wildlife and T&amp;E leasing stipulations</b>, it looks like they were developed for <b>an undeveloped oil and gas basin</b>.</p> <p>Based on the long history of oil and gas development in Alabama and Mississippi, how much unleased, federal mineral acreage is there? How many federal leases are there? Of that number, how many are held by production, i.e., one commercially producing well on the lease? How many of the leases are 10-year leases? When will they expire? Where are the leases located in Alabama?</p> <p>Without this information, there's no way of knowing how much of the federal minerals would be available for leasing, during the 20-year life of the plan. <b>The development of BLM's proposed, wildlife leasing stipulations are meaningless, if very little of the 705,183 acres will be available for leasing, during the life of the plan.</b></p> <p>There's no way to (1) perform impact analysis and (2) assess the effectiveness of the numerous leasing stipulations. <b>This may have been a paperwork exercise that will have little bearing, if any, on future oil and gas</b></p>	<p>The Reasonable Foreseeable Development Scenario (RFDS) is based on 20 years of previous oil and gas activity on Federal mineral estate within the two States. The RFDS was prepared in 2004, and the number of wells drilled on Federal mineral estate continues to be consistent with that RFDS projection, even with the current oil and gas market.</p> <p>The wildlife and T&amp;E stipulations were developed in consultation with USFWS. All acreage was appropriately included in the analysis whether currently or previously leased. Current leases may expire before development occurs. The stipulations would be applicable to new leases.</p>

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<p><b>leasing of federal minerals in Alabama and Mississippi.</b></p>	
<p>9. Page 3-30, 2nd paragraph, last sentence. "As of April 2005, there were 31 active oil and gas wells on BLM-administered non-USFS FMO according to data from the Automated Fluid Mineral Management System." (Bold added for emphasis.)</p> <p>Based on the problems with the document, how correct is the well number? Since the well information is based on April 2005 data, what's the current active well number? How many wells are shut in? How many wells have been P&amp;A 'd? In addition to AFMMS data, what information is presented in LR 2000?</p> <p>Where is the active, shut and P&amp;A'd wells in the Warrior and Southern Alabama Basins? How many of the active, shut in and P&amp;A'd wells are on surface managing agency lands? Provide this information for each agency's special management area.</p>	<p>April 2005 data were used as baseline information for development of the Draft RMP/EIS and was provided in Chapter 3. This plan is part of a multi-year process and the current situation may differ from the baseline data initially gathered for the document. Current AFMMS data indicates no significant change from the 2005 data. The data will be reevaluated during the 5-year RMP evaluation, and, if changes are necessary, they will be addressed at that time, as discussed in Appendix K.</p> <p>The information on wells that is presented in the RMP-EIS was adequately detailed for the analysis of the alternatives.</p>
<p>1. Abstract, page i, 1st paragraph, 2nd sentence, ". . . and 704,850 acres of Federal minerals. . ."</p> <p>Are the 704,850 acres federal oil and gas acreage? If so, say so. The question is raised, because Alabama coal is mentioned in the draft plan. How many acres of BLM coal are there in Alabama?</p>	<p>This acreage includes Federal oil, gas, and coal. Therefore, the use of the broad term "Federal minerals" is appropriate. A description of the coal in Alabama was provided in Chapter 3, Section 3.2.10, of the Draft RMP-EIS. Consideration of Alabama coal leasing in this RMP is limited to the Warrior Coal Field. Within the Warrior Coal Field, the BLM retains 70,610 acres of coal mineral rights.</p>
<p>2. Abstract, page i, 1st paragraph, 2nd sentence, "BLM also has responsibility for 126,570 acres of mineral estate where the surface is managed by other Federal agencies..."</p> <p>What do you mean, when you say BLM has responsibility for the minerals under surface managing agencies? Is BLM saying it's responsible for the planning work, for the federal minerals under surface managing agency lands?</p> <p>How much involvement have other agencies had in the preparation of BLM's draft plan? Have they supplied information that's been used in the plan? Were they contacted? These questions are raised, because it looks as though there wasn't any input from surface managing agencies.</p> <p>Based on the answers to these questions, make the appropriate text changes in Chapters 1 and 2. Rewrite this sentence, to clearly state what BLM is legally responsible for doing on the 126,570 acres of federal minerals. See <b>General Comment C5</b> on the 126,560-acre figure for surface managing agencies.</p>	<p>The BLM administers the mineral estate under other surface-managing agencies, which includes planning for the mineral leasing and permitting oil and gas wells. The surface-managing agencies are responsible for the surface uses. As discussed in Chapter 2, Section 2.3.12, "BLM-administered non-USFS FMO under the jurisdiction of another Federal surface managing agency would be available for exploration and development as directed by the surface managing agency. ... the BLM would apply stipulations to oil and gas leases as determined through this plan; however, surface management agencies may provide their own stipulations that would be attached to a lease during the lease approval process."</p> <p>During the planning process, surface managing agencies were contacted to determine mineral leasing restrictions. Information provided from these agencies was included in Tables 3-8 and 3-17. As it relates to management, the BLM would apply stipulations to oil and gas leases as determined through this RMP; however, surface management agencies may provide their own stipulations that would be attached to a lease during the lease-approval process (See Section 2.3.12).</p>

