



***Bureau of Land Management
Director's Protest Resolution Report***

**Newcastle and Nebraska Proposed
Resource Management Plans and
Final Environmental Impact
Statement**

September 9, 2026

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Acronyms

Term	Definition
ACEC	Area of Critical Environmental Concern
BLM	Bureau of Land Management
CFR	Code of Federal Regulations
DOI	U.S. Department of the Interior
FEIS	Final Environmental Impact Statement
FLPMA	Federal Land Policy and Management Act
NEPA	National Environmental Policy Act
Newcastle/Nebraska	Newcastle and Nebraska planning area
PRMPs	Proposed Resource Management Plans
U.S.C.	United States Code

Introduction

The Bureau of Land Management (BLM) Wyoming State Office released the Newcastle and Nebraska Proposed Resource Management Plans (PRMPs) and Final Environmental Impact Statement (FEIS) for the Newcastle and Nebraska planning area (Newcastle/Nebraska) on July 17, 2026. The BLM received one unique protest letter submission during the subsequent 30-day protest period, which ended on August 17, 2026.

The planning regulations at 43 Code of Federal Regulations (CFR) 1610.5-2 outline the requirements for filing a valid protest of proposed land use planning decisions. The BLM received one protest letter from two protesting parties. The BLM evaluated the submission to determine if it satisfied the regulatory requirements. The BLM determined that the protesting parties have standing, and their letter contained a valid protest issue, as shown in the *Protesting Party Index* below. In this protest resolution report, the BLM has documented its response to the valid protest issue and recorded the protest decision in writing, along with the reasons for the decision. No changes to the Newcastle/Nebraska PRMPs/FEIS have been identified as necessary to address the valid protest issues received.

The BLM's Assistant Director for Resources and Planning addressed the protest letter received and has issued this protest resolution report to the protesting parties and posted the report on the BLM's website. The decision was sent to the protesting parties by certified mail, return receipt requested. Consistent with the BLM Delegation of Authority Manual (MS-1203, *Delegation of Authority*), resolution of protests is delegated to the BLM Assistant Director for Resources and Planning, whose decision on the protest is the final decision of the U.S. Department of the Interior (DOI) (43 CFR 1610.5-2(b)).

Protesting Party Index

Letter Number	Protestor	Organization	Determination
PP-WY-NC-EIS-26-01	Simone Griffin	BlueRibbon Coalition	Denied
	Ben Burr		

Federal Land Policy and Management Act: Area of Critical Environmental Concern Nomination

BlueRibbon Coalition

Simone Griffin and Ben Burr

Issue Excerpt Text: The Proposed RMP designates two ACECs directed at protecting cultural and archaeological resources: (1) an approximately 200-acre expansion of the existing Whoopup Canyon ACEC (from roughly 1,400 acres to approximately 1,600 acres), designated to protect rock art dated to between 2,400 and 11,500 years old; and (2) an entirely new, approximately 5,300-acre Little Missouri Antelope Trap ACEC in Crook County, designated to protect a Native American antelope trap complex, including wooden drive-line structures, occupation sites, and areas of ceremonial significance.

Under FLPMA Section 202(c)(3), 43 U.S.C. § 1712(c)(3), and 43 C.F.R. § 1610.7-2(a), an ACEC designation requires findings of both "relevance" (the presence of a qualifying resource, hazard, or value) and "importance" (that the value is of more than local significance and has substantial significance and values, is fragile, sensitive, rare, or otherwise requires special management attention to protect against irreparable damage). Critically, the "importance" criterion is not satisfied — and special management attention is not "needed" — where the value in question is already adequately protected under existing law, regulation, or BLM program guidance. 43 C.F.R. § 1610.7-2(b) further requires BLM to document its rationale for any ACEC designation decision, including why the identified lands meet the applicable criteria.

Both designations here target resources that are already comprehensively protected under existing federal law, independent of any ACEC designation...

