

**APPENDIX D:  
FEDERAL, STATE, AND COUNTY REGULATORY REQUIREMENTS  
POTENTIALLY APPLICABLE TO OIL SHALE AND TAR SANDS  
DEVELOPMENT PROJECTS**

*This page intentionally left blank.*

**APPENDIX D:****FEDERAL, STATE, AND COUNTY REGULATORY REQUIREMENTS  
POTENTIALLY APPLICABLE TO OIL SHALE AND TAR SANDS  
DEVELOPMENT PROJECTS****D.1 REGULATORY CITATIONS AND STATUTORY AUTHORITIES**

The tables that follow list the major federal, state, and county laws, Executive Orders, and other compliance instruments that establish permits, approvals, or consultations that may apply to the construction and operation of either an oil shale development project or development within a Special Tar Sand Area on public lands in Colorado, Utah, and Wyoming. The general application of these federal, state, and county authorities and other regulatory considerations associated with such construction and operation are discussed in Chapter 2.

Tables D-1 through D-15 are organized by general environmental impact categories. The citations in the tables are those of the general statutory authority that governs the indicated category of activities to be undertaken under the proposed action and alternatives. Under such statutory authority, the lead federal, state, or county agency may have promulgated implementing regulations that set forth the detailed procedures for permitting and compliance. Table D-16 gives the federal and state leasing and permitting requirements applicable to Colorado, Utah, and Wyoming.

Definitions of abbreviations used in the tables are provided here.

App.	Appendix
BLM	Bureau of Land Management
CCDC	<i>Carbon County Development Code</i> (Carbon County, Utah)
CFR	<i>Code of Federal Regulations</i>
CRS	<i>Colorado Revised Statutes</i>
DCC	<i>Duchesne County Code</i> (Duchesne County, Utah)
ECGP	<i>Emery County General Plan</i> (Emery County, Utah)
ECZO	<i>Emery County Zoning Ordinance</i> (Emery County, Utah)
GCLUC	<i>Grand County Land Use Code</i> (Grand County, Utah)
GCLUR	<i>Garfield County Land Use Resolution (draft)</i> (Garfield County, Colorado)

LCLUR	<i>Lincoln County Land Use Regulations (Lincoln County, Wyoming)</i>
MCMP	<i>Moffat County Master Plan (Moffat County, Colorado)</i>
NA	Not applicable
P.L.	Public Law
RBCLUR	<i>Rio Blanco County Land Use Resolution (Rio Blanco County, Colorado)</i>
RBCMP	<i>Rio Blanco County Master Plan (Rio Blanco County, Colorado)</i>
SCDUDC	<i>Sweetwater County Draft Unified Development Code (Sweetwater County, Wyoming)</i>
SCZDRR	<i>Sublette County Zoning and Development Regulations Resolutions (Sublette County, Wyoming)</i>
SJCZO	<i>San Juan County Zoning Ordinance (San Juan County, Utah)</i>
UCA	<i>Utah Code Annotated (Grand County, Utah)</i>
UCC	<i>Utah County Code (Utah County, Utah)</i>
UCUC	<i>Uintah County Utah Code (Uintah County, Utah)</i>
USC	<i>United States Code</i>
WCLUR	<i>Wayne County Land Use Ordinances and Land Use Regulations</i>
WCC	<i>Wasatch County Code (Wasatch County, Utah)</i>
WS	<i>Wyoming Statutes</i>

**TABLE D-1 Air Quality**

Authority	Citation
Federal	<ul style="list-style-type: none"> <li>• Clean Air Act (42 USC 7401 et seq.)</li> </ul>
Colorado	
State	<ul style="list-style-type: none"> <li>• Air Quality Control (CRS 25-7-101 et seq.)</li> </ul>
County	<ul style="list-style-type: none"> <li>• Garfield County: Air Quality (GCLUR 7-208)</li> <li>• Rio Blanco County: Air (RBCLUR 258)</li> </ul>
Utah	
State	<ul style="list-style-type: none"> <li>• Air Conservation Act (UCA 19-2-101 et seq.)</li> </ul>
County	<ul style="list-style-type: none"> <li>• Carbon County: NA</li> <li>• Duchesne County: Extraction of Earth Products (DCC 17.52.052)</li> <li>• Emery County: NA</li> <li>• Garfield County: NA</li> <li>• Grand County: NA</li> <li>• San Juan County: NA</li> <li>• Uintah County: NA</li> <li>• Utah County: NA</li> <li>• Wasatch County: Prohibition of Undesirable Emissions (WCC 16.28.02)</li> <li>• Wayne County: NA</li> </ul>
Wyoming	
State	<ul style="list-style-type: none"> <li>• Air Quality (WS 35-11-201 et seq.)</li> </ul>
County	<ul style="list-style-type: none"> <li>• Lincoln County: NA</li> <li>• Sublette County: Air Quality (SCZDRR Ch. III, Sec. 17)</li> <li>• Sweetwater County: NA</li> <li>• Uinta County: NA</li> </ul>

**TABLE D-2 Cultural Resources and Native Americans**

Authority	Citation
Federal	<ul style="list-style-type: none"> <li>• Native American Graves Protection and Repatriation Act (25 USC 3001 et seq.)</li> <li>• American Indian Religious Freedom Act (42 USC 1996 et seq.)</li> <li>• Archaeological Resources Protection Act (16 USC 470(aa) et seq.)</li> <li>• Archaeological and Historic Preservation Act (16 USC 469 et seq.)</li> <li>• Historic Sites, Buildings, and Antiquities Act (Historic Sites Act) (16 USC 461 et seq.)</li> <li>• Antiquities Act (16 USC 431 et seq.)</li> <li>• National Historic Preservation Act (16 USC 470 et seq.)</li> <li>• Theft and Destruction of Government Property (18 USC 641 et seq., 1361 et seq.)</li> <li>• Executive Order 11593, "Protection and Enhancement of the Cultural Environment," May 15, 1971 (U.S. President 1971)</li> <li>• Executive Order 13007, "Indian Sacred Sites," May 29, 1996 (U.S. President 1996b)</li> <li>• Executive Order 13175, "Consultation and Coordination with Indian Tribal Governments," November 9, 2000 (U.S. President 2000)</li> <li>• Executive Order 13287, "Preserve America," March 5, 2003 (U.S. President 2003)</li> </ul>
Colorado	
State	<ul style="list-style-type: none"> <li>• Historical, Prehistorical, and Archeological Resources (CRS 24-80-401 et seq.)</li> <li>• Unmarked Human Graves (CRS 24-80-1301 et seq.)</li> </ul>
County	<ul style="list-style-type: none"> <li>• Garfield County: Areas with Archaeological, Paleontological, or Historical Importance (GCLUR 7-211)</li> <li>• Rio Blanco County: Policy H &amp; CR-1A through 1G (RBCMP)</li> </ul>
Utah	
State	<ul style="list-style-type: none"> <li>• History Development (UCA 9-8-102 et seq.)</li> <li>• Native American Graves Protection and Repatriation Act (UCA 9-9-102 et seq.)</li> </ul>
County	<ul style="list-style-type: none"> <li>• Carbon County: HMC Historic Mining Camp Zone (CCDC 4.2.21)</li> <li>• Duchesne County: NA</li> <li>• Emery County: Position Statement—Preservation of Cultural and Historical Heritage Resources (ECGP p. 36)</li> <li>• Garfield County: NA</li> <li>• Grand County: NA</li> <li>• San Juan County: NA</li> <li>• Uintah County: Historic Preservation Commission (UCUC 2.24)</li> <li>• Utah County: Historic Preservation Commission (UCC 25)</li> <li>• Wasatch County: NA</li> <li>• Wayne County: NA</li> </ul>
Wyoming	
State	<ul style="list-style-type: none"> <li>• Protection of Prehistoric Ruins (WS 36-1-114 et seq.)</li> </ul>
County	<ul style="list-style-type: none"> <li>• Lincoln County: NA</li> <li>• Sublette County: NA</li> <li>• Sweetwater County: NA</li> <li>• Uinta County: NA</li> </ul>