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<p>3. Abstract, page i, 1st paragraph, 3rd sentence, "For the purposes of this document, RMP mineral leasing decisions will apply to "BLM-administered non-USFS federal mineral ownership (FMO), which refers to BLM-administered Federal minerals where the surface estate is in non-Federal ownership and Federal agencies excluding USFS." (Bold added for emphasis.)</p> <p>This is a very confusing statement. <b>Can BLM make leasing decisions, for the minerals under surface managing agencies?</b> Since leasing decisions influence the impacts on surface managing agency lands, don't the agencies make the leasing decisions?</p> <p>Don't the agencies develop their own leasing stipulations? If so, what's done with the leasing-stipulations developed by BLM staff? Did the agencies review BLM's leasing stipulations for the minerals under their lands? Did they get the opportunity to agree or disagree to BLM leasing stipulations, or do they have no say in the matter? Surface managing agency leasing stipulations, need to be included in the draft plan.</p> <p>Based on the answers to these questions, make the appropriate text changes in Chapters 1 and 2. Rewrite this sentence. Clearly state BLM's role and its RMP decisions, in the leasing of federal minerals under surface managing agencies.</p>	<p>The BLM can make leasing decisions considering the recommendations of the surface managing agency. The surface managing agency plans for the surface uses of the lands. During Plan implementation the BLM would consult with the surface managing agency before leases are approved. Both the BLM and surface managing agency stipulations would be applied to the lease.</p>
<p>4. ES-1, 1st paragraph, 4th sentence, "On these lands, oil and gas leasing of Federal minerals is subject to management as directed by the surface managing agency, and the <b>decisions of this RMP will pertain only to BLM's role in administering the minerals.</b>" (Bold added for emphasis.)</p> <p>See the previous comment. Based on the statement that ". . .<b>oil and gas leasing of Federal minerals is subject to management as directed by the surface managing agency.</b> . . ." will each agency make the leasing decisions, for the minerals under their lands? If not, why not? Who makes the decision for leasing minerals under surface managing agencies? What does it mean, when it says ". . .<b>decisions of this RMP will pertain only to BLM's role in administering the minerals?</b>"</p> <p>Based on the answers to these questions, make the appropriate text changes in Chapters 1 and 2. Rewrite this sentence. Clearly state how BLM's RMP decisions influence any aspect of the leasing and development, of federal minerals under surface managing agency lands.</p>	<p>As it relates to management, the BLM would apply stipulations to oil and gas leases as determined through this RMP; however, surface management agencies may provide their own stipulations that would be attached to a lease during the lease-approval process (See Section 2.3.12).</p> <p>The BLM can make leasing decisions for the minerals with the consent of surface managing agencies. The surface managing agency plans for the surface uses of the lands. During Plan implementation the BLM would obtain consent before leases are approved. Both the BLM and surface managing agency stipulations would be applied to the lease.</p>
<p>5. Page ES-2, paragraph 4, 1st sentence. "There would be 760,452 acres of BLM administered non-USFS FMO that would be open to oil and gas leasing, since an additional 365 acres would be closed to protect habitat for the Federally-listed Alabama beach mouse."</p>	<p>The 365 acres, derived from Natural Heritage Program GIS data, includes all of the Fort Morgan Beach and Highway tracts, and FMO beneath both private surface and the Bon Secour NWR FMO that is Alabama beach mouse suitable habitat or Federally designated critical habitat.</p>

