

Colorado Mountain Club Conservation Review of Important Environmental Laws

Compiled July 2017 by Panos Smyrnios

Environmental and resource management can often be a very complicated process involving a multitude of state and federal laws and groups. The following guide provides summaries of the most important laws in order to help you better understand how and why land and resource decisions are made.

Antiquities Act: The Antiquities Act is one of the most well known environmental laws in existence. Passed by president Roosevelt in 1906, this act gives the president of the United States the power to create “national monuments” out of federal lands in order to further preserve its natural, cultural, or scientific resources. The Antiquities Act has been used by 16 presidents and has led to the creation of 157 (and counting) National Monuments.

Colorado Example: William Taft utilized The Antiquities Act in 1911 to establish the Colorado National Monument, one of the most famous National Monuments in the West recreation, if not the entire U.S.

Archeological Resources Protection Act (ARPA): ARPA, passed in 1979, “establishes requirements to protect archaeological resources and sites on public and Indian lands. The act aims to foster increased cooperation and exchange of information between governmental authorities, the professional archaeological community, and private individuals.”

Colorado Example: Click [here](#) to see all of the archeological lands/sites managed by the BLM in Colorado in accordance with ARPA.

Clean Air Act (CAA): The CAA was originally passed in 1963, with significant amendments added in 1970 and 1990. The CAA forms the backbone of U.S. air pollution policy and is enforced by the EPA. Federal and state agencies are required by the CAA to meet minimum air quality standards set by the EPA in transportation, industry, urban expansion, resource management, etc. Congress amended the clean air act in 1977 so that it could be applied to public lands, National Parks, and wilderness areas. It emphasized the need to preserve air quality in Class I national park units and large wilderness areas in order to protect and enhance “natural visibility.”

Colorado Example: In 2005, the Colorado Department of Public Health and the Environment (CDPHE) and the EPA found that over the last 20 years Rocky Mountain National Park had been experiencing heightened levels of air pollution due to automobile combustion and industry, as well as a 20 percent decrease in visibility. To combat these issues, the CDPHE, EPA, and National Park Service utilized the Clean Air Act as a basis to create a RMNP Air Quality Initiative. The initiative currently aims to reduce nitrogen (NOx) and other common air pollutants by asking local industries to voluntarily incorporate modern technologies that significantly reduce pollutant emissions. The initiative is ongoing and aims to implement regulations and restrictions on local industries and transportation between 2020 and 2030 depending on the success of the volunteer

program. Click [here](#) to read the full RMNP Air Quality Initiative in full and [here](#) to see an updated list of regulation alternatives.

Clean Water Act (CWA): Passed in 1977, the CWA aims to “restore and maintain the chemical, physical, and biological integrity of the Nation’s waters.” The CWA makes it unlawful for a person or party to discharge any sort of pollutants into navigable waters of the U.S. The CWA is enforced by the EPA but also allows for private law suits.

Colorado Example: All navigable water bodies managed by federal agencies must be consistently monitored to meet standards set by the CWA. For example, the EPA and National Park Service monitor and assess the water quality of all “navigable” rivers within the Colorado National Monument to ensure that pollutant levels do not exceed the standards for agriculture and water recreation uses. Click [here](#) to view the 2003/2004 CWA Water Quality Designated Uses and Impairments for the Colorado National Monument.

Federal Land Policy and Management Act (FLPMA): FLPMA was enacted in 1976 and directs the way the BLM manages its lands. Initially, its priority was to phase out homesteading. Overall, this act requires that the BLM create management plans, keep detailed records of all land use, and carry out periodic inventories of all lands it is responsible for. It ensures that the BLM is maximizing public land’s natural and cultural resources for intrinsic and public uses. Click [here](#) to see the full FLPMA.

Colorado Example: This act applies to all lands managed by the BLM. A good example that showcases the various reports, documents, and meetings required in developing one of these comprehensive plans is the Eastern Colorado Resource Management Plan. Click [here](#) to see the BLM’s official page for this unit and its plans for managing recreation.

Migratory Bird Act (MBA): The MBA was passed in 1918 in order to combat the degradation of valuable migratory bird populations due to hunting, trade, and exportation of these individuals. This act prohibits hunting, killing, capturing, possession, sale, transportation and exportation of birds, feathers, eggs and nests. Killing or capturing migratory species during regulated hunting seasons or if causing significant harm or danger (e.g. agriculture). This law is enforced by U.S. Fish and Wildlife and acts as a productive way to protect ecologically important lands from overuse and hunting.

Colorado Example: The MBA was used to create and enforce the 92,500 acre Baca Refuge is located in the northeastern part of the San Luis Valley. Visit the Baca Refuge’s [official page](#) on the U.S. Fish and Wildlife website.