**TABLE D-3 Energy Project Siting**

Authority	Citation
Federal	<ul style="list-style-type: none"> <li>• Natural Gas Act (15 USC 717 et seq.)</li> <li>• Natural Gas Policy Act (15 USC 3301 et seq.)</li> <li>• Federal Power Act (16 USC 791a et seq.)</li> <li>• Public Utilities Regulatory Policies Act (16 USC 2601 et seq.)</li> <li>• Energy Supply and Environmental Coordination Act (15 USC 791 et seq.)</li> <li>• Energy Policy and Conservation Act (42 USC 6201 et seq.)</li> <li>• Surface Mining Control and Reclamation Act (30 USC 1201 et seq.)</li> <li>• Accountable Pipeline Safety and Partnership Act of 1996 (49 USC 60101 et seq.)</li> <li>• Energy Policy Act of 2005 (P.L. 109-58)</li> <li>• Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,” February 16, 1994 (U.S. President 1994)</li> </ul>
Colorado	
State	<ul style="list-style-type: none"> <li>• Local Government Regulation—Location, Construction, or Improvement of Major Electrical or Natural Gas Facilities—Legislative Declaration (CRS 29-20-108)</li> </ul>
County	<ul style="list-style-type: none"> <li>• Garfield County: Fiscal Impact Mitigation Program (GCLUR Article IV, Division 5)</li> <li>• Rio Blanco County: NA</li> </ul>
Utah	
State	<ul style="list-style-type: none"> <li>• Electric Power Facilities Act (UCA 54-9-101 et seq.)</li> <li>• Natural Gas Pipeline Safety Act (UCA 54-13-1 et seq.)</li> <li>• Electricity Facility Review Board Act (UCA 54-14-101 et seq.)</li> </ul>
County	<ul style="list-style-type: none"> <li>• Carbon County: Major Underground and Surface Mine Developments (CCDC 5.4); Major Utility Transmissions and Railroad Projects (CCDC 5.5)</li> <li>• Duchesne County: NA</li> <li>• Emery County: Mining, Grazing, and Recreation (MG &amp;R-1) Zone (ECZO 9-4); Gas and Oil Wells (ECZO 11-2-1); Oil and Gas Operation (ECZO 11-3-4); and Position Statement—Oil and Gas Exploration and Production (ECGP p. 31)</li> <li>• Garfield County: NA</li> <li>• Grand County: Site Development Standards (GCLUC 6)</li> <li>• San Juan County: NA</li> <li>• Uintah County: NA</li> <li>• Utah County: NA</li> <li>• Wasatch County: NA</li> <li>• Wayne County: NA</li> </ul>
Wyoming	
State	<ul style="list-style-type: none"> <li>• Industrial Development and Siting (WS 35-12-101 et seq.)</li> <li>• Electric Utilities (WS 37-16-101 et seq.)</li> <li>• Wyoming Energy Commission (WS 30-7-101)</li> </ul>
County	<ul style="list-style-type: none"> <li>• Lincoln County: NA</li> <li>• Sublette County: NA</li> <li>• Sweetwater County: Commercial Wind Energy Conversion Systems (SCDUDC X.7)</li> <li>• Uinta County: NA</li> </ul>

**TABLE D-4 Floodplains and Wetlands**

Authority	Citation
Federal	<ul style="list-style-type: none"> <li>• Clean Water Act (33 USC 1344)</li> <li>• Rivers and Harbors Act of 1899 (33 USC 401 et seq.)</li> <li>• Executive Order 11988, "Floodplain Management," May 25, 1977 (U.S. President 1977a)</li> <li>• Executive Order 11990, "Protection of Wetlands," May 24, 1977 (U.S. President 1977b)</li> </ul>
Colorado	
State	<ul style="list-style-type: none"> <li>• Drainage of State Lands (CRS 37-30-101 et seq.)</li> <li>• Marsh Land (CRS 37-33-101 et seq.)</li> <li>• Colorado Mined Land Reclamation Act (CRS 34-32-101 et seq.)</li> </ul>
County	<ul style="list-style-type: none"> <li>• Garfield County: Protection of Wetlands and Waterbodies (GCLUR 7-203)</li> <li>• Rio Blanco County: Wetlands (RBCLUR 256)</li> </ul>
Utah	
State	<ul style="list-style-type: none"> <li>• Plan Preparation (UCA 10-9a-403)</li> <li>• Plan Preparation (UCA 17-27a-403)</li> </ul>
County	<ul style="list-style-type: none"> <li>• Carbon County: FPO (Floodplain Overlay Zone) (CCDC 4.2.22)</li> <li>• Duchesne County: NA</li> <li>• Emery County: Wetlands (ECGP p. 80)</li> <li>• Garfield County: NA</li> <li>• Grand County: Floodplains, Natural, and Historic Drainages (GCLUC 6.8)</li> <li>• San Juan County: Construction Subject to Geologic, Flood, or Other Natural Hazard (SJCZO 9-1)</li> <li>• Uintah County: Floodplain Regulations (UCUC 17.84); Flood Hazard Areas (UCUC 14.12)</li> <li>• Utah County: NA</li> <li>• Wasatch County: Stream Corridor/Wetland Development Standards (WCC 16.28.04)</li> <li>• Wayne County: NA</li> </ul>
Wyoming	
State	<ul style="list-style-type: none"> <li>• Legislative Policy and Intent (WS 35-11-309 et seq.)</li> <li>• Application for Permit; Generally; Denial; Limitations (WS 35-11-406 (b)(v); (xv))</li> </ul>
County	<ul style="list-style-type: none"> <li>• Lincoln County: Flood Overlay (LCLUR App. I)</li> <li>• Sublette County: Flood Areas (SCZDRR Ch. III, Sec. 13)</li> <li>• Sweetwater County: Nature of Surface Water Facilities (SCDUDC IX.4.2)</li> <li>• Uinta County: NA</li> </ul>