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<p>The 365-acre number applies to the federal minerals in Alabama (see Table 2-3). How was the 365-acre number developed? If you subtract 365 from 760,570 acres, the acreage number is 760,205 acres-not 760,452 acres. If the 760,205 acre number is correct, make the appropriate text changes in this and other sections of the draft plan.</p> <p>Where are the 365 acres of land that's closed to oil and gas leasing? How much of the 365 acres have been leased for oil and gas development? If leased, how much is held by production? If 10-year leases were issued, when will they expire?</p> <p>A total of 333 acres of BLM land is analyzed in the draft plan. Of the 333 acres, there are 159 acres of BLM land in Alabama? Are all the Alabama lands closed to leasing, to protect the Alabama beach mouse? If so, where are they? Where are the remaining 206 acres that are closed to oil and gas leasing?</p> <p>Based on the answers to these questions, does the 365 acre number need to be changed? If it does, make the appropriate text change in this and other sections of the draft plan.</p>	<p>The 760,452-acreage figure is correct and is derived from Tables 2-1 and 2-2. Tables 2-3 and 2-4 contain acreage associated with each lease stipulation; however, some of those acreages include overlaps. Because of these overlaps, acreages associated with each individual lease stipulation are not additive (as explained in the footnote in Tables 2-3 and 2-4) and cannot be compared directly to Tables 2-1 and 2-2. In the case of Alabama beach mouse habitat, the closure of Alternative 2 overlaps with USFWS closure that is included in all of the Alternatives. The area open to leasing for this alternative cannot be determined by simply subtracting the Alabama beach mouse habitat of 365 acres from the summary acreage presented under Alternative 1. A clarifying statement regarding the area closed to minerals development was included in the executive summary and Section 2.4 of the Proposed RMP-Final EIS.</p>
<p>6. Page ES-2, last paragraph, last sentence, "Restrictions on use after disposal would be provided in the patent transferring ownership. Valid existing rights and other valid authorizations would be protected if disposal occurred."</p> <p>What are other valid authorizations? Can they legally be included in land patents? Since the public isn't knowledgeable about patents, valid existing rights and <b>other valid authorizations</b>, (1) provide information on these terms and (2) the process for restricting uses in patents. Provide information on what can legally be included and enforced in a land patent.</p>	<p>"Other valid authorizations" is intended to be all-inclusive to protect all valid existing uses in case of disposal. Section 208 of FLPMA gives the BLM authority to issue patents or other documents of conveyance with conditions and covenants as deemed necessary to protect the public interest. The conditions would constitute a covenant running with the land, which means it stays with the property after resale. Covenants are legally enforceable, and compliance would be part of plan implementation. Compliance would be similar to the compliance program used for lands patented under the Recreation and Public Purposes Act. Under this program there are regular compliance examinations followed by legal action, if necessary.</p>
<p>7. Page 1-2, Table 1-1, B. <b>Non-Federal surface land–Federal minerals</b>. Of the 303,440 acres, how much of the surface is privately owned? Who is the other, <b>non federal surface owners</b>? Provide the amount of acreage for each surface owner.</p>	<p>Non-Federal surface ownership includes private, State, county, and similar entities that are not Federal agencies. Most are private individuals. These non-Federal entities were grouped as one category because it was deemed not necessary or relevant for the analysis to further categorize them.</p>
<p>8. Page 1-2, Table 1-1, E. <b>USFS land-Federal minerals</b> (585,394 acres). It's repeatedly stated in the draft plan. The USFS is responsible for the land use planning of its minerals—not BLM. Why are this category and acreage included in Tables 1-1 and 1-2? Because they do their own minerals planning, drop USFS information from the table.</p>	<p>Planning for Federal mineral estate is very confusing for many people. The USFS is the only agency where the BLM defers planning for leasing of Federal mineral estate. However, the BLM has the responsibility to issue the leases, as well as post-lease activities, including applications for permit to drill (APDs). USFS acreage was included for disclosure and was considered as part of the cumulative impact analysis.</p>
<p>9. Page 1-3, Table 1-1, footnote 5, ". . . At the same time, surface and minerals management actions and development activities anticipated on these lands</p>	<p>The projected well numbers for USFS, as well as non-Federal surface owners, over the next 20 years are included in the cumulative impact analysis in</p>

