

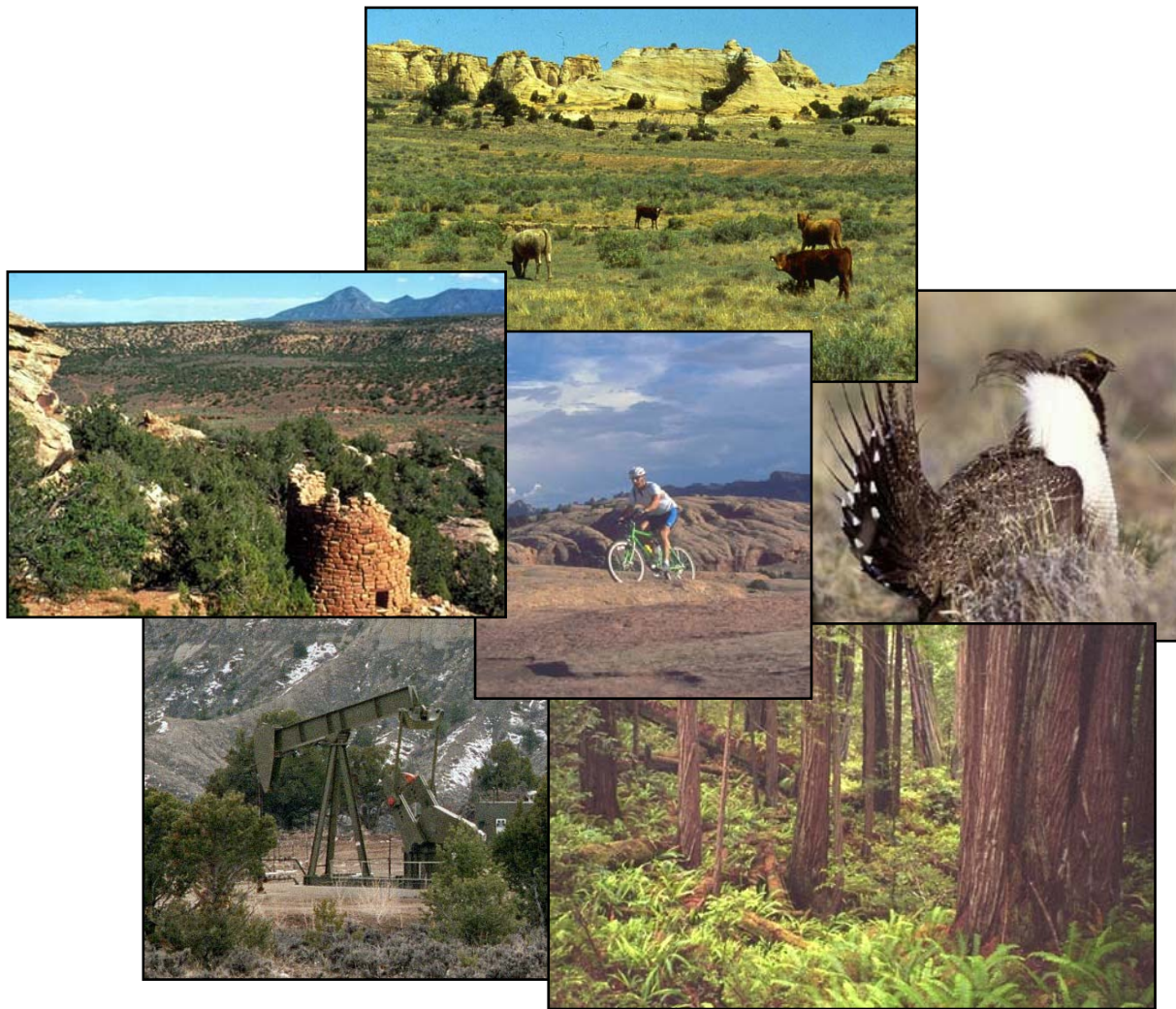
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United States
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Bureau of Land Management



Land Use Planning Handbook



BLM Handbook H-1601-1

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I. Introduction

A. The purpose of this Handbook and the need for planning guidance

This Handbook provides supplemental guidance to the Bureau of Land Management (BLM) employees for implementing the BLM land use planning requirements established by sections 201 and 202 of the Federal Land Policy and Management Act of 1976 (FLPMA, 43 U.S.C. 1711-1712) and the regulations in 43 Code of Federal Regulations (CFR) 1600. Land use plans and planning decisions are the basis for every on-the-ground action the BLM undertakes. Land use plans include both resource management plans (RMPs) and management framework plans (MFPs).

Land use plans ensure that the public lands are managed in accordance with the intent of Congress as stated in FLPMA (43 U.S.C. 1701 et seq.), under the principles of multiple use and sustained yield. As required by FLPMA and Bureau policy, the public lands must be managed in a manner that protects the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archaeological values; that, where appropriate, will preserve and protect certain public lands in their natural condition; that will provide food and habitat for fish and wildlife and domestic animals; and that will provide for outdoor recreation and human occupancy and use by encouraging collaboration and public participation throughout the planning process. In addition, the public lands must be managed in a manner that recognizes the Nation's need for domestic sources of minerals, food, timber, and fiber from the public lands. Land use plans are one of the primary mechanisms for guiding BLM activities to achieve the mission and goals outlined in the BLM Strategic Plan.

This Handbook provides guidance for preparing, revising, amending, and maintaining land use plans. This Handbook also provides guidance for developing subsequent implementation (activity-level and project-specific) plans and decisions. It builds on field experience gained in implementing the 1983 planning regulations (43 CFR 1600), subsequent BLM Manual guidance, and the 2000 Handbook. This guidance does not, however, change or revise the planning regulations in 43 CFR 1600, which take precedence over this Handbook. Definitions for terms used in this Handbook are found in the glossary and in the BLM planning regulations in 43 CFR 1601.0-5.

Any interpretation of the guidance contained in this Handbook is subservient to the legal and regulatory mandates contained in FLPMA, 43 CFR 1600, the National Environmental Policy Act of 1969 (NEPA, 42 U.S.C. 4321 et seq.), the Council on Environmental Quality (CEQ) regulations at 40 CFR 1500-1508, and other applicable Federal laws and regulations. This planning guidance:

1. Encourages planning on a variety of scales, including both traditional RMPs at the local level and RMPs as part of larger regional-level plans, as well as combinations of these in partnership with other landowners and agencies;
2. Encourages active public participation throughout the planning process and facilitates multijurisdictional planning;

3. Clarifies the relationship between land use plans and implementation plans (implementation plans include both activity-level and project-specific plans);
4. Provides procedural requirements for completing land use plans and implementation plans;
5. Clarifies the relationships between land use and implementation planning and NEPA requirements;
6. Addresses new requirements and approaches for managing public lands or resources; and
7. Addresses the consideration of new information and circumstances, e.g., new listings of threatened and endangered species, and new requirements and standards for the protection of air and water quality, etc.