**TABLE D-5 Groundwater, Drinking Water, and Water Rights**

Authority	Citation
Federal	<ul style="list-style-type: none"> <li>• Safe Drinking Water Act (42 USC 300(f) et seq.)</li> </ul>
Colorado	
State	<ul style="list-style-type: none"> <li>• Water Right Determination and Administration (CRS-37-92-101 et seq.)</li> <li>• Reservoirs (CRS 37-87-101 et seq.)</li> <li>• Underground Water (CRS 37-90-101 et seq.)</li> <li>• Water Well Construction and Pump Installation Contractors (CRS 37-91-101 et seq.)</li> <li>• Water Quality Control (CRS 25-8-101 et seq.)</li> <li>• Colorado Mined Land Reclamation Act (CRS 34-32-101 et seq.)</li> </ul>
County	<ul style="list-style-type: none"> <li>• Garfield County: NA</li> <li>• Rio Blanco County: NA</li> </ul>
Utah	
State	<ul style="list-style-type: none"> <li>• Safe Drinking Water Act (UCA 19-4-101 et seq.)</li> <li>• Ground Water Recharge and Recovery Act (UCA 73-3b-101 et seq.)</li> <li>• Appropriation (UCA 73-3-1 et seq.)</li> <li>• Determination of Water Rights (UCA 73-4-1 et seq.)</li> <li>• Withdrawal of Unappropriated Water (UCA 73-6-1 et seq.)</li> </ul>
County	<ul style="list-style-type: none"> <li>• Carbon County: Culinary Water (CCDC 6.7.2)</li> <li>• Duchesne County: NA</li> <li>• Emery County: Water Quality and Quantity (ECGP p. 57); Water Rights/Allocation (ECGP p. 59); and Groundwater (ECGP p. 76)</li> <li>• Garfield County: NA</li> <li>• Grand County: NA</li> <li>• San Juan County: NA</li> <li>• Uintah County: NA</li> <li>• Utah County: Potable Water (UCC 13-4-3-4); Wells (UCC 17-3-3-8)</li> <li>• Wasatch County: Adequate Water Rights Required (WCC 10.01.01)</li> <li>• Wayne County: NA</li> </ul>
Wyoming	
State	<ul style="list-style-type: none"> <li>• Water Rights; Administration and Control (WS 41-3-101)</li> <li>• Board of Control; Adjudication of Water Rights (WS 41-4-101)</li> <li>• Prohibited Acts (WS 35-11-301 et seq.)</li> <li>• Protection of the Surface Owner (WS 35-11-416(b))</li> </ul>
County	<ul style="list-style-type: none"> <li>• Lincoln County: Wellhead and Source Water Protection Standards (LCLUR 6.27)</li> <li>• Sublette County: Water Supply and Distribution Systems (SCZDRR Ch. III, Sec. 2);</li> <li>• Sweetwater County: Public Water Construction and Installation Requirements (SCDUDC IX.5.3); Private Wells and Water Systems (SCDUDC IX.5.4); Easements for Public Water, Sewer, Drainage, and Other Utilities (SCDUDC IX.5.6)</li> <li>• Uinta County: NA</li> </ul>

**TABLE D-6 Hazardous Materials**

Authority	Citation
Federal	<ul style="list-style-type: none"> <li>• Hazardous Materials Transportation Act (49 USC 5101 et seq.)</li> <li>• Emergency Planning and Community Right-to-Know Act of 1986 (42 USC 11001 et seq.)</li> <li>• Oil Pollution Control Act (33 USC 2701 et seq.)</li> <li>• Pollution Prevention Act of 1990 (42 USC 13101 et seq.)</li> <li>• Comprehensive Environmental Response, Compensation, and Liability Act (42 USC 9601 et seq.)</li> <li>• Executive Order 12856, “Federal Compliance with Right-to-Know Laws and Pollution Prevention Requirements,” August 6, 1993 (U.S. President 1993)</li> </ul>
Colorado	
State	<ul style="list-style-type: none"> <li>• Implementation of Title III of Superfund Act (CRS 24-32-2601 et seq.)</li> <li>• Hazardous Substances (CRS 25-5-501 et seq.)</li> <li>• Pollution Prevention (CRS 25-16.5-101 et seq.)</li> <li>• Colorado Mined Land Reclamation Act (CRS 34-32-101 et seq.)</li> </ul>
County	<ul style="list-style-type: none"> <li>• Garfield County: Additional Standards Applicable to Storage Areas and Facilities (GCLUR 7-819)</li> <li>• Rio Blanco County: NA</li> </ul>
Utah	
State	<ul style="list-style-type: none"> <li>• Hazardous Materials—Transportation Regulations (UCA 41-6a-1639)</li> <li>• Hazardous Materials Emergency—Recovery of Expenses (UCA 53-2-105)</li> </ul>
County	<ul style="list-style-type: none"> <li>• Carbon County: NA</li> <li>• Duchesne County: Title 3, Chapter 1, Nuisance Ordinance, DCC</li> <li>• Emery County: NA</li> <li>• Garfield County: NA</li> <li>• Grand County: Waste Materials Management (GCLUC 3.2.4L)</li> <li>• San Juan County: NA</li> <li>• Uintah County: NA</li> <li>• Utah County: Hazardous Materials (UCC 9-7)</li> <li>• Wasatch County: Hazardous Materials Planning (WCC 7.09)</li> <li>• Wayne County: NA</li> </ul>
Wyoming	
State	<ul style="list-style-type: none"> <li>• Authority of Department to Adopt Rules and Regulations Governing Drivers, Equipment, and Hazardous Materials (WS 31-18-303)</li> <li>• Application for Permit; Generally; Denial; Limitations (WS 35-11-406 (b)(ix))</li> <li>• Mineral Mining Permits and Testing Licenses (WS 35-11-426)</li> </ul>
County	<ul style="list-style-type: none"> <li>• Lincoln County: NA</li> <li>• Sublette County: NA</li> <li>• Sweetwater County: NA</li> <li>• Uinta County: NA</li> </ul>

**TABLE D-7 Hazardous Waste and Polychlorinated Biphenyls**

Authority	Citation
Federal	<ul style="list-style-type: none"> <li>• Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act and the Hazardous Solid Waste Amendments of 1984 (42 USC 6901 et seq.)</li> <li>• Toxic Substances Control Act (15 USC 2605(e))</li> </ul>
Colorado	
State	<ul style="list-style-type: none"> <li>• Hazardous Waste (CRS 25-15-101 et seq.)</li> <li>• Colorado Mined Land Reclamation Act (CRS 34-32-101 et seq.)</li> </ul>
County	<ul style="list-style-type: none"> <li>• Garfield County: NA</li> <li>• Rio Blanco County: NA</li> </ul>
Utah	
State	<ul style="list-style-type: none"> <li>• Solid and Hazardous Waste Act (UCA 19-6-101 et seq.)</li> </ul>
County	<ul style="list-style-type: none"> <li>• Carbon County: NA</li> <li>• Duchesne County: NA</li> <li>• Emery County: NA</li> <li>• Garfield County: NA</li> <li>• Grand County: Waste Transport and Transporters (GCLUC 3.2.4L.2)</li> <li>• San Juan County: NA</li> <li>• Uintah County: NA</li> <li>• Utah County: NA</li> <li>• Wasatch County: Solid Waste (WCC 13)</li> <li>• Wayne County: NA</li> </ul>
Wyoming	
State	<ul style="list-style-type: none"> <li>• Solid Waste Management (WS 35-11-501 et seq.)</li> </ul>
County	<ul style="list-style-type: none"> <li>• Lincoln County: NA</li> <li>• Sublette County: NA</li> <li>• Sweetwater County: NA</li> <li>• Uinta County: NA</li> </ul>

