

DECISION RECORD ON THREE RIVERS WITHDRAWAL AND  
FINDING OF NO SIGNIFICANT IMPACT

EA Number: UT-062-00-046 Serial NO. UTU-75392  
Project : Three Rivers Withdrawal  
Applicant : Bureau of Land Management  
Project Location: Colorado, Dolores, and Green River corridors  
Counties : Carbon, Emery, and Grand  
BLM Office: Moab and Price Field Offices

REVIEW

We have reviewed the recommendation and rationale for the Three Rivers withdrawal, attached. We have found that the accompanying EA, referenced above, is technically adequate and that all relevant resource values have been considered.

DECISION

Decision and rationale: I concur with the attached recommendation on the proposed withdrawal action and will forward it to the Secretary of the Interior for final decision/implementation/action. I also concur with the attached recommendation on the proposed plan amendments, and the attached rationale. The plan amendments will be implemented following completion of the withdrawal process.

Environmental Considerations: I have considered the environmental consequences of this decision as documented in the accompanying environmental assessment referenced above. All environmental considerations have been adequately addressed in the accompanying document.

FINDING OF NO SIGNIFICANT IMPACT

Based on the analysis of potential environmental impacts contained in the environmental assessment referenced above, I have determined that impacts are not expected to be significant and an environmental impact statement is not required.

\_\_\_\_\_  
State Director

\_\_\_\_\_  
Date

## 1. RECOMMENDATION

### A. WITHDRAWAL

It is recommended that the public lands in the Colorado, Dolores, and Green River corridors and identified side drainages described below be withdrawn from location and entry under the United States mining laws. The impacts from this action were analyzed in Environmental Assessment UT-062-00-046. The proposed action is to withdraw the described public lands within the Colorado, Dolores, and Green River corridors and indicated side drainages from location and entry under the United States mining laws. The lands to be withdrawn are depicted on Maps A-1 through A-4 of the EA. In general, the subject lands are located along (1) 52 miles of the Colorado River corridor starting on the north in section 23, T.21 S., R.24 E., and ending in section 19, T. 26 S., R. 21 E. (totaling approximately 28,335 acres); (2) 20 miles of the Dolores River corridor starting at the Utah/Colorado boundary in section 33, T. 23 S., R. 26 E. and ending at the confluence with the Colorado River in section 8, T. 23 S., R. 24 E. (totaling approximately 16,445 acres); and (3) 120 miles of the Green River (excluding approximately 14 miles of private land north and south of the City of Green River), including side drainages, starting in section 36, T. 12 S., R. 17 E., on the north and ending at the boundary with Canyonlands National Park in section 35, T. 26 S., R. 17 E. (totaling 67,115 acres). The lands, totaling 111,895 acres, would be withdrawn, by the Secretary of the Interior under the authority of Section 204 of FLPMA (P.L. 94-579; 43 U.S.C. 1714), from all forms of appropriation under the United States mining laws (30 U.S.C., ch. 2), subject to valid existing rights, for 20 years. The lands would not be closed to the operation of the mineral leasing and mineral material sale laws.

### B. PLAN AMENDMENT

It is recommended that the Grand Resource Area Resource Management Plan, the San Rafael Resource Management Plan and the Price River Management Framework Plan be amended, as described below, pursuant to the authority of Section 202 of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2747; 43 U.S.C. 1712) and Federal regulations at 43 CFR 1610-5-5.

Amend the Grand Resource Area RMP to change the management actions on page 22 (MINERALS ACTIONS) to read:

Leave the entire GRA (1.7 million acres) open to mining claims for locatable minerals under the General Mining Laws, with the exception of 1,850 acres of widely scattered campgrounds and scenic sites under existing mineral withdrawals and 65,037 acres within the Colorado, Dolores, and Green River corridors and side drainages.

Amend the San Rafael RMP to change the management actions on page 19 (MINERALS ACTIONS) to read:

Apply RMP goals to mineral development only so long as valid legal rights of claimants are not curtailed; and to administer operational aspects of claims where BLM does not manage the surface, with the exception of about 19,484 acres within the Green River corridor and side drainages and those areas closed through previous withdrawals.