B. The basic planning process

The BLM will use an ongoing planning process to ensure that land use plans and implementation decisions remain consistent with applicable laws, regulations, orders, and policies. This process will involve public participation, assessment, decision-making, implementation, plan monitoring, and evaluation, as well as adjustment through maintenance, amendment, and revision. This process allows for continuous adjustments to respond to changed circumstances. The BLM will make decisions using the best information available. These decisions may be modified as the BLM acquires new information and knowledge of new circumstances relevant to land and resource values, uses, and environmental concerns. Modifying land use plans through maintenance and amendment on a regular basis will reduce the need for major revisions of land use plans.

C. Public involvement requirements and formal relationships

Planning is inherently a public process. The BLM uses a number of involvement methods to work with members of the public, interest groups, and governmental entities.

- *Public involvement* entails “The opportunity for participation by affected citizens in rule making, decision making, and planning with respect to the public lands, including public meetings or hearings . . . , or advisory mechanisms, or other such procedures as may be necessary to provide public comment in a particular instance” (FLPMA, Section 103(d)). Several laws and Executive orders set forth public involvement requirements, including maintaining public participation records. The BLM planning regulations (43 CFR 1601-1610) and the CEO regulations (40 CFR 1500-1508) both provide for specific points of public involvement in the environmental analysis, land use planning, and implementation decision-making processes to address local, regional, and national interests. The NEPA requirements associated with planning have been incorporated into the planning regulations.

- *Coordination*, as required by FLPMA (Section 202(c)(9)), involves on-going communication between BLM managers and state, local, and tribal governments to ensure that the BLM considers pertinent provisions of non-BLM plans in managing public lands; seeks to resolve inconsistencies between such plans; and provides ample opportunities for state, local, and tribal government representatives to comment in the development of BLM's RMPs (43 CFR 1610.3-1). The CEQ regulations further require timely coordination by Federal agencies in dealing with interagency issues (see 40 CFR 1501.6), and in avoiding duplication with tribal, state, country, and local procedures (see 40 CFR 1506.2).
- *Cooperation* goes beyond the coordination requirement of FLPMA, entailing collaboration between the BLM and another governmental entity (Federal, state, local, or tribal) to develop a land use plan and NEPA analysis, as defined by the lead and cooperating agency provisions of the CEQ's NEPA regulations (40 CFR 1501.5 and 1501.6). Normally the BLM serves as the lead agency, though in some cases other governmental entities serve with the BLM as joint leads. Cooperating agency and related roles should be formalized through an agreement.
- *Consultation* involves a formal effort to obtain the advice or opinion of another agency regarding an aspect of land use management for which that agency has particular expertise or responsibility, as required by statute or regulation. For example, the Endangered Species Act requires the BLM to consult with the U.S. Fish and Wildlife Service or NOAA Fisheries regarding land use actions that may affect listed species and designated critical habitat (see 50 CFR 402.14).
- *Collaboration* is a cooperative process in which interested parties, often with widely varied interests, work together to seek solutions with broad support for managing public and other lands. Collaboration mandates methods, not outcomes; and does not imply that parties will achieve consensus. Depending on local circumstances and the judgment of the field manager, varying levels of collaboration may be used in specific involvement processes.

It is recommended that resource advisory councils (RACs) or their functional equivalent be involved in the land use planning process. RACs, which are advisory groups chartered under the Federal Advisory Committee Act (FACA) (86 Stat. 770, 5 U.S.C.A., Appendix 2), may advise the BLM regarding the preparation, amendment, and implementation of land use plans for public lands and resources within a jurisdictional area. In addition, Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (Environmental Justice), February 11, 1994, requires the BLM to find ways to communicate with the public that are germane to community-specific needs in areas with low income or minority populations or tribes.

Comments or protests submitted to the BLM for use in its planning efforts, including names and home addresses of individual(s) submitting the comments, are subject to disclosure under the Freedom of Information Act (FOIA) (5 U.S.C. 552); however, names and home addresses of individuals may be protected from disclosure under exemption 6 of FOIA. In order to protect names and home addresses from public review or disclosure, the individual(s) submitting

comments must request that their names and addresses be held in confidence. Offices must place the following or a similar statement in all notices requesting public input or announcing protest opportunities, including public meeting “sign-in” sheets, notices in newspapers, on the Internet, in *Federal Register* Notices of Intent and Notices of Availability, and in “Dear Interested Party” letters in the planning/NEPA documents:

“FREEDOM OF INFORMATION ACT CONSIDERATIONS: Public comments submitted for this planning review, including names and street addresses of respondents, will be available for public review at the XYZ Field Office during regular business hours (x:xx a.m. to x:xx p.m.), Monday through Friday, except holidays. Individual respondents may request confidentiality. If you wish to withhold your name or address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your comments. Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.”

D. Collaborative planning

Collaboration as a general term describes a wide range of external and internal working relationships. Early identification of the most appropriate, efficient, and productive type of working relationships is desirable to achieve meaningful results in land use planning initiatives.

While the ultimate responsibility regarding land use plan decisions on BLM-administered lands rests with BLM officials, it is recognized that individuals, communities, and governments working together toward commonly understood objectives yields a significant improvement in the stewardship of public lands. Benefits of building collaborative partnerships include improving communication, developing a greater understanding of different perspectives, and finding solutions to issues and problems.

A collaborative approach to planning entails BLM working together with tribal, state, and local governments; Federal agencies; and other interested parties; from the earliest stages and continuing throughout the planning process, to address common needs and goals within the planning area. This is an excellent time to consider existing plans of tribal, state, and local governments and other Federal agencies. The BLM official must identify the decision space (i.e., regulations, policies, and local, regional, national interests) within which the BLM must operate, but the community or group working with the BLM may help focus the planning effort.

Although the initial stages of developing an open and inclusive process are time-consuming, the potential returns from relationship building, cost-savings, and durability of decisions more than compensate for this effort. To provide for effective public participation in any collaborative planning process, it is important to communicate effectively with the public and invite participation in all aspects of the planning effort. Outreach to distant interests is also important. An effective outreach strategy will inform distant publics as well as local residents. Appendix A of this Handbook provides additional guidelines on collaborative processes.

The strategies associated with BLM’s national Alternative Dispute Resolution (ADR)/Collaborative Action Program are valuable resources for providing support to collaborative planning processes. The principal objective of the Program is to foster or strengthen ADR-based collaborative engagement with communities and other stakeholders, focusing primarily on helping to ensure successful outcomes on the ground through ADR-based collaboration.

Although the primary emphasis is on prevention of conflict or disputes in the planning process through early engagement and convening to ensure up-front communication and consultation, the ADR/Collaborative Action Program’s initiatives also address more formal conflicts or disputes that may arise during the planning process, as well as those associated with protests and litigation. The Program’s goal is to prevent, resolve, or mitigate adverse impacts to the Bureau before a protest or judicial action is filed wherever possible and to address all the parties’ interests.

In using the collaboration and Alternative Dispute Resolution processes, it is important to be aware of the situations where FACA does or does not apply so that an informed decision can be made to either avoid conflict with FACA or pursue a FACA charter for any advisory groups (see Appendix B). Failure to review collaborative planning efforts and the requirements of FACA could result in land use plans being overturned if challenged in court. The Congress passed FACA in 1972 to reduce narrow, special-interest group influence on decision makers, to foster equal access for the public to the decision-making process, and to control costs by preventing the establishment of unnecessary advisory committees.

