

INTERIOR BOARD OF LAND APPEALS

Southern Utah Wilderness Alliance, et al.

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SOUTHERN UTAH WILDERNESS ALLIANCE, ET AL.

IBLA 2001-414

Decided March 9, 2004

Appeal from a Decision Record/Finding of No Significant Impact of the Price (Utah) Field Office, Bureau of Land Management, approving issuance of a right-of-way grant for commercial use and maintenance of an existing airstrip. UTU-78820.

Affirmed.

1. Environmental Quality: Environmental Statements--Federal Land Policy and Management Act of 1976: Rights-of-Way--Surface Management--National Environmental Policy Act of 1969: Environmental Statements--National Environmental Policy Act of 1969: Finding of No Significant Impact

BLM properly decides to approve issuance of a right-of-way grant authorizing commercial use and maintenance of an existing airstrip on public lands pursuant to Title V of FLPMA based on an environmental assessment, where it has taken a hard look at the potential environmental consequences of doing so and reasonable alternatives, considering all relevant matters of environmental concern, and made a convincing case that no significant impact will result therefrom or that any such impact will be reduced to insignificance by the adoption of appropriate mitigation measures. BLM's decision not to prepare an EIS will be affirmed where the appellant does not show that BLM failed to consider a substantial environmental question of material significance to the proposed action or otherwise failed to abide by the statute.

APPEARANCES: W. Herbert McHarg, Esq., Southern Utah Wilderness Alliance, Monticello, Utah, for appellants; Paul A. Turcke, Esq., Boise, Idaho, for the Utah Back Country Pilots Association and The BlueRibbon Coalition, Inc.; David K. Grayson, Esq., Office of the Field Solicitor, U.S. Department of the Interior, Salt Lake City, Utah, for the Bureau of Land Management.

OPINION BY ADMINISTRATIVE JUDGE HUGHES

The Southern Utah Wilderness Alliance (SUWA) and others have appealed from the August 13, 2001, Decision Record/Finding of No Significant Impact (DR/FONSI) of the Assistant Field Manager, Price (Utah) Field Office, Bureau of Land Management (BLM), approving issuance of right-of-way grant UTU-78820 to Arrow West Aviation, Inc. (Arrow West), for commercial use and maintenance of the existing Hidden Splendor Air Strip, pursuant to Title V of the Federal Land Policy and Management Act of 1976 (FLPMA), as amended, 43 U.S.C. §§ 1761-1771 (2000).<sup>1/</sup> The airstrip is situated on public lands within the 207,200-acre Muddy Creek-Crack Canyon Wilderness Inventory Unit (WIU) in Emery County, Utah.<sup>2/</sup>

The airstrip was originally built to be used in connection with a nearby uranium mine during the 1950's and is accessible by county road. At the time of the application, the airstrip was "in use by backcountry pilots on an infrequent basis." (Environmental Assessment No. UT-070-2001-66 (EA) at 1.) On June 8, 2001, Arrow West, which operates a commercial air taxi service, filed its application for a right-of-way grant authorizing year-round commercial use and maintenance of the Hidden Splendor Air Strip. Arrow West stated that its application would allow it "to provide commercial air taxi service to the area as [it] now [does] in adjoining parts of southern Utah" and "would formalize the repair and maintenance of the airfield which is now taking place in an informal and unofficial capacity." (Letter to BLM from Arrow West dated May 10, 2001, at 4.) Arrow West proposed to use the airfield

<sup>1/</sup> The appeal was filed by SUWA, on behalf of itself and the Utah Chapter of the Sierra Club, RedRock Forests, and William T. McCarvill. McCarvill is a member of SUWA and the Sierra Club. (Declaration of McCarvill dated Jan. 7, 2002 (attached to Statement of Reasons (SOR)), at 2.)

<sup>2/</sup> The airstrip is situated in the SE $\frac{1}{4}$  SW $\frac{1}{4}$  SE $\frac{1}{4}$  sec. 5 and the W $\frac{1}{2}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$  and NE $\frac{1}{4}$  NW $\frac{1}{4}$  NE $\frac{1}{4}$  sec. 8, T. 26 S., R. 9 E., Salt Lake Meridian, Emery County, Utah.