Amend the Price River MFP to change the management action identified as Objective M-2 to read:

Provide for maximum exploration and development of locatable minerals by leaving the entire area open to mineral location under the General Mining laws with the exception of about 27,374 acres within the Green River corridor and side drainages and those areas closed through previous withdrawals.

## 2. RATIONALE

### A. WITHDRAWAL

The proposed withdrawal would protect the resources within certain segments of the Colorado, Dolores, and Green River corridors, generally from rim to rim (one-fourth mile from the river's edge in describable aliquot parts), and 6 side canyons. It would protect lands with high natural and recreational values and low potential for mineral development. The withdrawal would be subject to valid existing rights, including 2 lode claims and 101 placer claims, located on those lands with the highest potential for occurrence of minerals. The lands proposed for withdrawal contain only public lands, thus minimizing potential conflicts of a withdrawal around private or State Trust lands. The withdrawal would not adversely affect existing uses or users. Mining is not congruent with the valuable recreational activities that take place within the three river corridors.

The lands would not be closed to the operation of the mineral leasing and mineral material sale laws. The withdrawal would be consistent with the existing protection afforded through oil and gas leasing categories. The Green River corridor, through Desolation and Gray Canyons, is Category 4 (no leasing). The remainder of the Green River corridor, and the Colorado and Dolores river corridors, are Category 3 (no surface occupancy or other surface disturbance within  $\frac{1}{2}$  mile of the river.) Mineral material sales are discretionary, therefore, the Authorized Officer would review applications on a case-by-case basis and the decisions on sales would be consistent with protection measures that apply in the river corridors.

The existing placer claims are clustered along 4.5 miles of the Colorado River and 12 miles of the Dolores River. The withdrawal would afford limited protection to these lands while the claims are active. However, over the life of such a withdrawal, it is anticipated that some claims would be closed and no new mining claims could be filed on these lands, thus reducing the potential for mining-related ground disturbance. The remaining 177.5 miles of river corridor that currently have no claims would be protected from the location of mining claims and possible disturbance starting on the date that the withdrawal is approved.

### Resource Values

It has been determined that the Colorado, Dolores, and Green River corridors contain unique and nationally significant resource values that would be protected by the proposed withdrawal.

Seven threatened, endangered, or sensitive species of animals are present in the Colorado, Dolores, and/or Green River corridors. The U.S. Fish and Wildlife Service has designated the Colorado and Dolores River corridors as critical habitat for four threatened or endangered fish species. Without the plan amendments and withdrawal future location of claims and, increased mining in these river corridors could damage the critical habitat. The three river corridors contain habitat for the bald eagle. Protection of the bald eagle habitat would help meet the goal for Utah (in the Northern States Bald Eagle Recovery Plan, approved by the U.S. Fish and Wildlife Service in 1983) of increasing by 10 the number of occupied bald eagle breeding areas.

The three river corridors and side drainages contain spectacular scenery that has been designated in land use plans as Class A, the highest level. Withdrawal of the river corridors from location of additional mining claims would reduce the potential for development of claims, thus protecting the visual resources. As discussed in the EA, placer mining results in the modification of soil structure which reduces the potential for successful reclamation. Annual plant species, such as cheatgrass and Russian thistle, out-compete perennial species and, together with increased erosion problems, change the visual aspect of the area.

There have been no complete cultural resource inventories of the lands in the three river corridors being considered for withdrawal. An estimated 66, 14, and 81 historic and prehistoric sites have been documented to date on the Colorado, Dolores, and Green River corridors, respectively. The sites are some of the most important remaining examples of history and prehistory, along a major river course that are not impacted by modern development. The potential for discovery of additional sites is high. Mining regulations could afford only limited protection for the sites if additional mining were allowed.