**TABLE D-8 Land Use**

Authority	Citation
Federal	<ul style="list-style-type: none"> <li>• Federal Land Policy and Management Act of 1976 (43 USC 1701 et seq.)</li> <li>• Mineral Leasing Act (30 USC 181 et seq.)</li> <li>• Coastal Zone Management Act, as amended by Coastal Zone Reauthorization Amendments of 1990 (16 USC 1451 et seq.)</li> <li>• Wild and Scenic Rivers Act (16 USC 1271 et seq.)</li> <li>• National Trails System Act (16 USC 1241 et seq.)</li> <li>• National Park Service Organic Act (16 USC 1 et seq.)</li> <li>• Wilderness Act (16 USC 1311 et seq.)</li> <li>• Federal Land Exchange Facilitation Act (43 USC 1716)</li> <li>• Federal Land Transaction Facilitation Act (43 USC 2301 et seq.)</li> <li>• Farmland Protection and Policy Act (7 USC 4201)</li> <li>• Soil and Water Resources Conservation Act of 1977 (16 USC 2001 et seq.)</li> <li>• Oregon and California Grant Lands Act of 1937 (43 USC 1181(a, b, d-f))</li> <li>• An Act to Establish the Glen Canyons National Recreation Area in the States of Arizona and Utah (16 USC 460(dd))</li> </ul>
Colorado State	<ul style="list-style-type: none"> <li>• Areas and Activities of State Interest (CRS 24-65.1-101 et seq.)</li> <li>• Local Government Land Use Control Enabling Act (CRS 29-20-101 et seq.)</li> <li>• County Planning (CRS 30-28-101 et seq.)</li> <li>• (Municipal) Planning and Zoning (CRS 31-23-101 et seq.)</li> <li>• Colorado Mined Land Reclamation Act (CRS 34-32-101 et seq.)</li> </ul>
County	<ul style="list-style-type: none"> <li>• Garfield County: Fiscal Impact Mitigation Program (GCLUR Article IV, Division 5)</li> <li>• Rio Blanco County: Process Generation, Collection, and Distribution Systems (RBCLUR 407); Special and Conditional-Use Permits (RBCLUR 54)</li> </ul>
Utah State	<ul style="list-style-type: none"> <li>• Quality Growth Act (UCA 11-38-101 et seq.)</li> <li>• Environmental Institutional Control Act (UCA 19-10-101 et seq.)</li> <li>• Municipal Land Use, Development, and Management (UCA 10-9a-101 et seq.)</li> <li>• County Land Use, Development, and Management (UCA 17-27a-101 et seq.)</li> <li>• Critical Land near State Prison: Definitions – Preservation as Open Land – Management and Use of Land – Restrictions on Transfer – Wetlands Development – Conservation Easement (UCA 23A-5-222)</li> <li>• Utah Mined Land Reclamation Act (UCA 40-8-1 et seq.)</li> </ul>
County	<ul style="list-style-type: none"> <li>• Carbon County: Carbon County Development Code</li> <li>• Duchesne County: Conditional Use Permit (DCC 17.52)</li> <li>• Emery County: Zoning Ordinance for Emery County; Public Lands, Federal and State Agencies (ECGP p. 16)</li> <li>• Garfield County: Zoning Ordinance</li> <li>• Grand County: Zoning District Regulation (GCLUC 2)</li> <li>• San Juan County: San Juan County Zoning Ordinance</li> <li>• Uintah County: Mining and Grazing Zone (UCUC 17.60)</li> <li>• Utah County: Utah County Land Use Ordinance; Agriculture Protection Area (UCC 26)</li> </ul>

**TABLE D-8 (Cont.)**

Authority	Citation
Utah (Cont.)	
County	<ul style="list-style-type: none"> <li>• Wasatch County: Land Use and Development Code (WCC 16)</li> <li>• Wayne County: General Development Standards Applicable to All Property and Land Uses (WCLUR 16)</li> </ul>
Wyoming	
State	<ul style="list-style-type: none"> <li>• Land Quality (WS 35-11-401 et seq.)</li> <li>• Mineral Leases (WS 36-6-101 et seq.)</li> <li>• Carey Act Lands (WS 36-7-101 et seq.)</li> <li>• Sale of State Lands (WS 36-9-101 et seq.)</li> <li>• United States Lands (WS 36-10-101 et seq.)</li> <li>• State Control of Certain Land (WS 36-12-101 et seq.)</li> <li>• Counties Planning and Zoning (WS 18-5-101 et seq.)</li> <li>• Abandoned Mine Reclamation Program (WS 35-11-1201 et seq.)</li> </ul>
County	<ul style="list-style-type: none"> <li>• Lincoln County: Lincoln County Land Use Regulations</li> <li>• Sublette County: Conformity with Development Standards (SCZDRR Ch. III, Sec. 1); Mining Operations (SCZDRR Ch. III, Sec. 21)</li> <li>• Sweetwater County: Sweetwater Draft Unified Development Code; Sweetwater County Zoning Resolution</li> <li>• Uinta County: Land Use Certificate</li> </ul>

**TABLE D-9 Noise**

Authority	Citation
Federal	<ul style="list-style-type: none"> <li>• Noise Control Act, as amended by Quiet Communities Act (42 USC 4901 et seq.)</li> </ul>
Colorado	
State	<ul style="list-style-type: none"> <li>• Noise Abatement (CRS 25-12-101 et seq.)</li> </ul>
County	<ul style="list-style-type: none"> <li>• Garfield County: Submittal Requirements (GCLUR Article IV, Division 5)</li> <li>• Rio Blanco County: Noise (RBCLUR 260)</li> </ul>
Utah	
State	<ul style="list-style-type: none"> <li>• No specific primary statutory authority</li> </ul>
County	<ul style="list-style-type: none"> <li>• Carbon County: NA</li> <li>• Duchesne County: Nuisance Ordinance (DCC, Title 3, Chapter 1, Section 4(G))</li> <li>• Emery County: NA</li> <li>• Garfield County: NA</li> <li>• Grand County: Noise (GCLUC 6.12.3)</li> <li>• San Juan County: NA</li> <li>• Uintah County: NA</li> <li>• Utah County: Unreasonable Noise (UCC 12-3)</li> <li>• Wasatch County: Noise Ordinance (WCC 12.03)</li> <li>• Wayne County: NA</li> </ul>
Wyoming	
State	<ul style="list-style-type: none"> <li>• No specific primary statutory authority</li> </ul>
County	<ul style="list-style-type: none"> <li>• Lincoln County: NA</li> <li>• Sublette County: Noise (SCZDRR Ch. III, Sec. 14)</li> <li>• Sweetwater County: NA</li> <li>• Uinta County: NA</li> </ul>

**TABLE D-10 Pesticides and Noxious Weeds**

Authority	Citation
Federal	<ul style="list-style-type: none"> <li>• Federal Insecticide, Fungicide, and Rodenticide Act (7 USC 136 et seq.)</li> <li>• Noxious Weed Act of 1974, as amended by Section 15—Management of Undesirable Plants on Federal Lands, 1990 (7 USC 2801 et seq.)</li> </ul>
Colorado	
State	<ul style="list-style-type: none"> <li>• Pesticide Act (CRS 35-9-101 et seq.)</li> <li>• Colorado Mined Land Reclamation Act (CRS 34-32-101 et seq.)</li> </ul>
County	<ul style="list-style-type: none"> <li>• Garfield County: Fiscal Impact Mitigation Program (GCLUR Article IV, Division 5)</li> <li>• Rio Blanco County: Weeds and Invasive Species (RBCLUR 261)</li> </ul>
Utah	
State	<ul style="list-style-type: none"> <li>• Utah Pesticide Control Act (UCA 4-14-1 et seq.)</li> </ul>
County	<ul style="list-style-type: none"> <li>• Carbon County: NA</li> <li>• Duchesne County: (no title available) (DCC Title 3, Chapter 5)</li> <li>• Emery County: NA</li> <li>• Garfield County: NA</li> <li>• Grand County: Grading, Revegetation, and Restoration (GCLUC 6.9.9)</li> <li>• San Juan County: NA</li> <li>• Uintah County: NA</li> <li>• Utah County: Standards of Weed Control (UCC 12-2-9)</li> <li>• Wasatch County: Weed Control (WCC 12.02)</li> <li>• Wayne County: NA</li> </ul>
Wyoming	
State	<ul style="list-style-type: none"> <li>• Weed and Pest Control (WS 11-5-101 et seq.)</li> </ul>
County	<ul style="list-style-type: none"> <li>• Lincoln County: Wyoming Statutes, Weed Control and Agricultural Uses (LCLUR App. I)</li> <li>• Sublette County: NA</li> <li>• Sweetwater County: NA</li> <li>• Uinta County: NA</li> </ul>