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<p>will be taken into account for purposes of cumulative impact analysis."</p> <p>What are the projected well numbers, each year for the next 20 years, for each national forest in Alabama? How much of the BLM-administered minerals are located near national forests? If the BLM-administered minerals are as scattered as BLM land tracts, is there really a cumulative impact analysis of USFS, BLM and other, federal minerals?</p> <p>Finally, the impacts of <b>30 wells or 5.30 acres per year</b> are so negligible. It's not reflected in the cumulative impact analysis. With so few wells and acres of disturbance, BLM's cumulative impact analysis, is an analysis for the future leasing and development of USFS minerals?</p> <p>If BLM is going to do cumulative impact analysis, shouldn't it do it for wells drilled to private, state, Indian, BLM-administered and USFS minerals—adjacent to and within a five-mile radius BLM-administered leases? Drop the cumulative impact analysis for <b>all</b> the USFS minerals.</p>	<p>Section 4.4. All anticipated wells within each State (all Federal and non-Federal) were included as part of the cumulative impact analysis.</p>
<p>10. Pages 1-4 and 1-5, Map 1-1 and 1-2.</p> <p>The information presented in these maps can't be seen. The maps are worthless. Consider presenting the information on two maps, one for the northern half of the state and one for the southern half of the state. If the information is still too small to be seen easily and understood, consider other options for visually presenting the information. It's important information and needs to be presented in an easy to read and understandable format.</p>	<p>Unfortunately, statewide planning does not allow for detailed maps. The maps were produced in this fashion in consideration of printing costs and reducing page volume. However, more detailed maps could be made available to the public if requested.</p>
<p>11. Page 2-10, last paragraph, 2nd sentence, "It is expected that 20 wells...(BLM Mineral Report 2005)."</p> <p>Isn't this a 2004 report? Although cited in the text, the report isn't listed in the References section. Make the appropriate text changes in the document.</p>	<p>The full citation, which has been added to the Proposed RMP-FEIS, is "United States Department of the Interior, Bureau of Land Management (BLM), 2004b. Mineral Report: Reasonable Foreseeable Development, Lands Involved: Non-Forest Service Federal Lands in the States of Alabama and Mississippi. BLM, April 6, 2004." The citation in chapter 2 has been changed to 2004b.</p>
<p>12. Page 2-1 and 2-2 and Tables 2-10 and 2-11.</p> <p>How much mineral acreage is addressed in the draft plan? When you add the 704,850 and 126,570 acreage numbers in the Abstract, the total is 831,420 acres. When you add the (total) acreage numbers in Tables 2-1 and 2-2, the total is 831,753 acres.</p> <p>A 704,850 acre number is found on (1) page i of the Abstract, (2) page ES-1 of the Executive Summary and (3) at the bottom of page 1-1. A 760,570 acre number is presented on pages ES-2 and ES-3. Finally, if you subtract the 126,570 acre number from the 831,753 acre number in Tables 2-1 and 2-2, you get a 705,183 acre figure. Which is the correct acreage number? Make the necessary text changes.</p>	<p>The total mineral acreage addressed in this plan is 313,819 acres for Alabama and 517,934 acres for Mississippi. The grand total acreage is 831,753 acres in both States. As stated in the Abstract, "Within the two States combined, the BLM administers approximately 333 acres of public land surface and mineral estate and 704,850 acres of Federal minerals where the surface estate is in non-Federal ownership. The BLM also has responsibility for 126,570 acres of mineral estate where the surface is managed by other Federal agencies (excluding the BLM and U.S. Forest Service [USFS])." If all of the acres in this sentence were added, the final total would equate to 831,753 acres.</p>
<p>13. Page 3-1, 3rd paragraph, 1st sentence. "Oil and gas leasing of BLM-administered non-United States Forest Service (USFS) Federal mineral</p>	<p>The RMP is intended to cover BLM-administered lands throughout both States. Therefore, Statewide perspectives are needed to address the</p>