The WIU had originally been considered by BLM for formal designation as a wilderness study area (WSA) pursuant to sec. 603 of FLPMA, as amended, 43 U.S.C. § 1782 (2000). However, since BLM did not designate the lands as a WSA, they are not subject to the protection afforded by sec. 603(c) of FLPMA, 43 U.S.C. § 1782(c) (2000), pending Congress' determination whether to designate them as a wilderness area under the Wilderness Act, as amended, 16 U.S.C. §§ 1131 through 1136 (2000).

year round. (Right-of-way application at section 7; Letter to BLM dated May 10, 2001.)

The right-of-way encompasses the 2,000- by 50-foot runway at the airstrip as well as a 60-foot width running along the eastern boundary of the runway to be used as a parking area, totaling approximately 5.76 acres.<sup>3/</sup> The maintenance authorized by the right-of-way is removing brush from the runway and parking area with a hand hoe, removing rocks from the parking area by hand, and placing a new windsock and signs around the area. (EA at 1.) The need for future maintenance would be assessed on an annual basis, but it was expected that it would call for “infrequent and minimal” maintenance. Id. Absent such annual maintenance however, BLM anticipated that pilots using the airstrip would face a “potentially dangerous situation.” Id.

As noted above, the lands at issue here are situated within a 207,200-acre WIU that had been considered and rejected by BLM for formal designation as a WSA pursuant section 603 of FLPMA, as amended, 43 U.S.C. § 1782 (2000). The WIU is composed of Federal lands both considered to have wilderness characteristics (184,500 acres) and not considered to have wilderness characteristics (22,700 acres). The lands at issue are part of the latter portion.

In order to assess the potential environmental impacts of the proposed action and a no action alternative, BLM prepared an EA on August 10, 2001, pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA), as amended, 42 U.S.C. § 4332(2)(C) (2000), and its implementing regulations (40 CFR Chapter V). In its August 2001 DR/FONSI, BLM approved issuance of the right-of-way grant to Arrow West, concluding that issuing the proposed grant would conform with BLM’s existing land-use plan (May 1991 San Rafael Resource Management Plan), as required by section 302(a) of FLPMA, 43 U.S.C. §1732(a) (2000), and would not result in any significant environmental impact, obviating NEPA’s section 102(2)(C) requirement to prepare an environmental impact statement (EIS).

Following issuance of the DR/FONSI, BLM offered a 20-year right-of-way grant to Arrow West on August 13, 2001, and BLM issued the grant effective September 14, 2001. Section 4.d. of the grant incorporated significant restrictive stipulations from Exhibit A of the August 10, 2001, EA. Among other things, initiation of additional construction at the site was barred without prior written BLM

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<sup>3/</sup> It is evident from photographs provided by intervenor Utah Back Country Pilots Association (UBCP) and amicus curiae The BlueRibbon Coalition, Inc. (Coalition), that the actual parking area is located along only part of the 2,000-foot long runway, due to the terrain of the area. See Exs. B, I, and Q attached to Declaration of Robert Hunter, dated October 2001 (attached to Motion to Intervene)).

approval. Further, BLM's authorized officer was authorized to "suspend or terminate in whole, or in part, any notice to proceed which has been issued when, in his judgement [sic], unforeseen conditions arise which result in the approved terms and conditions being inadequate to protect the public health and safety or to protect the environment." (EA Ex. A at 1.)

SUWA and the other appellants appealed from the Assistant Field Manager's August 2001 DR/FONSI. By order dated March 26, 2002, we denied appellants' petition to stay the effect of BLM's decision.<sup>4/</sup> BLM issued its Notice to Proceed on March 6, 2002, providing that Arrow West was authorized to proceed with its approved activity, including "limited commercial flights."

Appellants contend that BLM's actions will result in increased use of the Hidden Splendor Air Strip, which is "surrounded by wilderness quality lands." They maintain that, since the strip has only received infrequent use in the past by private pilots, granting the right-of-way will cause a "complete shift in the character of the landing strip and its use patterns that will translate to devastating impacts to the area's wildlife, primitive recreational opportunities, and quiet canyons." (NA/Petition at 3.) They assert that BLM's EA does not consider the direct, indirect, and cumulative impacts to primitive recreation, wildlife, and wilderness resources in the surrounding WSA's and WIU resulting from excessive noise and increased human activity associated with aircraft operations (including approaching, landing, and taking-off), as well as the immediate impacts stemming from the removal of desert vegetation from the 5.76-acre right-of-way area. Appellants thus argue that BLM has violated section 102(2)(C) of NEPA. Appellants request the Board to reverse BLM's DR/FONSI and remand the case to BLM for preparation of an EIS (or proper EA) and further decisionmaking.