E. Coordination and cooperation with other Federal agencies and state and local governments

FLPMA and NEPA provide BLM managers with complementary directives regarding coordination and cooperation with other agencies and governments. FLPMA emphasizes the need to insure coordination and consistency with the plans and policies of other relevant jurisdictions. NEPA provides for what is essentially a cooperative relationship between a lead agency (here, normally BLM) and cooperating agencies in the NEPA process.

(Consultation requirements for specific resources and programs are outlined in Appendix C, under the Notices, Consultations, and Hearings subsections)

1. Coordination Under FLPMA

Section 202(c)(9) of FLPMA, as paraphrased, requires the BLM to provide for involvement of other Federal agencies and state and local government officials in developing land use decisions for public lands, including early public notice of proposed decisions that may have a significant effect on lands other than BLM-administered Federal lands (for coordination with Indian Tribes, see Section F following this section). Coordination must start as early in the land use planning process as is practical and must continue throughout. This process of early coordination and involvement by other Federal agencies and state and local governments is often, but not always, formalized through various memoranda of understanding (MOUs) between the state director and

the state or regional heads of other Federal agencies, between the state director and the Governor, or between BLM field managers and local municipalities, communities, counties, or burroughs. The intent of a MOU is to establish points of contact and protocols for coordination between BLM and its partners. Regardless of whether an MOU is used as a tool for consistency, the principles of collaborative planning must be used in coordinating with these entities. The BLM can also seek involvement and coordination from associations of elected officials.

Section 202(c)(9) of FLPMA also requires, to the extent practical, that BLM keep itself informed of other Federal agency and state and local land use plans, assure that consideration is given to those plans that are germane to the development of BLM land use plan decisions, and assist in resolving inconsistencies between Federal and non-Federal plans. The key is ongoing, long-term relationships where information is continually shared and updated.

Many municipalities, communities, and counties have established community advisory boards, county commissions, planning boards, public land use advisory committees, or other similar planning and advisory groups. In some cases a state may have a Federal lands or policy liaison. These organizations and officials should be actively engaged from the beginning of the planning effort. The BLM may invite other Federal agencies and state and local governments to be involved as formal cooperating agencies. In planning efforts led by another agency or government entity, the BLM can be a cooperating agency.

Involving state and local government in developing land use decisions may require the BLM to be “at the table” with the various land use boards of the state or local government. In principal, coordination with and involvement of other Federal agencies and state and local government goes far beyond merely providing briefings on the status of any planning effort. In practice, however, staffing and resource constraints by other agencies and local governments may limit their involvement. BLM’s plans shall be consistent with other Federal agency, state, and local plans to the maximum extent consistent with Federal law and FLPMA provisions.

All BLM land use plans or plan amendments and revisions must undergo a 60-day Governor’s consistency review prior to final approval. BLM’s procedures for the Governor’s consistency review are found in the planning regulations in 43 CFR 1610.3-2(e).

When other Federal agencies and state and local governments initiate planning efforts that may affect or be affected by BLM’s management decisions, the BLM should collaborate in such planning efforts to the extent possible.

2. Cooperating agency status under NEPA

Cooperating agency status provides a formal framework for governmental units—local, state, tribal, or Federal—to engage in active collaboration with a lead Federal agency to implement the requirements of NEPA. This guidance supplements CEQ regulations on cooperating agency.

In principle, a cooperating agency shares the responsibility with the lead agency for organizing the planning process. Within the constraints of time and resources, cooperating agency staff should be encouraged to participate fully with BLM staff as members of the plan/EIS team. Responsibilities of a cooperating agency may include:

- Formal involvement in scoping and sharing the responsibility for defining and framing the issues to be examined in the NEPA process;
- developing information and analysis for which the agency has particular expertise;
- contributing staff to enhance the interdisciplinary team's capabilities; and
- bearing the costs of its own participation.

When properly conducted, the lead agency/cooperating agency relationship provides mutual benefits. From the BLM's perspective the goals of the cooperating agency relationship include:

- Gaining early and consistent involvement of key governmental partners;
- incorporating local knowledge of economic, social, and political conditions;
- addressing intergovernmental issues;
- avoiding duplication of effort;
- enhancing the local credibility of the review process; and
- building relationships of trust and collaboration for long-term mutual gain.

a. Criteria for cooperating agency status. The CEQ defines cooperating agency in regulations implementing NEPA, particularly at 40 CFR 1501.6 and 1508.5. CEQ regulations specify that a Federal agency, state agency, local government, or tribal government may qualify as a cooperating agency because of “. . . jurisdiction by law or special expertise.”

1) Jurisdiction by law means “. . . agency authority to approve, veto, or finance all or part of the proposal.” (40 CFR 1508.15)

2) Special expertise means “. . . statutory responsibility, agency mission, or related program experience.” (40 CFR 1508.26)

BLM has interpreted the requirement of special expertise broadly. For example, county or tribal governments potentially affected by a BLM planning effort would qualify on this basis through their knowledge of local social, economic, and political conditions.

Cooperating agency status is at the request of the lead Federal agency. Another Federal agency having “jurisdiction by law” in the matters subject to the NEPA process must serve as a cooperating agency when so requested. A Federal agency qualifying through “special expertise,” or a state, local, or tribal government qualifying under either criterion may accept or decline a request to serve as a cooperating agency (40 CFR 1501.6, 1508.5).

Whether or not a federally-recognized tribe enters into a cooperating agency relationship, its fundamental connection to the Bureau is based on tribal sovereignty, manifested through the government-to-government relationship.

b. Responsibilities of BLM managers. Before BLM begins the scoping process to develop or amend a RMP, the state director or field manager should invite qualifying Federal agencies and state, local, and tribal governments to participate as cooperating agencies. State directors and field managers should consider any requests from other Federal agencies and state, local, and tribal governments for cooperating agency status.

c. Role of cooperating agencies in the RMP/EIS process. It is BLM policy to encourage the involvement of cooperating agencies throughout the planning/EIS process, although practical limitations in cooperating agencies' time, resources, and expertise may make full involvement impractical. Field managers should encourage the collaboration of cooperating agencies in identifying issues, developing planning criteria, collecting inventory data, analyzing data for the analysis of the management situation, formulating alternatives, and estimating the effects of alternatives. Field managers should also collaborate with cooperating agencies in evaluating the alternatives and developing a preferred alternative. Notwithstanding such collaborative efforts, the final decision to designate a preferred alternative remains the exclusive responsibility of the BLM.

Roles and responsibilities of each party should be formalized and clearly described in a MOU.