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<p>ownership (FMO) could occur anywhere in the State; therefore, a statewide perspective is needed to cover the full geographic range for the environmental baseline."</p> <p>Future oil and gas leasing is expected to occur in the <b>Warrior Basin and the Southern Alabama Basin</b> (see page 3-30). Based on this and the county information presented on Map 3-2, information isn't needed for the entire State of Alabama.</p> <p>BLM and contract staff need to rewrite Chapter 3. Focus on the environment in the <b>Warrior Basin and Southern Alabama Basin</b>. Make these changes for each section in Chapter 3, preferably in another draft plan. When these changes are made, the Affected Environment section should more accurately reflect, the resources and environment that could be impacted by future oil and gas development.</p>	<p>scattered mineral estate. Focusing the affected environment exclusively on the Warrior Basin and Southern Alabama Basin would not allow for a sufficient baseline for some resources. The analysis, however, does appropriately focus on these areas where most development is anticipated.</p>
<p>14. Page 3-1, 5th paragraph, 1st sentence. "Oil and gas leasing of BLM-administered non-USFS FMO could occur anywhere in the State; therefore, a <b>statewide perspective</b> is needed to cover the full geographic range for the environmental baseline."</p> <p>Future oil and gas leasing is expected to occur in the <b>Salt Basin and Coastal Plain in Mississippi</b> (see page 3-76). Based on this and the county information presented on Map 3-2, information isn't needed for the entire State of Mississippi.</p> <p>BLM and contract staff need to rewrite Chapter 3. Focus on the environment in the <b>Salt Basin and Coastal Plain in Mississippi</b>. As with the previous comment, make these changes for each section in Chapter 3, preferably in another draft plan. These changes should more accurately reflect the resources and environment that could be impacted by future oil and gas development.</p>	<p>The RMP is intended to cover BLM-administered lands throughout both States. Therefore, Statewide perspectives are needed to address the scattered mineral estate. Focusing the affected environment exclusively on the Warrior Basin and Southern Alabama Basin would not allow for a sufficient baseline for some resources. The analysis, however, does appropriately focus on these areas where most development is anticipated.</p>
<p>15. Page 3-30, 3rd paragraph and page 3-32, 3rd paragraph, 3rd sentence (BLM 2004).</p> <p>Although cited in the text, this BLM document isn't listed in the References section. What kind of document is it? Who wrote it? How long is the document? How can people get a copy of the document? Make the appropriate text changes.</p>	<p>The full citation, which has been added to the Proposed Plan and Final EIS, is "United States Department of the Interior, Bureau of Land Management (BLM), 2004b. Mineral Report: Reasonable Foreseeable Development, Lands Involved: Non-Forest Service Federal Lands in the States of Alabama and Mississippi. BLM, April 6, 2004." This report summarizes potential mineral development projected for the planning period and can be obtained at the BLM Jackson Field Office.</p>
<p>17. Page 3-35, Table 3-8.</p> <p>Move this table into the minerals section. Give specific information on each surface managing agency and the special management areas listed in the table. Give the size (acreage) of each refuge, park, installation, etc.</p> <p>How much acreage is (1) opened to leasing without any leasing constraints,</p>	<p>This table was included under "Recreation" to analyze impacts to this resource. The information presented is complete and accurate for the purposes of the analysis contained in the RMP-EIS.</p>