The FEIS record contains no finding, data, or analysis demonstrating that this existing framework has failed, or is inadequate, to protect these specific sites — a necessary predicate before BLM may conclude that special management attention beyond existing law is "needed." Absent such a showing, the "importance" criterion of 43 C.F.R. § 1610.7-2(a) is not met, and the designations are arbitrary and capricious. 5 U.S.C. § 706(2)(A).

Summary:

The protesting parties alleged that BLM violated the Federal Land Policy and Management Act (FLPMA) and the regulations governing an Area of Critical Environmental Concern (ACEC) in the Newcastle/Nebraska PRMPs/FEIS. The protesting parties alleged that BLM violated this act and regulations by proposing to designate the Little Missouri Antelope Trap ACEC and expand the Whoopup Canyon ACEC without adequately demonstrating that the areas meet the ACEC importance criterion or require special management attention beyond existing cultural-resource protections.

Response:

Section 103(a) of FLPMA defines ACECs as, "areas within the public lands where special management attention is required... to protect and prevent irreparable damage to important historic, cultural, or scenic values, fish and wildlife resources or other natural systems or processes, or to protect life and safety from natural hazards" (43 U.S.C. 1702(a)). The BLM land use planning regulations define "importance" as a value which meets relevance criteria that has "substantial significance and values... [which] generally requires qualities of more than local significance and special worth, consequence, meaning, distinctiveness, or cause for concern" (43 CFR 1610.7-2 (a)(2)). Section 102(C)(iii) of the National Environmental Policy Act (NEPA) requires the

consideration of alternatives to the proposed action. The DOI's NEPA Implementing Procedures require analysis of "a reasonable range of alternatives to the proposed action" (Section 2.3 (a)(3)). The DOI's NEPA Implementing Procedures define reasonable alternatives as, "a reasonable range of alternatives that are technically and economically feasible, meet the purpose and need for the proposed action, are within the jurisdiction of the bureau, and, where applicable, meet the goals of the applicant." (Section 6.1 (v)).

The purpose and need for the Newcastle/Nebraska PRMPs/FEIS is "to address significant changes in light of new information; changed resources, circumstances, and policies; and other issues... to ensure the BLM-administered lands and minerals are managed in accordance with the multiple-use and sustained-yield principles stated in FLPMA (43 United States Code [U.S.C.] 1701 et seq.)" (Newcastle/Nebraska PRMPs/FEIS p. 1-1). The BLM analyzed five alternatives in detail and identified Alternative E as the Proposed RMP alternative (PRMPs/FEIS pp. 2-1 to 2-8).

The BLM analyzed a range of ACEC designations across the alternatives in the Newcastle/Nebraska PRMPs/FEIS: approximately 1,400 acres under Alternatives A, C, and E; approximately 11,100 acres under Alternative B; and approximately 6,900 acres under Alternative D (Newcastle/Nebraska PRMPs/FEIS pp. 2-4, 2-72 through 2-77, 3-222 through 3-227, and Appendix L, pp. L-1 through L-12). Only Alternatives B and D propose to expand the Whoopup Canyon ACEC and designate a new Little Missouri Antelope Trap ACEC, while Alternatives A, C, and E (the Proposed RMP Alternative) would retain the current designation of ACECs in the planning area (Newcastle/Nebraska PRMPs/FEIS p. 2-4). The BLM would not carry forward the designation of the Little Missouri Antelope Trap ACEC nor expand the Whoopup Canyon ACEC under the Proposed RMP Alternative E (Newcastle/Nebraska PRMPs/FEIS pp. 2-4, 2-72 through 2-77, and 3-222 through 3-227). The BLM determined the relevant and important values of the sites are adequately protected through the BLM's obligations under the National Historic Preservation Act and proposed management decisions for other resources (Newcastle/Nebraska PRMPs/FEIS Appendix P, p. P-74).

The BLM has appropriately considered a range of alternatives for the designation of ACECs in the Newcastle/Nebraska PRMPs/FEIS consistent with FLPMA's criteria that ACECs must contain relevant and important values and require special management to protect and prevent irreparable damage to those values. For these reasons, the BLM denies this protest issue.