F. Government-to-government coordination with Indian Tribes

The BLM will provide government officials of federally-recognized tribes with opportunities to comment on and to participate in the development of land use plans. The BLM will consider comments, notify consulted tribes of final decisions, and inform them of how their comments were addressed in those decisions. At a minimum, officials of federally-recognized tribal governments must be offered the same level of involvement as state and county officials. It is recommended that coordination take place as early as possible and before official notifications are made. Land use plans and coordination activities must address the following:

1. Consistency with tribal plans. Section 202(c)(9) of FLPMA requires the BLM to coordinate plan preparation for public lands with plans for lands controlled by Indian Tribes, so that the BLM's plans are consistent with tribes' plans for managing tribal resources to the extent possible, consistent with Federal law. This coordination allows the BLM and tribes to develop management prescriptions for a larger land base than either agency can address by itself.
2. Protection of treaty rights. Land use plans must address the protection of treaty rights assured to Indian Tribes concerning tribal uses of public lands and resources (such treaty rights in the West are generally limited to Northwestern Tribes who were subject to the Stevens Treaties of the 1850s).

3. Observance of specific planning coordination authorities. In addition to the FLPMA consistency provisions discussed above, land use plans must comply with the following statutes and Executive orders:

a. Section 101(d)(6) of the National Historic Preservation Act. This act requires the BLM to consult with Indian Tribes when historic properties of traditional religious or cultural importance to a tribe would be affected by BLM decision-making.

b. The American Indian Religious Freedom Act. This act requires the BLM to protect and preserve the freedom of American Indians and Alaska Natives in exercising their traditional religions, including access to sites and the freedom to worship through ceremonials and traditional rites.

c. Executive Order 13007 (Indian Sacred Sites). This act requires the BLM to accommodate access to and use of sacred sites and to avoid adversely affecting the physical integrity of sacred sites to the extent practicable, permitted by law, and not inconsistent with essential agency functions. The BLM must ensure reasonable notice is provided to tribes, through government-to-government relations, of proposed actions or land management policies that may restrict future access to or ceremonial uses of, or adversely affect the physical integrity of, sacred sites, including proposed land disposals.

d. Executive Order 12898 (Environmental Justice). This requires the BLM to take into account the relevant CEQ guidelines and Department of the Interior policies and goals.

In some cases, Native American or tribal interests are represented by certain advocacy groups that have a “quasi-governmental” authority or interest, but that are not federally recognized. There is no statutory, fiduciary trust, or government-to-government relationship with these groups that requires consultation. These groups are consulted by BLM on the same level as any other nongovernmental organization or advocacy group using the principles of collaboration.

See BLM Manual 8120 and BLM Handbook H-8120-1 for specific guidance on Native American consultation. See Departmental Manual 512 DM 2 (Departmental Responsibilities for Indian Trust Resources).

Land use plans and their accompanying EISs must identify potential effects on Indian trust resources, trust assets, or tribal health and safety. Any affect must be explicitly identified and documented in the land use plan.

II. Land Use Plan Decisions

A. Introduction

Decisions in land use plans guide future land management actions and subsequent site-specific implementation decisions. These land use plan decisions establish goals and objectives for resource management (desired outcomes) and the measures needed to achieve these goals and objectives, expressed as actions and allowable uses (lands that are open or available for certain uses, including any applicable restrictions, and lands that are closed to certain uses). Section 202(c) of FLPMA (43 U.S.C. 1712) requires that in developing land use plans, the BLM:

1. Use and observe the principles of multiple use and sustained yield;
2. use a systematic interdisciplinary approach to integrate physical, biological, economic, and other sciences;
3. give priority to designating and protecting areas of critical environmental concern (ACECs);
4. rely, to the extent available, on an inventory of public lands, their resources, and other values;
5. consider present and potential uses of public lands;
6. consider the relative scarcity of the values involved and the availability of alternative means and sites for realizing those values;
7. weigh long-term benefits to the public against short-term benefits;
8. provide for compliance with applicable tribal, Federal and state pollution control laws, standards, and implementation plans; and
9. to the extent consistent with the laws governing the administration of public lands, coordinate the land use inventory, planning, and management activities of public lands with land use planning and management programs of other Federal departments/agencies and state/local governments, as well as the policies of approved tribal and state land resource management programs. The BLM must, to the extent practical, assure that consideration is given to those tribal, state, and local plans that are germane in the development of land use plans for public lands. Land use plans must be consistent with state and local plans to the maximum extent consistent with Federal law. Refer to FLPMA for the full text of Federal responsibilities detailed under Section 202(c)(9).

Where there are competing resource uses and values in the same area, FLPMA requires that the BLM manage the public lands and their various resource values so that they are utilized in the combination that will best meet the present and future needs of the American people.

Land use plan decisions are made according to the procedures in the BLM's planning regulations in 43 CFR 1600 and the implementing regulations for NEPA in 40 CFR 1500-1508. Before land use plan decisions are finalized and selected, they must be presented to the public as proposed decisions and can be protested to the Director under 43 CFR 1610.5-2 (see Appendix E).

B. Geographic areas

A variety of different geographic areas are associated with planning:

Planning Area. The region within which the BLM will make decisions during a planning effort. A planning area boundary includes all lands regardless of jurisdiction; however the BLM will only make decisions on lands that fall under the BLM jurisdiction (including subsurface minerals). Unless the state director determines otherwise, the planning area for a RMP is the geographic area associated with a particular field office (43 CFR 1610.1(b)).

Decision Area. The lands within a planning area for which the BLM has authority to make land use and management decisions. In general, the BLM has jurisdiction over all BLM-administered lands (surface and subsurface) and over the subsurface minerals only in areas of split estate (areas where the BLM administers Federal subsurface minerals, but the surface is owned by a non-Federal entity, such as State Trust Land or private land).

Analysis Area. Any lands, regardless of jurisdiction, for which the BLM synthesizes, analyzes, and interprets data and information that relates to planning for BLM-administered lands. Analyses that extend beyond the planning area boundary allow management decisions to be made within the context of overall resource conditions and trends within the surrounding area. Examples of such information include the relative significance of BLM lands for a certain resource (such as a threatened or endangered species), or the anticipated impacts to resources (such as air quality, socioeconomics) based on activities on BLM-administered lands. The assessment areas can be any size, can vary according to resource, and can be located anywhere within, around, partially outside, or completely outside the planning or decision areas.

C. Scales of planning

Scales of planning and decisions may vary geographically (regional versus site-specific) or temporally (short-run versus long-run), providing a comprehensive base for resource management.

Planning at multiple scales may occur when it is necessary to resolve issues for a geographic area that is different from the geographic area covered by a traditional RMP. For example, broad-scale (regional) planning could identify issues such as invasive weeds that cross BLM field office boundaries or other jurisdictional boundaries.

Planning at multiple geographic scales allows the BLM to tailor decisions to specific needs and circumstances, such as specific habitat requirements on a large watershed area. Such planning enhances public involvement by allowing the public to focus on the scale where specific interests

lie, and also provides decision-makers with the proper information for particular levels of decision-making.

It is also important to consider temporal scales when planning, particularly when establishing goals and objectives and making management decisions. The lifespan of a typical land use plan may be 20 years or less. However, some natural processes that decisions affect may occur over much longer timeframes. For example, complete restoration of a degraded habitat may take much longer than the typical life of a land use plan.