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<p>(2) opened to leasing with constraints or (3) closed to leasing. Where are the leasing stipulations from other surface managing agencies? How many wells are there on each special management areas? Again, relate all of the minerals information to its location, in the Warrior Basin and Southern Alabama Basin. Do the same for the Salt Basin and Coastal Plain in Mississippi. Drop USFS minerals from this table.</p>	
<p>18. Page 3-44, 5th paragraph, 3rd sentence. "Boardwalks partially destroyed by Ivan may be rebuilt."</p> <p>There are at least two boardwalks on Fort Morgan beach tracts. There isn't any information about them in the draft plan. Where are they located on the beach tracts? How long are they? What's the current condition of the boardwalks? Have they been rebuilt?</p> <p>Since the boardwalks weren't authorized and permitted by JFO staff is JFO staff going to allow unauthorized boardwalks to be rebuilt on the beach tracts? Update this information to correctly present the current situation on the boardwalks.</p>	<p>Boardwalks on the Fort Morgan beach tracts were destroyed by Hurricane Ivan. Reconstruction of a boardwalk on the tract within the Bon Secour Refuge (Lots 73 and 74) was authorized. There are no other boardwalks on the Fort Morgan tracts.</p>
<p>19. Page 3-46, 2nd paragraph, last sentence. "Other than the ROW reserved by the small tract classification, there are no authorized uses on the Fort Morgan beach tracts."</p> <p>In addition to unauthorized boardwalks, there's a small, unauthorized parking area on lot 54 in section 27. Part of a paved road may be within the northern boundary of lots 54 and 55 in section 27. The beach tracts are used by the public for recreational activities. Whether they're authorized or not, include text on the structures and uses on each beach tract.</p>	<p>Tract descriptions have been revised to include more detailed information in Sections 3.3.2 and 3.3.3. However, this plan is part of a multi-year process, and the actual situation may differ from the baseline data gathered for the document.</p>
<p>20. Page 3-48, 3rd paragraph, last sentence. While the BLM plats of survey identified the parkway as separate lots, there is no record that BLM granted any ROW or other authorized uses within the parkway lots."</p> <p>There are power lines and pipelines, outbuildings, roads and other uses of Fort Morgan highway tracts. People have to drive across BLM land to get to their homes, a small strip mall and volunteer fire station? Whether they're authorized or not, include text on the structures and uses on each highway tract. Include text on the structures and uses on the lands adjacent to BLM's highway tracts.</p>	<p>Tract descriptions have been revised to include more detailed information in Sections 3.3.2 and 3.3.3. However, this plan is part of a multi-year process, and the actual situation may differ from the baseline data gathered for the document.</p>
<p>21. Page 3-52, 6th paragraph, last sentence. "By 1960, all of the small tracts had sold, and several small houses of fishing camps, were built on these lots adjacent to the BLM Jordan Lake tract."</p> <p>There are small houses and other structures on the Jordan Lake tract. There are also a paved road and a locked gate that may prevent access to BLM land. <b>The terrain precludes the construction of homes, fish camps and other</b></p>	<p>Available information on the surface tracts was provided in Chapter 3. cursory field examination or a map reference is not adequate to determine if any structures encroach on the tract. An official boundary survey will be required, but has not yet been completed.</p>

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<p><b>structures on land adjacent to the Jordan Lake tract.</b> See Map 2-6 on page 2-38. Whether they're authorized or not, include text on the structures and uses on the Jordan Lake tract.</p>	
<p>22. Chapter 4, Environmental Consequences.</p> <p><b>A 438-page document</b> has been prepared for the Draft AL-MS RMP. Of that, <b>122 pages</b> were devoted to the environmental impacts of (1) transferring the management or disposing of 333 acres and (2) 5.30 acres of oil and gas surface disturbances, each year for 20 years. As per NEPA regulations, document size and the extent of environmental impact analysis, is commensurate with the scope of the proposed action. A 333-acre plan and 30-well drilling program doesn't warrant a 438-page draft RMP-EIS.</p>	<p>RMPs have become increasingly complex and lengthy documents. The templates being used for most RMPs in the BLM have been refined to meet regulatory needs in an effort to meet legal mandates and to withstand legal challenges. We will continue to conduct our planning in an effort to meet applicable requirements and resource management needs.</p>

## 5.4 DISTRIBUTION OF PROPOSED RMP-FEIS

Copies of the Proposed RMP-FEIS will be made available for public review at local libraries and other information repositories throughout the States of Alabama and Mississippi, as well as at the Jackson Field Office and the BLM-Eastern States Office. Prior to publication of the Proposed RMP-FEIS, a postcard announcing the anticipated date of its availability and how to request a hard copy will be sent to everyone on the project mailing list. The Proposed RMP-FEIS will also be available on CD-ROM and accessible for viewing and downloading from the project website ([www.es.blm.gov/AL\\_MS\\_RMP](http://www.es.blm.gov/AL_MS_RMP)). The following agencies, organizations, and individuals have been asked to review the document:

### 5.4.1 Federal Agencies

- U.S. Army Corps of Engineers, Mobile District
- U.S. Army Corps of Engineers, Vicksburg District
- U.S. Department of Agriculture (USDA) Forest Service, National Forests in Alabama
- USDA Forest Service, National Forests in Mississippi
- USDA Natural Resources Conservation Service, Alabama
- USDA Natural Resources Conservation Service, Mississippi
- U.S. Fish and Wildlife Service, Ecological Office, Daphne, Alabama
- U.S. Fish and Wildlife Service, Ecological Office, Vicksburg, Mississippi
- U.S. Fish and Wildlife Service, Atlanta Regional Office
- Bon Secour National Wildlife Refuge
- National Park Service units in Mississippi
- National Park Service units in Alabama
- National Park Service, Atlanta Regional Office
- Federal Energy Regulatory Commission, Atlanta Regional Office