[1] A BLM decision to proceed with a proposed action without preparing an EIS will be upheld as in compliance with section 102(2)(C) of NEPA where the record shows that BLM considered all relevant matters of environmental concern, took a "hard look" at potential environmental impacts, and made a convincing case that no significant impact will result from the action or that any such impact will be reduced to insignificance by the adoption of appropriate mitigation measures. Cabinet Mountains Wilderness v. Peterson, 685 F.2d 678, 681-82 (D.C. Cir. 1982); In Re North Murphy Timber Sale, 146 IBLA 305, 310 (1998); Nez Perce Tribal Executive Committee, 120 IBLA 34, 37-38 (1991). An appellant objecting to such decision has

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<sup>4/</sup> We also granted in part and denied in part a request by UBCP and the Coalition to intervene in the present proceeding. UBCP, an association of which Arrow West is a member and which is the proponent of the right-of-way application at issue here, was permitted to intervene as a full party to the proceeding. The Coalition was allowed to participate as amicus curiae.

the burden of demonstrating with objective proof that BLM failed to consider a substantial environmental question of material significance to the proposed action or otherwise failed to abide by section 102(2)(C) of NEPA. In Re North Murphy Timber Sale, 146 IBLA at 310; SUWA, 127 IBLA 331, 350, 100 I.D. 370, 380 (1993); Red Thunder, 117 IBLA 167, 175, 97 I.D. 203, 267 (1990); Sierra Club, 92 IBLA 290, 303 (1986).

In deciding whether BLM has taken a hard look at the likely environmental consequences of a proposed action, a rule of reason applies:

An EA need not discuss the merits and drawbacks of the proposal in exhaustive detail. By nature, it is intended to be an overview of environmental concerns, not an exhaustive study of all environmental issues which the project raises. If it were, there would be no distinction between it and an EIS. Because it is a preliminary study done to determine whether more in-depth study analysis is required, an EA is necessarily based on “incomplete and uncertain information.” Blue Ocean Preservation Society v. Watkins, 767 F.Supp. 1518, 1526 (D. Hawaii 1991) \* \* \*. So long as an EA contains a “reasonably thorough discussion of . . . significant aspects of the probable environmental consequences,” NEPA requirements have been satisfied. Sierra Club v. United States Department of Transportation, 664 F.Supp. 1324, 1338 (N.D. Ca. 1987) \* \* \* quoting Trout Unlimited v. Morton, 509 F.2d 1276, 1283 (9th Cir. 1974). [Footnote omitted.]

Don't Ruin Our Park v. Stone, 802 F. Supp. 1239, 1247-48 (M.D. Pa. 1992); see also Scientists' Institute for Public Information v. Atomic Energy Commission, 481 F.2d 1079, 1092 (D.C. Cir. 1973); Missouri Coalition for the Environment, 124 IBLA 211, 219-20 (1992). Council on Environmental Quality (CEQ) regulations provide, “Since the EA is a concise document, it should not contain long descriptions or detailed data which the agency may have gathered. Rather, it should contain a brief discussion of \* \* \* the environmental impacts of the proposed action and alternatives[.]” 40 CFR 1508.9.

Appellants argue that BLM's EA fails to consider the adverse impacts which increased aircraft use of the airstrip are likely to have on primitive recreation, wildlife, and wilderness resources both in the WIU and in the surrounding WSA's, in violation of section 102(2)(C) of NEPA. (SOR at 11.) They assert that the impacts will rise to significance, so that BLM is also required to prepare an EIS.

Arrow West did not propose to engage in any new construction or even renovation of the runway or adjacent parking area, both of which predate issuance of

the right-of-way grant. See BLM Motion to Dismiss at 1. Rather, it sought simply to maintain the existing runway and parking area by removing by hand brush and/or rocks to facilitate and render safe ongoing use of the runway and parking area. The amount of brush and rocks is relatively small, so that maintenance would result in little or no disturbance of the runway, parking area, or surrounding lands. See EA at 2. The runway has undoubtedly undergone periodic maintenance in the past, since it has long been used by backcountry pilots. The effects of such maintenance are not major and BLM's review of them in its EA meets relevant standards.