D. Multijurisdictional planning

Within a planning area, the BLM surface lands and subsurface mineral estate interests are often intermingled with non-Federal mineral estate, or with lands that are managed by or under the jurisdiction of tribal, state, or local governments or other Federal agencies. As an outgrowth of these landownership patterns and responsibilities, other governmental entities and BLM have increasingly sought to coordinate their decisions and plans.

Multijurisdictional planning assists land use planning efforts where there is a mix of landownership and government authorities and there are opportunities to develop complementary decisions across jurisdictional boundaries. Planning can be accomplished for subbasins, entire watersheds, or other landscape units. A multijurisdictional plan may include both land use and implementation decisions that are germane to each jurisdiction involved in the planning effort. However, the BLM still retains authority for decisions affecting the public lands it administers. The BLM office leading or participating in a multijurisdictional plan must assure conformance with the BLM's planning regulations, as well as all other applicable laws and regulations for the BLM-administered lands. This can be accomplished by completing the notification, public review, and procedural requirements of 43 CFR 1600 and 40 CFR 1500-1508 as part of the multijurisdictional planning effort. Where BLM becomes a cooperating agency for implementation actions in conformance with the existing land use plan, the lead agency's planning process may be followed provided that NEPA requirements are met.

In cases where the BLM-administered lands make up a small part of the planning area for a multijurisdictional planning effort, it may be desirable for other jurisdictional interests to lead the planning effort. The BLM may act as a cooperating agency's facilitator, convener, leader, or participant, as appropriate, to encourage positive relationships and to develop a mutual understanding of resource conditions and multiple-use management options. In some cases, law may define the lead role. In most cases, planning procedures of tribal, state, or local governments and other Federal agencies will differ from those of the BLM. Therefore, successful multijurisdictional planning efforts are normally guided by MOUs, which clearly delineate lines of authority and roles and responsibilities for all participants, including the BLM.

E. Types of land use plan decisions

Land use plan decisions for public lands fall into two categories: desired outcomes (goals and objectives) and allowable (including restricted or prohibited) uses and actions to achieve desired outcomes.

1. Desired outcomes

Land use plans must express desired outcomes in terms of specific goals and objectives. Goals and objectives direct the BLM's actions in most effectively meeting legal mandates; numerous regulatory responsibilities; national policy, including the BLM Strategic Plan goals; state director guidance (see 43 CFR 1610.0-4(b)); and other resource or social needs. Desired outcomes should pertain to resources (such as natural, biological, and cultural resources), resource uses, (such as energy and livestock grazing), and other factors (such as social and economic conditions). Definitions and examples of goals and objectives are listed below:

Goals are broad statements of desired outcomes (e.g., maintain ecosystem health and productivity, promote community stability, ensure sustainable development) that usually are not quantifiable. Land Health Standards should be expressed as goals in the land use plan. Goals can also be drawn from the Departmental and/or the BLM Strategic Plan or other sources. A sample goal for a Land Health Standard is: "Maintain healthy, productive plant and animal communities of native and other desirable species at viable population levels commensurate with the species and habitat's potential." A sample goal from the Strategic Plan is: "Sustain desired biological communities on Department of the Interior-managed and -influenced lands and waters in a manner consistent with obligations regarding the allocation and use of water." These goals, or modifications thereof, could be used in a land use plan.

Objectives identify specific desired outcomes for resources. Objectives are usually quantifiable and measurable and may have established timeframes for achievement (as appropriate). A sample objective is: "Manage vegetative communities on the upland portion of the Clear Creek watershed to achieve by 2020, an average 30 to 40 percent canopy cover of sagebrush to sustain sagebrush-obligate species." When quantified, the indicators associated with Land Health Standards are one possible source of objectives.

2. Allowable uses and management actions to achieve desired outcomes (goals and objectives)

After establishing desired outcomes, the BLM identifies allowable uses (land use allocations) and management actions for different alternatives that will enable the achievement of the goals and objectives.

a. Allowable uses. Land use plans must identify uses, or allocations, that are allowable, restricted, or prohibited on the public lands and mineral estate. These allocations identify surface lands and/or subsurface mineral interests where uses are allowed, including any restrictions that may be needed to meet goals and objectives. Land use plans also identify lands where specific uses are excluded to protect resource values. Certain lands may be open or closed to specific uses based on legislative, regulatory, or policy requirements or criteria to protect sensitive resource values. If land use plan decisions close areas of 100,000 acres or greater in size to a principal or major use for 2 years or more, Congress must be notified of the closure upon its implementation as prescribed in 43 CFR 1610.6.

The land use plan must set the stage for identifying site-specific resource use levels. Site-specific use levels are normally identified during subsequent implementation planning or the permit authorization process. At the land use plan level, it is important to identify reasonable development scenarios for allowable uses such as mineral leasing, locatable mineral development, recreation, timber harvest, utility corridors, and livestock grazing to enable the orderly implementation of future actions. These scenarios provide a context for the land use plan's decisions and an analytical base for the NEPA analysis. The BLM may also establish criteria in the land use plan to guide the identification of site-specific use levels for activities during plan implementation.

b. Management Actions. Land use plans must identify the actions needed to achieve desired outcomes, including actions to maintain, restore, or improve land health. These actions include proactive measures (e.g., measures that will be taken to enhance watershed function and condition), as well as measures or criteria that will be applied to guide day-to-day activities occurring on public land. Land use plans also establish administrative designations such as ACECs, recommend proposed withdrawals, land tenure zones, and recommend or make findings of suitability for congressional designations (such as wild and scenic rivers).

While protection and restoration opportunities and priorities are often related to managing specific land uses (such as commodity extraction, recreation, or rights-of-way corridors), they can be independent of these types of uses as well. In certain instances, it is insufficient to simply remove or limit a certain use, because unsatisfactory resource conditions may have developed over long periods of time that will not correct themselves without management intervention. For example, where exotic invasive species are extensive, active restoration may be necessary to allow native plants to reestablish and prosper. In these cases, identifying restoration opportunities and setting restoration priorities are critical parts of the land use planning process.

Appendix C provides additional program-specific guidance for developing land use plan decisions.

F. Establishing management direction for lands that may come under the BLM jurisdiction in the future

If it is foreseeable that the BLM will acquire management responsibility for certain parcels of land through purchase, exchange, withdrawal revocation, administrative transfers, or some other means, then the BLM can establish management direction for these lands, contingent on their acquisition, in conjunction with planning efforts on adjacent or similar BLM-administered lands. If acquired lands are surrounded by or adjacent to BLM lands, the BLM can extend applicable land use plan decisions, through plan maintenance (see 43 CFR 1610.5-4), to these lands after they are acquired without completing a plan amendment, as long as there are no unresolved management issues associated with the newly acquired lands. In some cases, regulatory requirements may dictate a plan amendment be completed, such as when establishing or modifying boundaries of ACECs.

III. Land Use Planning Process and Products

Planning requirements vary depending on the type of planning efforts and the level of environmental analysis needed. There are three types of planning efforts:

1. New plans. A set of decisions for an area previously managed by an entity other than the BLM, or for an area previously managed by the BLM under a MFP (the predecessor to the present-day RMP).
2. Plan revisions. A complete or near-complete rewrite of an existing RMP.
3. Plan amendments. A modification of one or more parts (e.g., decisions about livestock grazing) of an existing RMP.