### 5.4.2 Alabama State Agencies

- Alabama Forestry Commission
- Alabama Department of Conservation and Natural Resources
- Alabama Department of Environmental Management
- Alabama Indian Affairs Commission
- Alabama State Historic Preservation Officer
- Alabama Natural Heritage Program
- Alabama State Parks Division
- Alabama State Lands Division
- State Oil and Gas Board of Alabama
- Geological Survey of Alabama

### 5.4.3 Mississippi State Agencies

- Mississippi Development Authority
- Mississippi Department of Archives and History
- Mississippi Department of Environmental Quality
- Mississippi State Historic Preservation Officer
- Mississippi Forestry Commission
- Mississippi Department of Wildlife, Fisheries and Parks
- Mississippi Natural Heritage Commission

## 5.4.4 Local Governments

### Alabama

- All County Governments
- City of Bay Minette
- City of Daphne
- City of Elberta
- City of Fairhope
- City of Foley
- City of Gulf Shores
- City of Loxley
- City of Mobile
- City of Orange Beach
- City of Silverhill
- City of Spanish Fort
- City of Summerdale
- City of Robertsdale

### Mississippi

- All County Governments
- City of Bay St. Louis
- City of Waveland
- City of Diamondhead
- City of Kiln

## 5.4.5 Native American Tribes

- Tunica-Biloxi Tribe
- Mississippi Band of Choctaw Indians
- Poarch Creek Indians
- Eastern Band of Cherokee Indians
- Oklahoma Indians whose homeland was in parts of Mississippi and Alabama
- Choctaw Nation of Oklahoma
- Cherokee Nation of Oklahoma
- United Keetoowah Band of Cherokee Indians
- Chickasaw Nation
- Muscogee (Creek) Nation

## 5.4.6 U.S. Senate

- Hon. Jeff Sessions (Alabama)
- Hon. Richard Shelby (Alabama)
- Hon. Thad Cochran (Mississippi)
- Hon. Trent Lott (Mississippi)

## 5.4.7 U.S. House of Representatives

- Hon. Jo Bonner, Alabama 1<sup>st</sup>
- Hon. Terry Everett, Alabama 2<sup>nd</sup>
- Hon. Mike Rogers, Alabama 3<sup>rd</sup>
- Hon. Robert B. Aderholt, Alabama 4<sup>th</sup>
- Hon. Robert E. Cramer, Alabama 5<sup>th</sup>
- Hon. Spencer Bachus, Alabama 6<sup>th</sup>
- Hon. Artur Davis, Alabama 7<sup>th</sup>

- Hon. Roger F. Wicker, Mississippi 1<sup>st</sup>
- Hon. Bennie G. Thompson, Mississippi 2<sup>nd</sup>
- Hon. Charles W. Pickering, Mississippi 3<sup>rd</sup>
- Hon. Gene Taylor, Mississippi 4<sup>th</sup>

## 5.4.8 Organizations/Industry

- Dauphin Island Park and Beach Board
- Blakeley Historic State Park
- The Islander
- Weeks Bay Reserve
- South Alabama Sewer Service
- Dauphin Island Sea Lab
- The Noel Company
- Dauphin Island Sea Lab
- University of South Alabama
- Chickasabogue Park
- Colonial Bank Centre
- MS/AL Sea Grant Consortium
- Mobile Bay National Estuary Program
- Auburn Marine Extension Center
- Martinique on the Gulf
- The Beach Club
- Gulf Shores Plantation
- Alabama Coastal Foundation
- Fort Morgan Paradise Joint Venture
- Coastcom of Mississippi LLC
- Bubba's Beach House LLC
- The Stirling Family Limited Partnership
- Kelley Bros
- J R J TARA INC
- Fort Morgan Volunteer Fire Department
- R & S LLC
- Wolford Brothers Leasing LLC
- Alabama Power Company
- University of Mississippi
- Mississippi Nature Conservancy

## 5.5 LIST OF PREPARERS

### 5.5.1 Introduction

The Alabama and Mississippi Proposed RMP-FEIS was prepared by a team of specialists from the BLM Jackson Field Office and a contractor, Booz Allen Hamilton, with support from and review by the BLM-Eastern States Office and the BLM Washington Office.