**TABLE D-11 Solid Waste**

Authority	Citation
Federal	<ul style="list-style-type: none"> <li>• Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act and the Hazardous Solid Waste Amendments of 1984 (42 USC 6901 et seq.)</li> </ul>
Colorado	
State	<ul style="list-style-type: none"> <li>• Solid Waste Disposal Sites and Facilities (CRS 30-20-100.5 et seq.)</li> </ul>
County	<ul style="list-style-type: none"> <li>• Garfield County: Additional Standards Applicable to Solid Waste Disposal Sites (GCLUR 7-818)</li> <li>• Rio Blanco County: Waste Disposal (RBCLUR 257)</li> </ul>
Utah	
State	<ul style="list-style-type: none"> <li>• Solid Waste Management Act (UCA 19-6-501 et seq.)</li> </ul>
County	<ul style="list-style-type: none"> <li>• Carbon County: NA</li> <li>• Duchesne County: DCC, Title 3, Chapter 4</li> <li>• Emery County: NA</li> <li>• Garfield County: NA</li> <li>• Grand County: Waste Materials Management (GCLUC 3.2.4L)</li> <li>• San Juan County: NA</li> <li>• Uintah County: Sanitation—Management of Solid Waste (UCUC 8.24)</li> <li>• Utah County: Solid Waste (UCC 20)</li> <li>• Wasatch County: Solid Waste (WCC 13)</li> <li>• Wayne County: NA</li> </ul>
Wyoming	
State	<ul style="list-style-type: none"> <li>• Solid Waste Management (WS 35-11-501 et seq.)</li> <li>• Solid Waste Disposal Districts (WS 18-11-101 et seq.)</li> <li>• Definitions (WS 35-11-103 (d)(ii))</li> </ul>
County	<ul style="list-style-type: none"> <li>• Lincoln County: Solid Waste Disposal (LCLUR Sec 6.24)</li> <li>• Sublette County: Sanitary Landfills (SCZDRR Ch. III, Sec. 24)</li> <li>• Sweetwater County: Debris and Waste (SCDUDC IX.2.5)</li> <li>• Uinta County: NA</li> </ul>



**TABLE D-12 Source Water Protection**

Authority	Citation
Federal	<ul style="list-style-type: none"> <li>• Safe Drinking Water Act (42 USC 300h et seq.)</li> </ul>
Colorado	
State	<ul style="list-style-type: none"> <li>• Water Quality Control (CRS 25-8-101 et seq.)</li> </ul>
County	<ul style="list-style-type: none"> <li>• Garfield County: Protection of Water Quality from Pollutants (GCLUR 7-204)</li> <li>• Rio Blanco County: NA</li> </ul>
Utah	
State	<ul style="list-style-type: none"> <li>• Water Quality Act (UCA 19-5-101 et seq.)</li> </ul>
County	<ul style="list-style-type: none"> <li>• Carbon County: Culinary Water (CCDC 6.7.2)</li> <li>• Duchesne County: NA</li> <li>• Emery County: Water Quality and Quantity (ECGP p. 57)</li> <li>• Garfield County: NA</li> <li>• Grand County: Water Supply (GCLUC 7.8)</li> <li>• San Juan County: NA</li> <li>• Uintah County: NA</li> <li>• Utah County: Water Systems Operated by Utah County (UCC 27); Emergency Water Supplies (UCC 9-6-3)</li> <li>• Wasatch County: Water Quality (WCC 16.28.03)</li> <li>• Wayne County: NA</li> </ul>
Wyoming	
State	<ul style="list-style-type: none"> <li>• Protection of Public Water Supply (WS 35-4-201 et seq.)</li> <li>• Prohibited Acts (WS 35-11-301 et seq.)</li> <li>• Application for Permit; Generally; Denial; Limitations (WS 35-11-406 (b)(ix))</li> </ul>
County	<ul style="list-style-type: none"> <li>• Lincoln County: Wellhead and Source Water Protection Standards (LCLUR 6.27)</li> <li>• Sublette County: NA</li> <li>• Sweetwater County: Water Supply (SCDUDC IX.1.4.2)</li> <li>• Uinta County: NA</li> </ul>

**TABLE D-13 Water Bodies and Wastewater**

Authority	Citation
Federal	<ul style="list-style-type: none"> <li>Clean Water Act (33 USC 1251 et seq.)</li> </ul>
Colorado	
State	<ul style="list-style-type: none"> <li>Water Quality Control (CRS 25-8-101 et seq.)</li> <li>Water and Wastewater Treatment Plant Operations (CRS 25-9-101 et seq.)</li> <li>Colorado Mined Land Reclamation Act (CRS 34-32-101 et seq.)</li> </ul>
County	<ul style="list-style-type: none"> <li>Garfield County: Adequate Water Distribution and Wastewater Systems (GCLUR 7-105); Stormwater Run-Off (GCLUR 7-207)</li> <li>Rio Blanco County: Water Quality, Stormwater, Drainage (RBCLUR 255)</li> </ul>
Utah	
State	<ul style="list-style-type: none"> <li>Water Quality Act (UCA 19-5-101 et seq.)</li> </ul>
County	<ul style="list-style-type: none"> <li>Carbon County: Sewers (CCDC 6.7.3); Storm Drains and Facilities (CCDC 6.7.2)</li> <li>Duchesne County: (Title 3, Chapter 1)</li> <li>Emery County: Water Quality and Quantity (ECGP p. 57); Conveyance Systems (ECGP p. 63); In-Stream Flow (ECGP p. 63); and Salinity (ECGP p. 65)</li> <li>Garfield County: NA</li> <li>Grand County: Sewage Disposal (GCLUC 5.8)</li> <li>San Juan County: NA</li> <li>Uintah County: NA</li> <li>Utah County: Location of Sewers (UCC 17-3-3-4); Ditches and Waterways (UCC 17-3-3-5); and Protection of Watercourses (UCC 17-5-3-7)</li> <li>Wasatch County: Water Quality (WCC 16.28.03); Wastewater Disposal Systems (WCC 10.02)</li> <li>Wayne County: NA</li> </ul>
Wyoming	
State	<ul style="list-style-type: none"> <li>Water Quality (WS 35-11-301 et seq.)</li> <li>Application for Permit; Generally; Denial; Limitations (WS 35-11-406 (b)(ix))</li> <li>Aquatic Invasive Species (WS 23-4-201 through 205)</li> </ul>
County	<ul style="list-style-type: none"> <li>Lincoln County: Small Wastewater Facility Permit (LCLUR 2.5.C); Small Wastewater Design Standards, Land Use Regulations (LCLUR App. E)</li> <li>Sublette County: Erosion Control (SCZDRR Ch. III, Sec. 11); Drainage (SCZDRR Ch. III, Sec. 12)</li> <li>Sweetwater County: Wastewater and Sewage (SCDUDC IX.1.2.3); Storm Water Management (SCDUDC IX.1.2.4); Waterbodies and Watercourses (SCDUDC IX.2.6); Drainage and Storm Sewers (SCDUDC IX.4); and Water and Sewer Facilities (SCDUDC IX.5)</li> <li>Uinta County: NA</li> </ul>