The level of environmental analysis differs by the type of planning effort, as shown in Table III-1.

Table III-1.—*Planning efforts and required NEPA analysis*

Type of planning effort	Type of associated NEPA document required
New plans	▪ EIS
Plan revisions	▪ EIS
Plan amendments	▪ EIS or EA/FONSI: Depends on the scope of the planning effort and on the anticipated impacts.

A. Planning for Environmental Impact Statement-Level Efforts

Figure 1 shows required planning steps for EIS-level planning efforts, followed by a description of each step.

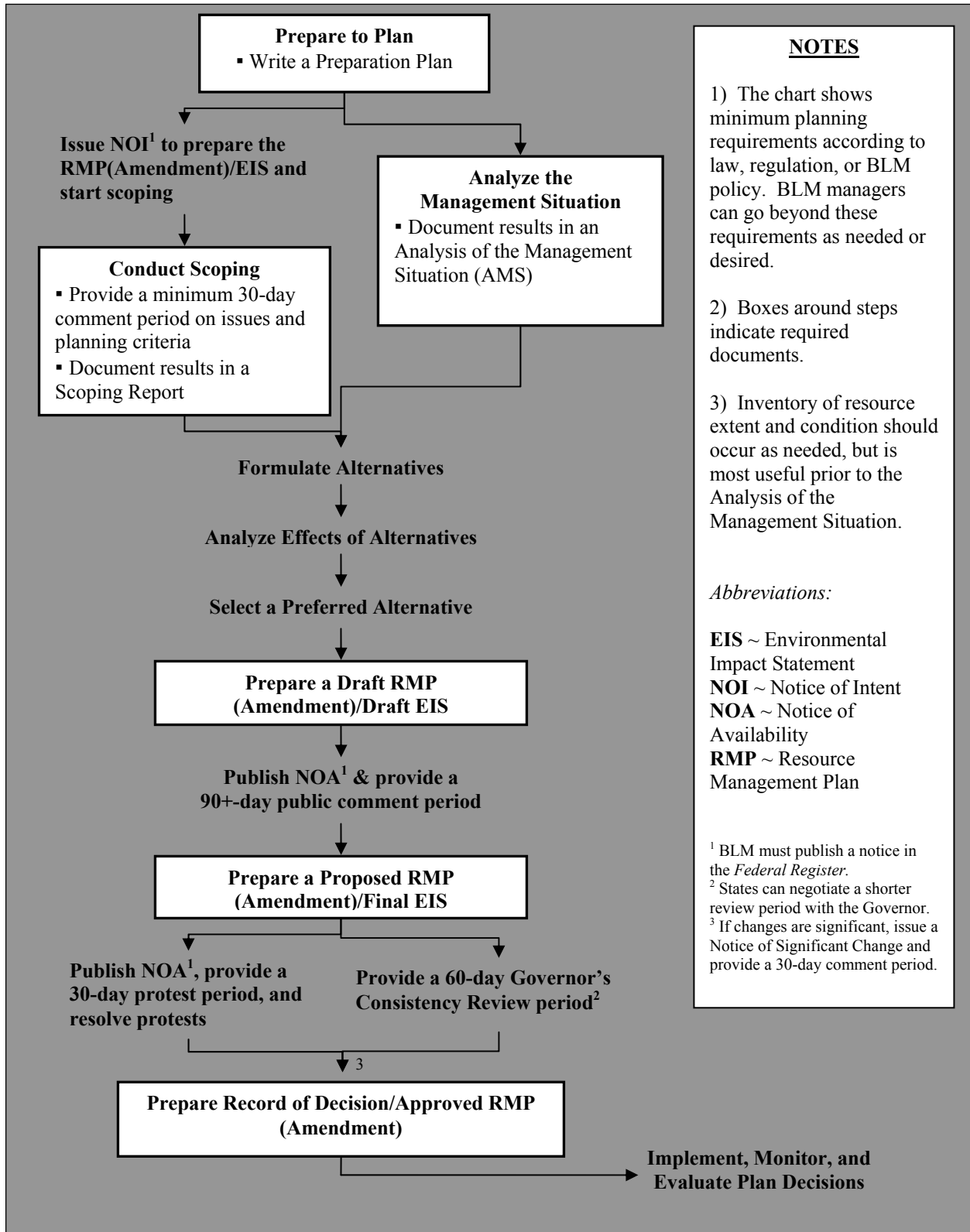


Figure 1.—EIS-level planning efforts: Required steps for new plans, revisions, and amendments

1. Prepare to Plan

Write a Preparation Plan. The preparation plan is more than merely a vehicle to secure planning funding. A properly prepared preparation plan provides the foundation for the entire planning process by identifying the preliminary issues to be addressed, the skills needed to address them, a preliminary budget that can be used for the cost estimate, preliminary planning criteria, and data and metadata available and needed. If the plan is to be contracted, the preparation plan also forms the basis for the statement of work. Offices should use a full interdisciplinary team to develop a realistic preparation plan. If the plan is to be contracted, include the procurement staff on the interdisciplinary team.

It is important that the preparation plans use the principles of project management and address the findings in the existing plan evaluation. A comprehensive preparation plan provides management direction, oversight, structure, and focus for the planning process.

Preparation plans should be as brief and concise as possible.

Appendix G-1 (Documentation Standards for Preparation Plans) contains a more detailed outline and discussion of specific components for a preparation plan.

2. Issue a Notice of Intent to prepare the RMP (amendment)/EIS and start scoping

At the earliest opportunity, the BLM should notify the public, Indian Tribes, other Federal agencies, and state and local governments about its intent to engage in land use planning for a given area. BLM managers should take whatever measures they feel necessary to ensure all interested parties are notified of upcoming planning actions. At a minimum, however, the BLM must distribute two types of notices.

- a. Publish a Notice of Intent (NOI) in the *Federal Register*. The BLM must publish a NOI in the *Federal Register* prior to scoping to announce its decision to prepare an EIS (and associated planning document) (40 CFR 1501.7). The NOI may identify preliminary issues and planning criteria (see the following Scoping section).
- b. Distribute scoping notices. Simultaneously with the *Federal Register* NOI, the BLM should submit a scoping notice to Federal agencies, state agencies, the heads of county boards, other local government units, and tribal chairmen or Alaska Native leaders and any other entities/individuals who have requested such notice or the manager has reason to believe would be concerned with the planning effort (43 CFR 1610.3-1(d)). BLM should request the current status of government entities' officially approved or adopted resource-related plans, and the policies and programs contained therein.

Publication of the NOI in the *Federal Register* formally initiates the planning process and begins scoping. Information discussions with cooperators (or potential cooperators), RACs, tribes and other groups may occur before formal scoping begins.