As required by NEPA regulations (40 CFR 1502.17), this section lists the people who were primarily responsible for preparing this EIS and presents their qualifications (Tables 5-2 and 5-3). Booz Allen Hamilton, a contractor selected to prepare the EIS as directed by the BLM, in accordance with 40 CFR 1506.5(c), has certified that it does not have any financial or other interest in the decisions to be made

pursuant to this EIS. In addition to being responsible for the projects and areas listed, many BLM employees also contributed substantial time consulting with other agency personnel in preparing this EIS (see Section 5.2).

**Table 5-2. BLM Preparers**

<b>Contributor</b>	<b>Project Role</b>	<b>Qualifications</b>
Ken Adams	Geologist	B.S., Geology, University of Florida Years of experience: 30
Shayne Banks	Public Affairs Specialist	B.A., History, Mississippi State University Years of experience: 18
Bruce Dawson	Field Office Manager	M.S., Natural Resources Management, Humboldt State University Years of experience: 30
Stuart Grange	Mining Engineer	B.S., Mining Engineering, University of Utah M.B.A., University of Nevada, Reno Years of experience: 19
Brian Kennedy	Physical Scientist (Geographic Information System [GIS] Assistance)	B.S., Geographic Information Technology, University of Southern Mississippi Years of experience: 7
Judith Pace	Archaeologist	B.A., History and Anthropology, University of Mississippi, Oxford M.A., Anthropology, University of Mississippi, Oxford Years of experience: 22
Bob Schoolar	GIS Specialist	B.S., Geophysical Science, Old Dominion University Years of experience: 32
Gary Taylor	Planning and Environmental Coordinator (BLM Contracting Officer Representative)	M.A., Management, Webster University Years of experience: 7
Mary Weaver	Realty Specialist	B.S., Business Administration, Florida State University (3.5 years) Business, University of Maryland Years of experience: 33
Duane Winters	Project Manager	M.S., Forest Hydrology, University of Missouri, Columbia Years of experience: 30
Faye Winters	Wildlife Management Biologist	B.A., Biology, William Woods College Years of experience: 31

**Table 5-3. Booz Allen Hamilton Preparers**

<b>Contributor</b>	<b>Project Role</b>	<b>Qualifications</b>
Erik Anderson	Assistant Project Manager, Minerals/Geology Specialist	B.S., Civil and Environmental Engineering, Utah State University M.S., Environmental Policy and Management, University of Denver (pursuing) Years of experience: 10
Quincy Bahr	Natural and Cultural Resource Specialist	B.S., Natural Resources Management and Planning, University of Utah Years of experience: 9
Michael Ghazizadeh	Minerals Specialist (Coal Screening Report Development)	B.S., Geology, University of Isfahan M.S., Geology, Northeast Louisiana University Ph.D., Geology, University of Tennessee Years of experience: 22
Joel Hanson	GIS and Mapping Specialist	B.S., Geography and Environmental Studies, University of Colorado M.A.S., Environmental Information Management (pursuing), University of Denver Years of experience: 6
Chris Keefe	NEPA Specialist, Technical Review, Soils Sections	B.S., Biology, University of Nebraska Years of experience: 16
Bryan Klyse	Natural Resource Specialist	B.A., Social Science (Environment), San Diego State University M.E.S.M., Environmental Science and Management, University of California, Santa Barbara Years of experience: 9
Melanie Martin	Project Manager, NEPA Lead, Alternatives Development, Technical Review, Natural Resource Specialist	B.S.A., Environmental Protection, West Virginia University M.S., Natural Resource Management, University of Denver Years of experience: 10
Pamela Middleton	Natural Resource Specialist	B.A., Biology (Botany Emphasis), Minor in Environmental Studies and Planning, Sonoma State University M.A.S., Environmental Policy and Management, University of Denver Years of experience: 8
Amanda Pryor	NEPA Specialist, Technical Review	B.A., Biology, Baylor University M.S., Environmental Biology, Baylor University Years of experience: 12
Jason Smiley	GIS and Mapping Specialist	B.S.E.D., Park Administration M.S., Geography Years of experience: 7
Mike Sumner	Document Preparation	B.S., Recreation Resource Management, Utah State University Years of experience: 8

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