The airstrip has been in use for years and the issuance of a right-of-way by BLM will not change that pattern of use. Thus, we cannot find that BLM's issuance of the grant here is likely to lead to or otherwise "cause" or increase use of the runway and parking area by others. Accordingly, impacts of such use cannot properly be considered direct or indirect effects of the right-of-way grant within the meaning of 40 CFR 1508.8. See James Shaw, 130 IBLA 105, 113-15 (1994). Nor is there any evidence that authorized operations under Arrow West's right-of-way will, together with other reasonably foreseeable future use of the area by others or other actions, have any cumulative effect within the meaning of 40 CFR 1508.7. For these reasons, the environmental impacts of increased use by others need not have been considered by BLM in its EA. Sierra Club Uncompahgre Group, 152 IBLA 371, 383 n.9, 384-85 (2000); Defenders of Wildlife, 152 IBLA 1, 6-9 (2000); Rocky Mountain Pipeline Trades Council, 149 IBLA 388, 400-02 (1999); Continental Divide Trail Society, 139 IBLA 101, 113 (1997).

Appellants argue that the EA failed to consider the likely impacts of aircraft approaching, landing, and taking off from the runway on outstanding opportunities for solitude, on primitive or unconfined recreation in the lands surrounding the right-of-way area, and on wildlife inhabiting nearby critical habitat. <sup>5/</sup> (SOR at 2.) There is no discussion in the EA of such potential impacts attributable to any projected number of Arrow West's and customers' aircraft at the airstrip. BLM's EA reflects its awareness that the grant would allow the applicant to provide commercial air taxi service to the area "on an infrequent, year round basis." (EA at 1; Letter to BLM from Arrow West, dated May 10, 2001, at 1.) The record supports that conclusion, as "[t]here is not a substantial demand for commercial air traffic to the site that will allow Arrow West to book significant numbers of 'commercial' trips."

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<sup>5/</sup> Appellants' assertion that the surrounding lands provide critical habitat is not meant to suggest that these lands contain any threatened and endangered (T&E) species, or their designated critical habitat, both of which receive protection under section 7 of the Endangered Species Act of 1973 (ESA), as amended, 16 U.S.C. § 1536 (2000). Rather, they mean simply habitat which, because it is limited in quantity and/or provides a unique quality, is necessary for wildlife. (NA/Petition at 3 n.1.)

See First Spielman Declaration at 5.<sup>6/</sup> Appellants acknowledge that Arrow West sought BLM authorization for its commercial use of the airstrip to satisfy BLM's liability insurance coverage requirements and not because it was "driven by a viable commercial market" for taxi service to the site. (Declaration of Spielman dated Jan. 31, 2002 (Second Spielman Declaration), attached to Response to SOR at 2; see UBCP/Coalition Response to SOR at 3-4.) However, BLM also recognized in April 2001 that the authorized activity "may (probably will[]) increase aircraft use. (BLM worksheet dated Apr. 6, 2001.)

BLM provided in its March 2002 Notice to Proceed that the authorized activity encompassed only "limited commercial flights," and the right-of-way grant expressly reserved to BLM the authority to suspend, or even terminate, this notice were "unforeseen conditions" to arise such that the grant was "inadequate \* \* \* to protect the environment." (Ex. A at 1.) This undeniably covers the possibility that Arrow West's commercial flights and the corresponding influx of visitors to the area might increase and adversely affect the environment. BLM noted in a March 7, 2002, letter documenting agreements made with Arrow West in conjunction with issuance of the Notice to Proceed, that Arrow West had agreed to the monitoring of its "proposed commercial use of th[e] airstrip" and an annual review and evaluation of such use, following which "BLM could, if necessary, restrict the number of commercial flights if it is determined by qualified resource specialists that significant impacts would occur." Thus, BLM has retained ample authority in conjunction with issuance of the right-of-way grant and subsequent notice to proceed to adjust authorized use under the grant to preclude or mitigate any adverse environmental impacts arising from the number of flights and/or visitors brought to the area by virtue of the grant. As any adverse effects can thus be reduced to insignificance, BLM's environmental review is adequate. Nez Perce Tribal Executive Committee, 120 IBLA at 37-38.