Multiple Use - Sustained Yield Act (MUSYA): MUSYA was passed in 1960 and governs the use of National Forests. It is overseen by the Secretary of Agriculture and carried out by the USFS. MUSYA, as the name implies, is split into two parts.

- **Multiple Use:** Here MUSYA seeks to ensure that all National Forest land is being managed in a way that maximizes the use for outdoor recreation, range, timber, watershed, and wildlife and fish purposes.
- **Sustainable Yield:** MUSYA also mandates the sustainable maintenance of various forest resources. This mostly applies to timber and water resource use.

Colorado Example: Like many of the other far-reaching federal policies, MUSYA applies to all national forest land in Colorado and influences other federal legislation, such as NEPA and the national Forest Management Act. Click [here](#) Grand Mesa Uncompahgre and Gunnison National Forests is balancing recreation with various other land uses.

National Environmental Policy Act (NEPA): The NEPA was passed on January 1, 1970. It's a far-reaching policy requiring that all federal agencies assess any possible environmental impacts that an action or project may have. The main result of NEPA was that federal agencies must create comprehensive, detailed Environmental Impact Statements (EIS) for federal land management, trail construction, roads expansions, and various federal constructing projects. NEPA affects recreation considerably, as any proposed trail project, dirt road expansion, recreation sites etc. requires an EIS statement and analysis. This takes between three to five years and is expensive, making these sorts of projects difficult to get pass. See [here](#) for more information on how NEPA affects recreation.

Colorado Example: A specific example of NEPA's impact on Colorado recreation can be seen in the current restructuring of the Pike and San Isabelle travel management plan. The Forest Service was allowing motor use in areas not covered by the original EIS (1984). Since it did not meet their agency obligations under NEPA, the Forest Service was sued by a number of environmental organizations and must now update the EIS. Click [here](#) for more info regarding the Pike and San Isabelle forest EIS.

National Forest Management Act (NFMA): Passed in 1976, NFMA focuses on preserving the National Forests and all related ecosystems' health by placing stricter regulations on land use. Through NFMA, the Forest Service is required to evaluate all forests under its supervision, develop a management program based on multiple-use and sustained-yield principles, and implement resource management plans detailing timber prices, allowable extraction rates, and extraction methods.

Colorado Example: The National Forest service was sued in 2005 for its mismanagement of roads and trails in the Pike and San Isabelle National Forests. It is currently in the process of developing a new plan that, under the NFMA and other federal legislation, will aim to maximize recreational, commercial, and administrative motorized vehicle travel throughout the forest without sacrificing and ecological factors. See [here](#) to learn more about the plan and current progress.

Native American Graves Protection and Repatriation Act (NAGPRA): NAGPRA was passed in 1990. It requires federal agencies to A) consult and reach agreements with Indian

Tribes regarding the repatriation of cultural objects, such as human remains, funerary objects, sacred objects, and objects of cultural patrimony. And B) the act provides greater protection for Native American burial sites and more careful control over the removal of Native American cultural items (listed above). NAGPRA is vital to conserving the United States' cultural lineage, as well as culturally significant lands.

Colorado Example: After many years in limbo, federal and Colorado state representatives came to an agreement with leaders from various Native American tribes to expand public lands and allow for the burial of hundreds of indigenous remains around the state of Colorado. Click [here](#) to read more.

Taylor Grazing Act (TGA): The TGA was passed in 1934 to prevent degradation of public lands due to overgrazing. The act authorizes the Secretary of the Interior to establish grazing districts on federal land, mainly those overseen by the BLM. It utilizes a permitting system to allocate land to local livestock farmers. These grazing districts can often infringe on recreation and conservation of natural lands, sometimes causing controversy.

Colorado Example: A new resource management plan has recently been released for the BLM land within the Colorado River Valley Field Office. It received much contention from livestock farmers in the area, as it reduced the amount of grazing area available. But this tradeoff came to the benefit of residents and outdoor recreationists, as it will allow for the degraded land to make a comeback and opens up more land for public (human) use. [Here](#) is a link to a summary of the new plan.

Wilderness Act: The Wilderness Act was passed in 1964 and is still considered to be a landmark policy in conservation and environmental preservation. The Wilderness Act allows congress to designate areas of significant natural value as "wilderness areas." No roads, vehicles, permanent structures, or resource exploitation is allowed in designated wilderness. Wilderness areas are managed by the National Wilderness Preservation System (NWPS), which currently manages over 100 million acres of designated wilderness. There are 3.5 million acres of wilderness areas in Colorado dispersed between 41 areas. Wilderness areas make up 15 percent of all federal land managed in Colorado.

Colorado Example: There are 3.5 million acres of wilderness areas in Colorado dispersed between 41 areas. Wilderness areas make up 15 percent of all federal land managed in Colorado. Click [here](#) to read more about Colorado Wilderness Areas.