**TABLE D-14 Wildlife and Plants**

Authority	Citation
Federal	<ul style="list-style-type: none"> <li>• Fish and Wildlife Coordination Act (16 USC 661 et seq.)</li> <li>• Bald and Golden Eagle Protection Act (16 USC 668 et seq.)</li> <li>• National Wildlife Refuge System Administration Act (16 USC 668dd)</li> <li>• Migratory Bird Treaty Act (16 USC 703 et seq.)</li> <li>• Endangered Species Act (16 USC 1531 et seq.)</li> <li>• Wild Free-Roaming Horses and Burros Act (16 USC 1331 et seq.)</li> <li>• Executive Order 12996, “Management and General Public Use of the National Wildlife Refuge System,” March 28, 1996 (U.S. President 1996c)</li> <li>• Executive Order 13112, “Invasive Species,” February 8, 1999 (U.S. President 1999)</li> <li>• Executive Order 13186, “Responsibilities of Federal Agencies to Protect Migratory Birds,” January 17, 2001 (U.S. President 2001)</li> </ul>
Colorado State	<ul style="list-style-type: none"> <li>• Nongame and Endangered Species Conservation (CRS 33-2-101 et seq.)</li> <li>• Migratory Birds, Possession of Raptors, Reciprocal Agreements (CRS 33-1-115)</li> <li>• Protection of Fishing Streams (CRS 33-5-101 et seq.)</li> <li>• Nongame and Endangered Species Conservation (CRS 33-2-101 et seq.)</li> <li>• Colorado Natural Areas (CRS 33-33-101 et seq.)</li> <li>• Colorado Mined Land Reclamation Act (CRS 34-32-101 et seq.)</li> </ul>
County	<ul style="list-style-type: none"> <li>• Garfield County: Protection of Wildlife Habitat Areas (GCLUR 7-202); Additional Standards Applicable to Mining and Extraction Uses (GCLUR 7-813)</li> <li>• Rio Blanco County: Wildlife (RBCLUR 259)</li> </ul>
Utah State	<ul style="list-style-type: none"> <li>• Wildlife Resources Code of Utah (UCA 23-13-1 et seq.)</li> </ul>
County	<ul style="list-style-type: none"> <li>• Carbon County: NA</li> <li>• Duchesne County: NA</li> <li>• Emery County: Position Statement—Wilderness Designations and Other Public Lands Management Considerations (ECGP p. 19)</li> <li>• Garfield County: NA</li> <li>• Grand County: NA</li> <li>• San Juan County: NA</li> <li>• Uintah County: NA</li> <li>• Utah County: Wild Animals (UCC 5-2-10)</li> <li>• Wasatch County: Wildlife Habitat Protection (WCC 16.28.05)</li> <li>• Wayne County: NA</li> </ul>
Wyoming State	<ul style="list-style-type: none"> <li>• Bird and Animal Provisions (WS 23-3-101 et seq.)</li> <li>• Predatory Animals—Control Generally (WS 11-6-101 et seq.)</li> <li>• Application for Permit; Generally; Denial; Limitations (WS 35-11-406 (a)(vii))</li> <li>• Aquatic Invasive Species (WS 23-4-201 through 205)</li> <li>• Executive Order 2011-5 State of Wyoming Greater Sage-Grouse Core Area Protection</li> </ul>

**TABLE D-14 (Cont.)**

---

Authority	Citation
Wyoming (Cont.)	
County	<ul style="list-style-type: none"><li>• Lincoln County: NA</li><li>• Sublette County: NA</li><li>• Sweetwater County: Preservation of Natural Features and Amenities (SCDUDC IX.9)</li><li>• Uinta County: NA</li></ul>

---

**TABLE D-15 Visual Resources**

Authority	Citation
Federal	• Federal Land Policy and Management Act of 1976 (43 USC 7401 et seq.)
Colorado State	• NA
County	• Garfield County: NA • Rio Blanco County: Policy OP/PL – 2A (RBCMP)
Utah State	• NA
County	• Carbon County: NA • Duchesne County: NA • Emery County: NA • Garfield County: NA • Grand County: Operational Performance Standards, General (GCLUC Sec. 6.12.2) • San Juan County: NA • Uintah County: NA • Utah County: NA • Wasatch County: NA • Wayne County: NA
Wyoming State	• NA
County	• Lincoln County: NA • Sublette County: NA • Sweetwater County: NA • Uinta County: NA

**TABLE D-16 Federal and State Leasing and Permitting Requirements**

Authority	Citation
Federal	<ul style="list-style-type: none"> <li>• Combined Hydrocarbon Leasing Act of 1981 (P.L. 97-78)</li> <li>• Energy Policy Act of 2005 (P.L. 109-58)</li> <li>• Leasing in Special Tar Sand Areas (70 FR 58610, codified at 43 CFR Part 3140)</li> <li>• Leasing in Special Tar Sand Areas (71 FR 28779, codified at 43 CFR Subpart 3141)</li> </ul>
Colorado	<ul style="list-style-type: none"> <li>• Permit from Division of Minerals and Geology Operations for actual mining activity</li> </ul>
Utah	<ul style="list-style-type: none"> <li>• Large Mining Operations (Rule R647-4)</li> </ul>
Wyoming	<ul style="list-style-type: none"> <li>• Mine permit required for mining kerogen either conventionally or in situ</li> </ul>

## **D.2 ADDITIONAL INFORMATION REGARDING THE REGULATORY AND POLICY ENVIRONMENT**

### **D.2.1 Air Quality**

The U.S. Environmental Protection Agency (EPA) establishes and revises the National Ambient Air Quality Standards (NAAQS), as necessary, to protect public health and welfare, setting the absolute upper limits for specific air pollutant concentrations at all locations where the public has access. Although the EPA has revised both the ozone and PM<sub>2.5</sub> (particulate matter with a mean aerodynamic diameter of 2.5 µm or less) NAAQS, neither of these revised limits would be implemented by the states of Colorado, Utah, or Wyoming until their State Implementation Plans (SIPs) are formally approved by the EPA; until then, the EPA is responsible for implementing these revised standards.

Potential development impacts must demonstrate compliance with all applicable local, state, tribal, and federal air quality regulations, standards, and implementation plans established under the Clean Air Act (CAA) and administered by the states (with EPA oversight). Air quality regulations require that proposed new or modified existing air pollutant emission sources (including potential future oil shale or tar sands projects) undergo a permitting review before their construction can begin. Therefore, the states have the primary authority and responsibility to review permit applications and to require emission permits, fees, and control devices prior to construction and/or operation.

In addition, the U.S. Congress (through CAA Section 116) authorized local, state, and tribal air quality regulatory agencies to establish air pollution control requirements that are more (but not less) stringent than federal requirements (such as the Colorado and Wyoming sulfur dioxide [SO<sub>2</sub>] ambient air quality standards). If future oil shale or tar sands projects are proposed, additional site-specific air quality analyses would be performed, and additional

emission control measures (including emissions control technology analysis and determination) may be required by the applicable air quality regulatory agencies to ensure protection of air quality resources. In addition, under the federal CAA and Federal Land Policy and Management Act of 1976 (FLPMA), the Bureau of Land Management (BLM) cannot authorize any activity that does not conform to all applicable local, state, tribal, and federal air quality laws, statutes, regulations, standards, and implementation plans.

Given the study area's current attainment status, future development projects that have the potential to emit more than 250 tons/yr (or certain listed sources that have the potential to emit more than 100 tons/yr) of any criteria pollutant would be required to submit a preconstruction Prevention of Significant Deterioration (PSD) permit application, including a regulatory PSD Increment Consumption Analysis under the federal New Source Review and permitting regulations. Development projects subject to the PSD regulations must also demonstrate the use of "Best Available Control Technology" (BACT) and show that the combined impacts of all applicable sources would not exceed the PSD increments for SO<sub>2</sub>, nitrogen dioxide (NO<sub>2</sub>), or PM<sub>10</sub> (particulate matter with a mean aerodynamic diameter of 10 µm or less). The permit applicant must also demonstrate that cumulative impacts from all existing and proposed sources would comply with the applicable ambient air quality standards throughout the operational lifetime of the permit applicant's project.