3. Scoping

Scoping is a requirement of both the NEPA regulations (40 CFR 1501.7) and the BLM planning regulations (43 CFR 1610.2 and 43 CFR 1610.4-1). Scoping is a collaborative public involvement process to identify planning issues to be addressed in the planning process. Planning issues are concerns or controversies about existing and potential land and resource allocations, levels of resource use, production, and related management practices. Issues include concerns; needs; and resource use, development, and protection opportunities for consideration in the preparation of the RMP. These issues may stem from new information or changed circumstances, and the need to reassess the appropriate mix of allowable uses. Planning issues are addressed in the development of alternatives (see Section 5).

Scoping also involves the introduction of planning criteria to the public for comment. Planning criteria guide development of the plan by helping define the decision space; they are generally based upon applicable laws, Director and state director guidance, and the results of public and governmental participation (43 CFR 1610.4-2). Examples of planning criteria include but are not limited to the following:

- a. The plan will be completed in compliance with FLPMA, NEPA, and all other relevant Federal law, Executive orders and management policies of the BLM.
- b. Where existing planning decisions are still valid, those decisions may remain unchanged and be incorporated into the new RMP (or amendment).
- c. The plans will recognize valid existing rights.
- d. Native American tribal consultations will be conducted in accordance with policy and tribal concerns will be given due consideration. The planning process will include the consideration of any impacts on Indian trust assets.

PRODUCT: DOCUMENTATION OF SCOPING RESULTS—The BLM must document the results of scoping (43 CFR 1610.2(d)). Field offices must either write a “Scoping Report” to capture public input in one document (recommended), or include the results of scoping in the Analysis of the Management Situation (see subheading 4. Analyze the Management Situation as follows). The documentation must summarize the individual comments received during the formal scoping period of the planning process. It must also describe the issues and management concerns from public scoping meetings, internal scoping meetings, and those included in the preparation plan. See Appendix G-2 (Recommended Format for Scoping Reports).

4. Analyze the Management Situation

The BLM must analyze the inventory data and other information available to determine the ability of the resource area to respond to identified issues and opportunities. This analysis provides, consistent with multiple use principles, the basis for formulating reasonable alternatives, including the types of resources for development or protection (43 CFR 1610.4-4).

The analysis should describe the current conditions and trends of the resources and the uses/activities in the planning area sufficient to create a framework from which to resolve the planning issues through the development of alternatives. It should also establish indicators or criteria that will be used in evaluating the effects of the alternatives. The analysis should describe the status, or present characteristics and condition of the public land. Status covers the physical and biological processes that effect ecosystem function; the condition of individual components such as soil, water, vegetation, and wildlife habitat; and the relative value and scarcity of the resources. It should also address social and economic conditions to understand how people, communities, and economies interact with the ecosystem. Appendix D provides additional detail on addressing social and economic considerations in the land use planning process in the context of the larger landscape (see Assessment Areas in Chapter II).

PRODUCT: ANALYSIS OF THE MANAGEMENT SITUATION—Field offices should produce a report called the “Analysis of the Management Situation” (AMS). Field offices are encouraged to make a summary of the AMS findings (or the entire report) available to the public. Parts of the AMS should easily translate into the introduction chapter, the no action alternative, and the affected environment chapter of the EIS.

Formulation of the AMS can begin as soon as the planning project is approved. The AMS document can be made available to the public during or after scoping. The scoping report can also be included in a published summary of the AMS if desired. See Appendix G-3 (Annotated Outline: Analysis of the Management Situation).

5. Formulate Alternatives

Considering a full range of alternatives helps the BLM and its partners understand the various ways of addressing the planning issues and different scenarios for management of the resources and uses in the planning area. Each alternative includes desired outcomes (goals and objectives), and the allowable uses and actions to achieve those outcomes. It is important to keep in mind the following about alternative formulation:

a. The BLM must consider all reasonable alternatives. At least one alternative must be the no action alternative, which is continuation of present levels or systems of resource use. Some alternatives may be developed for detailed study, while others may not be analyzed. The BLM must briefly describe the reasons for eliminating alternatives from detailed analysis. All alternatives—those analyzed and those not analyzed—are described in the draft RMP (Amendment)/draft EIS. (43 CFR 1610.4-5).

b. Reasonable alternatives analyzed in detail meet the purpose and need of the project and can be feasibly carried out based on cost, logistics, technology, and social, environmental, and legal factors. An alternative may be considered reasonable even if it is outside the legal jurisdiction of the BLM because it may serve as the basis for modifying congressional approval in light of the analysis. (40 CFR 1502.14(c); Forty Questions No. 2(b)).

c. Each fully-developed alternative represents a different land use plan that addresses and/or resolves the planning issues in different ways. To ensure a manageable number of alternatives, the BLM should treat reasonable variations of alternatives as subalternatives (43 CFR 1610.4-5).

d. Each alternative will include a different suite of potential planning decisions to address the issues. Some potential planning decisions may be common to more than one of the alternatives, and may be common to all alternatives.

e. Goals typically pertain to all alternatives (will not vary by alternative). Objectives, allowable uses, and actions may (a) be consistent across alternatives, and/or (b) vary by alternative. A plan could include some objectives that vary by alternative, and other objectives that are consistent across alternatives.

f. Goals typically apply to the entire planning area. Objectives, allowable uses and actions may (a) apply to the planning area as a whole, and/or (b) be specific to certain geographic areas, such as those listed below:

1. Landscape-level systems (such as ecosystems and watersheds).

2. Specific resources (such as threatened and endangered species and cultural sites).

3. Areas (such as allotments and special management units).

g. All components of an individual alternative must be complementary. Desired outcomes, allowable uses, and management actions can (and probably will) conflict from one alternative to the next. However, they must not conflict within any one alternative. For example, an alternative should not allow all lands open to oil and gas leasing while having all lands designated as Visual Resource Management Class I or II.

h. When identifying allowable uses in alternatives, consider resource development potential, levels of use, and restrictions to best achieve the goals and objectives. These uses and restrictions are based on resource protection needs and social and economic factors, and represent the most appropriate mix of uses and protections for the resources in the planning area. Different protection and restoration measures and the availability of areas for certain uses, levels of uses, and restrictions are presented in alternatives.

i. In developing alternatives, the BLM must consider the relative scarcity of the values involved and the availability of alternative means and sites for realizing those values (43 U.S.C. 1712(c)(6)).

6. Analyze the Effects of Alternatives

The BLM must estimate and describe the physical, biological, economic, and social effects of implementing each alternative considered in detail, including the no action alternative (43 CFR

1610.4-6). This analysis should provide adequate information to evaluate the direct, indirect, and cumulative impacts of each alternative in order to determine the best mix of potential planning decisions. The assumptions and timeframes used for analysis purposes (such as reasonably foreseeable development scenarios) should be documented. The effects are described in the draft RMP (amendment)/draft EIS (see section 8).

7. Select a Preferred Alternative

By evaluating different levels or degrees of protection and use, the BLM must determine which combination of potential planning decisions contained in the alternatives best meets the present and future needs of the American people and best assures the long-term health of the land and its resources. This alternative, known as the preferred alternative, should achieve the following:

- a. Meet statutory requirements;
- b. best achieve the goals and policies of the BLM as reflected through the BLM's Strategic Plan and state director guidance; and
- c. best respond to the purpose and need and best resolve the issues pertinent to the planning effort.