Desolation Canyon National Historic Landmark, which includes those lands within one mile on both sides of the centerline of the channel of the Green River from Nine Mile Creek to Florence Creek, approximately 50 miles downstream, was designated in 1969 to commemorate the explorations by John Wesley Powell of the Green and Colorado River systems. Powell floated this section of the Green River in 1868 and again in 1872. This section of the river received the designation as it best represents the area as it was when the Powell explorations took place, devoid of any inhabitants. The intent of the designation, as defined by the Historic Sites Act of 1935, is to protect areas of national significance. Withdrawal of the river corridor from location of mining claims would reduce the risk of future development, access road construction, and other ground-disturbing activities that could result in disturbance to cultural sites.

Recreation is by far the most valuable public resource in the three river corridors. The primary attraction is the opportunity for a variety of river trips, ranging from a few hours on the "Daily" sections to a 6-8 day trip through Desolation and Gray Canyons on the Green River. The popularity of these rivers is based upon the fact that they contain unique and highly significant scenic, recreational, cultural, riparian, and wildlife values. Approximately 120,000 people annually boat on the segments of the Colorado, Dolores, and Green Rivers proposed for withdrawal. In addition, 75,000 people annually camp in BLM campgrounds along the Colorado River, and an estimated 35,000 people annually hike within the Colorado River corridor. As documented in the EA, annual revenues to the local rural economies from the river industry are approximately 3.8 million dollars. By contrast, no wages are recorded annually with Grand, Emery, or Carbon counties in the gold mining sector. There also has been no recorded gold production in the past 20 years in Grand County, the county where all the placer claims are located.

Over the past 20 years, the Bureau of Land Management has expended over 1.25 million dollars (unadjusted dollars) on recreation facilities within the river corridors. The proposed withdrawal would protect these facilities from mining operations on or adjacent to these lands.

The temporary segregation on this pending withdrawal application expired on December 16, 2001. Two mining claims have been filed in the Utah BLM State Office in January and February of 2002. This trend is most likely due to the depressed economy, which is increasing speculation. The anticipated result is disturbance to the lands along the rivers rather than recovery of valuable minerals. The mineral report indicates that although the gold found within the three river corridors may be great (high potential for occurrence) it is typically measured in parts per billion, far below concentrations required for commercial development (low potential for development).

### Economic Factors

The economic importance, to two local counties, from boating in the Colorado, Dolores, and Green Rivers has been reported as 173 jobs and earnings of \$3.8 million annually (1999 dollars). Revenues in fees to the BLM from river use amount to approximately \$115,000 per year. No mining related revenues were reported in Grand, Emery, or Carbon counties from production of gold in the three river corridors. The economic returns from recreation greatly outweigh current and potential revenues from extraction of minerals.

### Public Opinion

Public meetings were held in the Carbon County Courthouse in Price, Utah on January 26, 2000 and in the Grand County Courthouse in Moab, Utah on January 27, 2000. The public meetings provided information on the proposed withdrawal. Six people representing Carbon and Emery Counties attended the January 26th meeting. Nine people from Moab attended the January 27th meeting. At both meetings there was general support for the withdrawal and no one expressed opposition to the proposal.

A copy of the EA was sent to 29 people and agencies that had requested a copy. Additional copies of the EA were available in the BLM Moab and Price Field Offices and the EA was also posted on the Moab Field Office's internet website. The BLM received 91 letters expressing the opinions of 84 individuals, 10 organizations, 3 agencies, 1 business, and 4 adjacent landowners. Of these, 2 individuals and 1 agency did not support the withdrawal.

Since the end of the comment period, Grand, San Juan, Emery, and Carbon counties, the four counties affected by the proposed withdrawal, have submitted letters to the BLM supporting the withdrawal. They recognize the benefit this action will have to recreation and commercial uses of the rivers while not negatively impacting mineral interests. In addition, letters of support were received from the Canyonlands Natural History Association, the Utah Guides & Outfitters, representing 46 outfitters and hundreds of guides, and six of the companies that provide commercial trips on the three rivers.