In addition, a regulatory PSD Increment Consumption Analysis may be conducted at any time by the states or the EPA, in order to demonstrate that the applicable PSD increment has not been exceeded by all applicable major or minor increment-consuming emission sources. The determination of PSD increment consumption is a legal responsibility of the applicable air quality regulatory agency (with EPA oversight). National Environmental Policy Act of 1969 (NEPA) analyses may compare potential air quality impacts from a proposed project with applicable ambient air quality standards, PSD increments, and air quality related value (AQRV) impact threshold levels; this comparison, however, does not represent a regulatory air quality permit analysis. Comparisons with the PSD Class I and II increments are intended to evaluate a "threshold of concern" for potentially significant adverse impacts, but do not represent a regulatory PSD Increment Consumption Analysis.

## D.2.2 Cultural Resources

Cultural resources that meet the eligibility criteria for listing on the *National Register of Historic Places* (NRHP) are considered "significant" resources and must be taken into consideration during the planning of federal projects. Federal agencies are also required to consider the effects of their actions on sites, areas, and other resources (e.g., plants) that are of religious significance to Native Americans<sup>1</sup> as established under the American Indian Religious Freedom Act (Public Law [P.L.] 95-341). Archaeological resources on public lands and Indian lands are protected by the Archaeological Resources Protection Act of 1979, as amended (P.L. 96-95), and Native American graves and burial grounds are protected by the Native American Graves Protection and Repatriation Act of 1990 (P.L. 101-601). Cultural resources on

---

<sup>1</sup> These acts refer specifically to Native Americans, Native Alaskans, and Native Hawaiians.

federal lands are further considered by laws penalizing the theft or degradation of property of the U.S. government (Theft of Government Property [62 Stat. 764, 18 USC 1361] and FLPMA). A list of these and other regulatory requirements pertaining to cultural properties is presented in Table D-17. These laws are applicable to any project undertaken on federal land or requiring federal permitting or funding.

Cultural resources on BLM-administered land are managed primarily through the application of the above-identified laws. As required by Section 106 of the National Historic Preservation Act (NHPA), BLM field offices work with land use applicants to inventory and evaluate cultural resources in areas that may be affected by proposed development. The BLM has established a cultural resource management program as identified in its 8100 Series manuals and handbooks (Table D-18). The goal of the program is to locate, evaluate, manage, and protect cultural resources on public lands. (See Section 3.1, Land Use, for a description of designated Areas of Critical Environmental Concern [ACECs], some of which are designated specifically to protect cultural resources.) Guidance on how to apply the NRHP criteria to evaluate the eligibility of sites located on public lands is provided in numerous documents prepared by the National Park Service (NPS) and in the BLM 8100 Series manuals and handbooks. Further guidance on the application of cultural resource laws and regulations is provided through a national Programmatic Agreement (PA) developed among the BLM, the National Council of State Historic Preservation Officers (SHPOs), and the Advisory Council on Historic Preservation, and through state-specific Protocol Agreements concerning cultural resources.

### **D.2.3 Noise**

The Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978 (42 USC 4901 et seq.), delegates the authority to regulate noise to the states and directs government agencies to comply with local noise regulations. Of the three states in the study area, only Colorado has a regulation specifying quantitative limits on noise. Table D-19 lists the noise limits in Colorado's Noise Abatement Law. Many local governments have enacted noise ordinances to manage community noise levels. These noise limits are typically applied to define noise sources and specify a maximum permissible noise level. They are commonly enforced by police but may also be enforced by the agency issuing development permits.

EPA guidelines recommend a day-night average sound level ( $L_{dn}$ ) of 55 A-weighted decibels (dBA) as sufficient to protect the public from the effects of broadband environmental noise in quiet outdoor and residential neighborhoods (EPA 1974). The guidelines recommend an equivalent sound pressure level ( $L_{eq}$ ) of 70 dBA or less over a 40-year period to protect the general population against hearing loss from non-impulsive noise. The Federal Aviation Administration and the Federal Interagency Committee on Urban Noise have issued land use compatibility guidelines indicating that a yearly  $L_{dn}$  of less than 65 dBA is compatible with residential land uses and that, if a community determines it is necessary, levels up to 75 dBA may be compatible with residential uses and transient lodgings (but not mobile homes) if such structures incorporate noise reduction features (14 CFR Part 150, Appendix A).



**TABLE D-17 Cultural Resource Laws and Regulations**

Law or Order Name	Intent
Antiquities Act of 1906	This law makes it illegal to remove cultural resources from federal land without permission. It also allows the President to establish historical monuments and landmarks.
National Historic Preservation Act of 1966, as amended (NHPA)	The NHPA creates the framework within which cultural resources are managed in the United States. The law requires that each state appoint a State Historic Preservation Officer (SHPO) to direct and conduct a comprehensive statewide survey of historic properties and maintain an inventory of such properties, and it created the Advisory Council on Historic Preservation, which provides national oversight and dispute resolution. Section 106 of the NHPA defines the process for identifying and evaluating cultural resources and determining whether a project will result in an adverse effect on the resource. It also addresses the appropriate process for mitigating adverse effects. Section 110 of the NHPA directs the heads of all federal agencies to assume responsibility for the preservation of listed or eligible historic properties owned or controlled by their agency. Federal agencies are directed to locate, inventory, and nominate properties to the NRHP, to exercise caution to protect such properties, and to use such properties to the maximum extent feasible. Additional provisions of Section 110 include documentation of properties adversely affected by federal undertakings, the establishment of trained federal preservation officers in each agency, and the inclusion of the costs of preservation activities as eligible agency project costs. The NHPA also establishes the processes for consultation among interested parties, the lead agency, and the SHPO, and for government-to-government consultation between U.S. government agencies and Native American Tribal governments.
National Trails System Act (1968)	The Act and its subsequent amendments authorized a national system of trails and defined four classes of trails: National Scenic Trails, National Historic Trails, National Recreation Trails, and Connecting or Side Trails.
E.O. 11593, Protection and Enhancement of the Cultural Environment (U.S. President 1971)	E.O. 11593 requires federal agencies to inventory their cultural resources and to record, to professional standards, any cultural resource that may be altered or destroyed.
Archaeological and Historic Preservation Act (1974) (AHPA)	The AHPA directly addresses impacts on cultural resources resulting from federal activities that would significantly alter the landscape. The focus of the law is data recovery and salvage of scientific, prehistoric, historic, and archaeological resources that could be damaged during the creation of dams and the impacts resulting from flooding, worker housing, creation of access roads, etc.; however, its requirements are applicable to any federal action.

**TABLE D-17 (Cont.)**

Law or Order Name	Intent
Federal Land and Policy Management Act (1976)	The FLPMA requires the BLM to manage its lands for multiple use and sustained yield in a manner that will protect the quality of its environmental values, such as cultural resources.
American Indian Religious Freedom Act of 1978 (AIRFA)	The AIRFA protects the right of Native Americans to have access to their sacred places. It requires consultation with Native American organizations if an agency action will affect a sacred site on federal lands.
Archaeological Resources Protection Act of 1979, as amended (ARPA)	The ARPA establishes civil and criminal penalties for the destruction or alteration of archaeological resources and establishes professional standards for excavation.
Native American Graves Protection and Repatriation Act of 1990 (NAGPRA)	The NAGPRA requires federal agencies to consult with the appropriate Native American Tribes prior to the intentional excavation of Native American human remains and funerary objects. It requires the repatriation of Native American human remains found on the agencies' land.
E.O. 13006, Locating Federal Facilities on Historic Properties in our Nation's Central Cities (U.S. President 1996a)	E.O. 13006 encourages the reuse of historic downtown areas by federal agencies.
E.O. 13007, Indian Sacred Sites (U.S. President 1996b)	E.O. 13007 requires that an agency allow Native Americans to worship at sacred sites located on federal property. It also directs the agency to protect these locations from damage.
E.O. 13175, Consultation and Coordination with Indian Tribal Governments (U.S. President 2000)	E.O. 13175 requires federal agencies to coordinate and consult with Indian Tribal governments whose interests might be directly and substantially affected by activities on federally administered lands.
E.O. 13287, Preserve America (U.S. President 2003)	E.O. 13287 encourages the promotion and improvement of historic structures and properties to encourage tourism.