Concerning the effects of its action on wilderness values, BLM did state in the EA that allowing Arrow West to maintain the airstrip and to provide limited air taxi service to the airstrip would result in no impact on designated "wilderness" (which is defined as areas having outstanding opportunities for solitude and primitive, unconfined recreation) or even, more generally, on "recreation" or "Wildlife." (EA

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<sup>6/</sup> Spielman attributes the lack of a viable commercial market to a variety of factors: "[These factors] includ[e] the lack of a suitable 'market clientele' interested in air access to the Hidden Splendor site and the relative ease of automobile access to the site. I am not stating that the area does not have attraction to some visitors, but rather that the number of such visitors is relatively small, and that the self-reliant type of individual that might be interested in the primitive recreation near Hidden Splendor presently can, and does, access the area via a regularly-maintained county road which adjoins the airstrip."

(Second Spielman Declaration at 2.)

at 2.) Appellants provide no expert opinion or supporting evidence contradicting that conclusion. Specifically, they provide no evidence concerning the noise which is likely to be generated by aircraft operations or supporting their assertion that it will occur at such a level and/or with such frequency that wildlife will be displaced or that the area's outstanding opportunities for solitude or primitive, unconfined recreation will be disrupted.

In any event, since the proposed right-of-way is not situated within a WSA, it is not subject to the non-impairment standard of section 603(c) of FLPMA, and BLM is not required to ensure that the right-of-way and its associated activities do not impair the area's wilderness characteristics. Wyoming Outdoor Council, 147 IBLA 105, 111 (1998). Nor has it been shown that issuance of the right-of-way is likely to adversely impact the preservation of wilderness values in the nearby WSA's, such that BLM should exercise its discretionary authority not to grant the right-of-way.

Nor do we regard the instant case as akin to SUWA, 152 IBLA 216 (2000), cited by appellants. In that case, we affirmed a BLM decision approving two right-of-way grants, generally authorizing expansion and commercial use of an existing airstrip, principally based on our conclusion that BLM had taken a hard look its EA at all of the potential environmental impacts of the proposed action, including the impacts to recreation, wildlife, and wilderness resources in the surrounding lands, and adopted measures to mitigate any likely adverse impacts to insignificance.<sup>7/</sup> Id. at 220-23, 225-26. The nature and magnitude of the action approved here is not comparable to that approved in the cited case, where BLM proposed to approve new aircraft access and to engage in new surface-disturbing construction, including blading the runway and creating a concrete "run-up pad," access road, and aircraft parking area. Id. at 218; see Second Spielman Declaration at 3. In addition, aircraft service to the area was in that case expected to be on the order of 60 to 80 trips to and from the site per rafting season, since it provided access to the launch facility for popular whitewater river rafting. 152 IBLA at 224; see Second Spielman Declaration at 3. None of this compares to the present situation, where no surface-disturbing activity will occur, and the additional use occasioned by the right-of-way is accurately characterized as infrequent. Nor is there any indication that the resulting

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<sup>7/</sup> Appellants properly note that, in accordance with section 7 of the ESA, BLM also prepared a biological assessment (BA) and consulted with the Fish and Wildlife Service (FWS), U.S. Department of the Interior, which prepared a biological opinion, in order to address the likely impacts of airstrip expansion and increased operations on Federal threatened and endangered (T&E) species and their habitats. (SOR at 12 (citing SUWA, 152 IBLA at 221-23).) They also note that BLM adopted measures to mitigate impacts, including those which restrict approaches by aircraft to the runway, aircraft noise during take-offs and landings, and times of aircraft operations, in order to protect such species.

environmental impacts in the cited case from increased visitation facilitated by the airstrip rights-of-way were expected to be at all comparable to those at issue here.

Appellants also provide no evidence that the anticipated impact to wildlife is likely to require mitigation measures that would, in their words, “cap[] the amount of use” of the airstrip and close it during specified “sensitive” time periods for wildlife, in order to avoid or minimize significant impacts. (SOR at 18.) It is again sufficient to note that, if such impacts are disclosed after the issuance of the right-of-way, BLM has retained the power to take such steps to mitigate them by curbing use of the airstrip. We are also not persuaded by appellants that the present situation is akin to SUWA, *supra*, where BLM was required by section 7 of the ESA to prepare a BA or especially to consult with FWS. We find no evidence that the issuance of the right-of-way grant to Arrow West is likely to adversely affect any Federal T&E species which may be present in the right-of-way or surrounding area. Appellants assert that the “affected area is critical or high value habitat for listed species of plants and animals, including, Desert Bighorn Sheep, Long-billed Curlew, Ferruginous Hawk, and Wright Fishhook Cactus.”<sup>8/</sup> (SOR at 13.) However, they offer no evidence establishing or indicating the presence of any T&E species or that right-of-way activities or even the increased use specifically attributable to BLM’s right-of-way grant is likely to adversely affect any of these species, thus requiring preparation of a BA or consultation with FWS. 16 U.S.C. §§ 1536(a)(2) and (c)(1) (2000); 50 CFR 402.12(d)(1) and 402.14(a); National Wildlife Federation, 126 IBLA 48, 65-66 (1993); SUWA, 122 IBLA 165, 173 (1992). Thus, we conclude that appellants fail to establish that BLM violated section 7 of the ESA.