The withdrawal proposal was trimmed by 12,515 acres in response to a request, by the Utah School and Institutional Trust Lands Administration, to surround State lands with public lands open to the mining laws to increase the likelihood of development of minerals on State parcels. Following this action, a concurrence letter was received from the Utah Governor's Office of Planning and Budget Resource Development Coordinating Committee.

### Statutory and Legal Considerations

There are several statutory and legal considerations that lend support to a withdrawal. Two land use plans are currently being revised that will address Wild and Scenic River designation of the three corridors proposed for withdrawal. The three rivers are considered eligible for designation and the following are possible recommendations for suitability: Colorado River (52 miles): 11 miles scenic, 41 miles recreational; Dolores River (20 miles): 6 miles wild, 14 miles scenic; Green River (120 miles): 66 miles wild, 46 miles scenic, 8 miles recreational. Section 12(a) of the Wild and Scenic Rivers Act requires that the recreational and other existing public values be protected. Withdrawal of these river corridors would ensure compliance with this Act. The required protection would not be possible if the canyons and drainages visible from the rivers were opened to mineral entry since the mining laws provide the opportunity to patent land with no discretion provided to the managing agency.

Approximately 16,230 acres (14 percent of the proposed withdrawal) contain riparian vegetation. Executive Orders 11988 and 11990 direct federal land management agencies to protect wetlands and riparian zones and to avoid actions that would allow development or modifications to occur within floodplains. A withdrawal is the best means available to ensure compliance with these executive orders.

Approximately 42,285 acres in the proposed withdrawal are within a wilderness study area. Section 603(c) of the Federal Land Policy and Management Act of 1976 requires that lands in WSAs be managed so as not to impair their suitability for preservation as wilderness. A withdrawal from mineral entry would be the best means available to ensure the preservation of wilderness values from rim to rim in the river corridors.

#### Impacts of the Decision

The proposed withdrawal would not create any impacts or conflicts to existing uses/users since it would be subject to valid existing rights. No private or State Trust Lands are within the withdrawal boundary. However, the withdrawal boundary borders 31 State Trust sections or parcels but in no way limits access to or use of the property. Mining claims on 4,135 acres would be unaffected by the proposed withdrawal. As stated in the mineral report, these claims are located in areas that have high potential for the occurrence of small-particle (parts per million or billion) placer gold deposits, but in concentrations far below those required for commercial development. These sections of the Colorado and Dolores River corridors also contain exceptional natural and recreational values.

#### B. PLAN AMENDMENT

The three land use plans contain objectives for protection of the river corridors, primarily to preserve the characteristics that make them eligible for inclusion in the Wild & Scenic Rivers System. However, none of the plans contain specific objectives for withdrawing the public lands from the operation of the mining laws to afford this protection. Amending the land use plans would allow the proposed withdrawal to be in conformance with the land use plans.

The proposal to amend three land use plans was protested by San Juan County. The issue was the term of the proposed withdrawal. The suggestion that the withdrawal term be 10 years instead of 20 years pertained only to the 2,110 acres in San Juan County (1.7% of the total acreage) Because the mineral report prepared for this proposal does not indicate potential for development of mineral resources, the BLM considered the 20-year term appropriate. There are provisions for the withdrawal to be reviewed at the expiration of the 20-year term (or at any time prior to then) to determine whether sufficient national need for the minerals would override protection of other resources. The BLM Assistant Director for Renewable Resources and Planning dismissed the protest on December 30, 2002. The lands in San Juan County proposed for withdrawal were subsequently deleted from the proposal.

Of the options and alternatives considered, a withdrawal would provide the greatest overall public benefit with the fewest conflicts and adverse impacts.

Prepared By: \_\_\_\_\_  
                  Realty Specialist

\_\_\_\_\_  
Date

We have reviewed the recommendation and rationale for the Three Rivers withdrawal. We suggest that the recommendation on the proposed action be accepted as the decision of the Bureau.

\_\_\_\_\_  
Moab Field Office Manager

\_\_\_\_\_  
Date

\_\_\_\_\_  
Price Field Office Manager

\_\_\_\_\_  
Date