Changes to ambient sound levels can interfere with wildlife, including predator/prey relationships, territory establishment, foraging, mating behavior, and reproductive success. Sections 4.8 and 5.8 discuss these impacts in more detail.

NPS policy states that "natural ambient" conditions (the sound levels that would occur in the absence of all noise caused by humans) are the baseline against which potential noise impacts should be judged. Site-specific environmental assessments would need to determine these levels and how development on adjacent BLM-administered lands might affect NPS-managed lands.

**TABLE D-18 BLM Guidance Regarding Cultural Resource Management**

---

BLM 8100 Series Manuals and Handbooks

---

8100 Manual: The Foundations for Managing Cultural Resources

8110 Manual: Identifying and Evaluating Cultural Resources

8120 Manual: Tribal Consultation under Cultural Resource Authorities

H-8120-1: General Procedural Guidance for Native American Consultation

8130 Manual: Planning for Uses of Cultural Resources

8140 Manual: Protecting Cultural Resources

8150 Manual: Permitting Uses of Cultural Resources

---

8170 Manual: Interpreting Cultural Resources for the Public

---

**D.2.4 Paleontological Resources**

As nonrenewable resources, no matter how common or rare they may be, fossils of scientific value are offered some protection through the Antiquities Act of 1906. Two other federal acts, the Archaeological Resources Protection Act of 1979 and the Federal Cave Resources Protection Act of 1988, protect fossils found in primary context and from significant caves, respectively. Fossils on federal lands (e.g., BLM-administered lands) are further protected by laws penalizing the theft or degradation of property of the U.S. Government (Theft of Government Property [62 Stat. 764, 18 USC 1361] and FLPMA). The Paleontological Resources Preservation Act, part of Title VI under the Omnibus Public Land Management Act of 2009, requires that paleontological resources collected under a permit remain the property of the United States to be preserved for the public. The Act also requires that the nature and location of paleontological resources be kept confidential to protect them from theft and vandalism. Civil and criminal penalties may be imposed when theft and vandalism of publicly owned paleontological resources occur.

**TABLE D-19 Colorado Limits on Maximum Permissible Noise Levels**

---

Zone	Maximum Permissible Noise Level <sup>a</sup> (dBA)	
	7 a.m. to 7 p.m. <sup>b</sup>	7 p.m. to 7 a.m.
Residential	55	50
Commercial	60	55
Light industrial	70	65
Industrial	80	75

---

<sup>a</sup> At a distance of 25 ft from the property line. Periodic, impulsive, or shrill noises are considered a public nuisance at a level 5 dBA less than those tabulated.

<sup>b</sup> For a period not to exceed 15 minutes in any 1 hour, the tabulated noise levels may be exceeded by 10 dBA.

Source: CRS 25-12-101 et seq.

### D.2.5 Visual Resources

The BLM's responsibility to manage the scenic resources of the public lands is established by law as follows:

The Federal Land Policy and Management Act of 1976 (FLPMA) states that "...public lands will be managed in a manner which will protect the quality of the scenic (visual) values of these lands." This act prevents unnecessary or undue degradation of public lands. The FLPMA makes protecting scenic and other environmental values an explicit criterion that must be applied throughout the BLM's land management activities (Ross 1979).

The BLM also provides visual resource management guidance in its publications, including the following:

- BLM Manual 8400 Series, Visual Resources Management (VRM),
- Information Bulletin No. 98-135 (BLM 1998a),
- Instruction Memorandum No. 98-164 (BLM 1998b), and
- Instruction Memorandum No. 2009-167 (BLM 2009).

The intent of these documents is to provide for the protection of visual resources throughout the public lands managed by the agency.

### D.3 REFERENCES

*Note to Reader:* This list of references identifies Web pages and associated URLs where reference data were obtained. It is likely that at the time of publication of this PEIS, some of these Web pages may no longer be available or their URL addresses may have changed.

BLM (Bureau of Land Management), 1998a, *Visual Resource Management (VRM) Policy Restatement, Information Bulletin No. 98-135*, U.S. Department of the Interior, May 22. Available at <http://www.blm.gov/nstc/VRM/98135.html>. Accessed Dec. 7, 2011.

BLM, 1998b, *Instruction Memorandum 98-164, Summary of Visual Resource Management (VRM) Issues Discussed in Southern Utah Wilderness Alliance*, U.S. Department of the Interior, Sept. 8. Available at <http://www.blm.gov/nstc/VRM/98164.html>. Accessed Dec. 7, 2011.

BLM, 2009, *Instruction Memorandum 2009-167, Application of the Visual Resource Management Program to Renewable Energy*, U.S. Department of the Interior, July 7. Available at [http://www.blm.gov/wo/st/en/info/regulations/Instruction\\_Memos\\_and\\_Bulletins/national\\_instruction/2009/IM\\_2009-167.html](http://www.blm.gov/wo/st/en/info/regulations/Instruction_Memos_and_Bulletins/national_instruction/2009/IM_2009-167.html). Accessed Dec. 7, 2011.

EPA (U.S. Environmental Protection Agency), 1974, *Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety*, EPA 550/9-74-004, Office of Noise Abatement and Control, Washington, D.C., March.

Ross, R.W., 1979, "The Bureau of Land Management and Visual Resource Management – An Overview," presented at National Conference on Applied Techniques for Analysis and Management of the Visual Resource, Incline Village, Nev., April 23–25. Available at [http://www.fs.fed.us/psw/publications/documents/psw\\_gtr035/psw\\_gtr035\\_15\\_ross.pdf](http://www.fs.fed.us/psw/publications/documents/psw_gtr035/psw_gtr035_15_ross.pdf). Accessed Sept. 26, 2011.

U.S. President, 1971, "Protection and Enhancement of the Cultural Environment," Executive Order 11593, *Federal Register* 36:8921, May 15.

U.S. President, 1977a, "Floodplain Management," Executive Order 11988, *Federal Register* 42:26951, May 25.

U.S. President, 1977b, "Protection of Wetlands," Executive Order 11990, *Federal Register*, 42:26961, May 25.

U.S. President, 1993, "Federal Compliance with Right-to-Know Laws and Pollution Prevention Requirements," Executive Order 12856, *Federal Register* 58:41981, Aug. 6.

U.S. President, 1994, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," Executive Order 12898, *Federal Register* 59:7629, Feb. 16.

U.S. President, 1996a, "Locating Federal Facilities on Historic Properties in Our Nation's Central Cities," Executive Order 13006, *Federal Register* 61:26071, May 24.

U.S. President, 1996b, "Indian Sacred Sites," Executive Order 13007, *Federal Register* 61:26771, May 29.

U.S. President, 1996c, "Management and General Public Use of the National Wildlife Refuge System," Executive Order 12996, *Federal Register* 61:13647, March 28.

U.S. President, 2000, "Consultation and Coordination with Indian Tribal Governments," Executive Order 13175, *Federal Register* 65:67249, Nov. 9.

U.S. President, 1999, "Invasive Species," Executive Order 13112, *Federal Register* 64:6183, Feb. 8.

U.S. President, 2001, "Responsibilities of Federal Agencies to Protect Migratory Birds," Executive Order 13186, *Federal Register* 66:3853, Jan. 17.

U.S. President, 2003, "Preserve America," Executive Order 13287, *Federal Register* 68:10635, March 5.

*This page intentionally left blank.*