Appellants contend that BLM failed to consider reasonable alternatives to the proposed issuance of the right-of-way grant, including authorizing maintenance of the airstrip, in order to render it generally safe for aircraft use (but not approving any commercial use), and closing the airstrip to any commercial aircraft use. (SOR at 16-18.) Section 102(2)(E) of NEPA, as amended, 42 U.S.C. § 4332(2)(E) (2000), requires BLM to consider “appropriate alternatives” to the proposed action, as well as their environmental consequences. See 40 CFR 1501.2(c) and 1508.9(b); City of Aurora v. Hunt, 749 F.2d 1457, 1466 (10th Cir. 1984); Larry Thompson, 151 IBLA 208, 219 (1999). Such alternatives should include reasonable alternatives to the proposed action that will accomplish the intended purpose, are technically and economically feasible, and yet have a lesser impact. 40 CFR 1500.2(e); Headwaters, Inc. v. BLM, 914 F.2d 1174, 1180-81 (9<sup>th</sup> Cir. 1990); City of Aurora v. BLM, 749 F.2d at 1466-67; Sierra Club Uncompahgre Group, 152 IBLA at 378-79; Defenders of Wildlife, 152 IBLA at 9; Larry Thompson, 151 IBLA at 219-20.

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<sup>8/</sup> Appellants also assert that “[o]ther” T&E species “may be located on lands immediately adjacent to or above the proposed airstrip.” (SOR at 13 n.9.) However, they do not identify such species, or indicate how they might be adversely affected.

The alternative of only authorizing maintenance simply focuses on part of the proposed action, and thus is not an alternative to that action. It need not be separately considered by BLM, especially since BLM has already addressed the environmental impacts of maintenance and is free to choose to adopt all or part of the proposed action based on that analysis. Further, we do not think that BLM was required to consider an alternative of closing the airstrip. The no action alternative provided for not authorizing any commercial use of the airstrip by Arrow West, and both the proposed and no action alternatives left in place the status quo, under which any other commercial use of the airstrip was not expressly authorized. We do not think that BLM was required to go further and specifically consider taking affirmative action to close the airstrip by precluding its use. That is a separate action alternative which is not an alternative to the proposed commercial use of the airstrip by Arrow West. Nor would it accomplish the intended purpose of the proposed action.

We conclude that the record establishes that BLM properly determined in its August 2001 DR/FONSI that there will be no significant impact from approving issuance of a right-of-way grant to Arrow West for commercial use and maintenance of the airstrip, since BLM has, considering all relevant matters of environmental concern, taken a hard look at potential environmental impacts and made a convincing case that no significant impact will result therefrom or that any such impact will be reduced to insignificance by adoption of specified mitigation measures. Nez Perce Tribal Executive Committee, 120 IBLA at 37-38. Thus, BLM properly found that no EIS was required.

Appellants have not carried their burden to demonstrate with objective proof that BLM failed to consider a substantial environmental question of material significance to the proposed action or otherwise failed to abide by section 102(2)(C) of NEPA. SUWA, 127 IBLA at 350, 100 I.D. at 380; Red Thunder, 117 IBLA at 175, 97 I.D. at 267; Sierra Club, 92 IBLA at 303. We find no error in BLM's decision-making process. The fact that appellants have a differing opinion about likely environmental impacts or prefer that BLM take another course of action does not show that BLM violated the procedural requirements of NEPA. San Juan Citizens Alliance, 129 IBLA 1, 14 (1994).

To the extent that they are not expressly addressed herein, appellants' arguments have been considered and rejected.

Accordingly, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision appealed from is affirmed.

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David L. Hughes  
Administrative Judge

I concur:

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C. Randall Grant, Jr.  
Administrative Judge