These and other selection criteria should be identified prior to selecting the preferred alternative. Development of criteria and evaluation of alternatives should include the involvement of RACs, cooperators, and interested members of the public to the extent practical. The final decision to select a preferred alternative, however, remains the exclusive responsibility of the BLM.

If a single alternative contains the desired combination of potential planning decisions, then that alternative should be labeled the preferred alternative. If this combination of potential planning decisions is drawn from different alternatives, then those potential planning decisions should be compiled into a new alternative labeled the preferred alternative and the impacts analyzed accordingly.

The field manager recommends to the state director the preferred alternative. The state director approves the selection of the preferred alternative along with the other alternatives under consideration.

8. Prepare a Draft RMP (Amendment) and Draft EIS

PRODUCT: DRAFT RMP (AMENDMENT)/DRAFT EIS—This document describes the purpose and need for the plan, the affected environment, the alternatives for managing public lands within the planning area, the environmental impacts of those alternatives, and the consultation and coordination in which the BLM engaged in developing the plan. See Appendix G-4 for an annotated outline for a draft RMP (Amendment) and draft EIS.

9. Publish a Notice of Availability and Provide a Comment Period

The BLM must provide at least 90 days for the public to comment on the draft RMP (amendment) and draft EIS. This comment period officially starts with the Environmental Protection Agency's (EPA's) publication of a NOA for the document in the *Federal Register* (43 CFR 1610.2(e)). The BLM also publishes a NOA in the *Federal Register* to provide information not contained in the EPA NOA about the project, comment period, contact information, and other supplemental information. The BLM may also announce the start of the comment period (and the dates, times, and locations of public meetings) through other mechanisms, such as press releases, planning bulletins or newsletters, mailings and e-mailings, and Internet postings.

Comments may be submitted in a variety of forms, including written, electronic, and oral. The BLM must assess and consider all comments received (similar or "like" comments may be grouped for analysis). The BLM responds to comments by one of the following ways (40 CFR 1503.4):

- a. Modifying the proposed plan;
- b. developing and evaluating alternatives not previously given serious consideration;
- c. supplementing, improving, or modifying analysis;
- d. making factual corrections; and
- e. explaining why comments do not warrant further response, citing the sources, authorities, or reasons that support the agency's position, and, if appropriate, indicate those circumstances that would trigger reappraisal or further response.

Although the BLM is not required to write to individual commenters to explain how their comments were addressed, it is required to respond to substantive comments and include the response in the proposed RMP (Amendment) and Final EIS.

10. Prepare a Proposed RMP (Amendment) and Final EIS

PRODUCT: PROPOSED RMP (AMENDMENT)/FINAL EIS—The Proposed RMP (Amendment) and Final EIS builds on the draft RMP (amendment) and draft EIS to include appropriate responses to comments received on the draft RMP (Amendment) and draft EIS as well as a description (either verbatim or summary) of the comments received. It also corrects errors in the draft RMP/EIS identified through the public comment process and internal BLM review. The Proposed RMP and Final EIS can present a refined and modified version of the alternatives and the accompanying impact analysis contained in the draft RMP/EIS. Substantial changes would require supplements to either the draft or final EIS (40 CFR 1502.9(c)). The Proposed RMP (Amendment)/Final EIS should clearly show the changes from the draft RMP (amendment)/draft EIS. See Appendix G-4 for an annotated outline for a Proposed RMP (Amendment) and Final EIS.

11. Publish a Notice of Availability, Provide a Protest Period, and Resolve Protests

Issuance of the Proposed RMP (Amendment) and Final EIS officially occurs with the EPA's publication of a NOA for the document in the *Federal Register*. The BLM publishes a NOA as well, which contains information about the project, protest period and filing instructions, contact information, and other supplemental information not contained in the EPA NOA.

Individuals and entities have 30 days from the publication of EPA's NOA of the document to file a protest with the BLM Director. The protest period cannot be extended. The BLM must resolve any protests on a Proposed RMP (Amendment)/Final EIS before issuing a Record of Decision. See Appendix E for protest resolution procedures.

12. Provide a Governor's Consistency Review Period

In addition to a 30-day protest period, the BLM also provides a 60-day review period to the Governor of the state in which the RMP (Amendment) is being proposed to ensure consistency with state and local plans, policies, and programs. The protest period and the Governor's review period should occur simultaneously in order to save time. Sending a print ready copy to the Governor at the same time the document goes to the printer will allow both periods to end at about the same time. BLM states can potentially negotiate a shorter review period with the Governor.

Any responses from a Governor on consistency must be resolved before the BLM issues a Record of Decision. If the Governor does not respond within the review period, the BLM can assume that the proposed land use plan (amendment) decisions are consistent. If the Governor recommends changes in the proposed plan (amendment) that were not raised during the public participation process, the state director shall provide the public with an opportunity to comment on the recommendations (43 CFR 1610.3-2(e)). This public comment opportunity will be offered for 30 days and may coincide with the 30-day comment period for the Notice of Significant Change (see section 13 below). If the state director does not accept the Governor's recommendations, the Governor has 30 days to appeal in writing to the BLM Director (43 CFR 1610.3-2(e)).

13. Determine Need for a Notice of Significant Change and Provide a Comment Period if Necessary

The protest letters and comments from the Governor could result in the need to significantly modify the Proposed Plan (Amendment)/Final EIS. If the change is significant, the BLM must announce the intended changes to the public and provide a 30-day comment period. Without this step, the public would not have an opportunity to understand and respond to the potential change (43 CFR 1610.5-1(b) and 40 CFR 1505.2). The BLM must then respond to the comments as described in Section 9.

Should the BLM issue a Notice of Significant Change, it may also be necessary to issue a Supplemental Proposed RMP (Amendment)/FEIS.

14. Prepare a Record of Decision (ROD) and Approved RMP (Amendment)

PRODUCT: RECORD OF DECISION /APPROVED RMP (AMENDMENT)—The ROD/Approved RMP (Amendment) serves as a more concise and useful tool to land managers and stakeholders than a cumbersome EIS. It is typically the Proposed RMP (Amendment) as modified in response to protests or other considerations. It describes the goals, objectives, and actions for fulfilling the management direction and vision developed within the planning process.

An RMP (Amendment) is officially adopted when the state director signs a Record of Decision (ROD) adopting the RMP (Amendment). The ROD should precede or coincide with the adoption of the RMP (40 CFR 1506.1(a)). The ROD, which provides the rationale for the decision, should be published in the same booklet with and reference the Approved RMP (Amendment). See Appendix G-5 for an annotated outline for a ROD/Approved RMP (Amendment).

15. Implement, Monitor, and Evaluate Plan Decisions

Refer to Chapters IV and V of this Handbook.

B. Planning for Environmental Assessment-Level Efforts

The BLM completes EA-level planning efforts mainly for certain types of plan amendments. In general, there are fewer planning steps involved in EA-level planning. The number of steps and extent of work involved with each step varies with the complexity of planning issues. Figure 2 shows the required and optional steps associated with EA-level planning. Steps are required unless noted as optional (designated by *italics*).

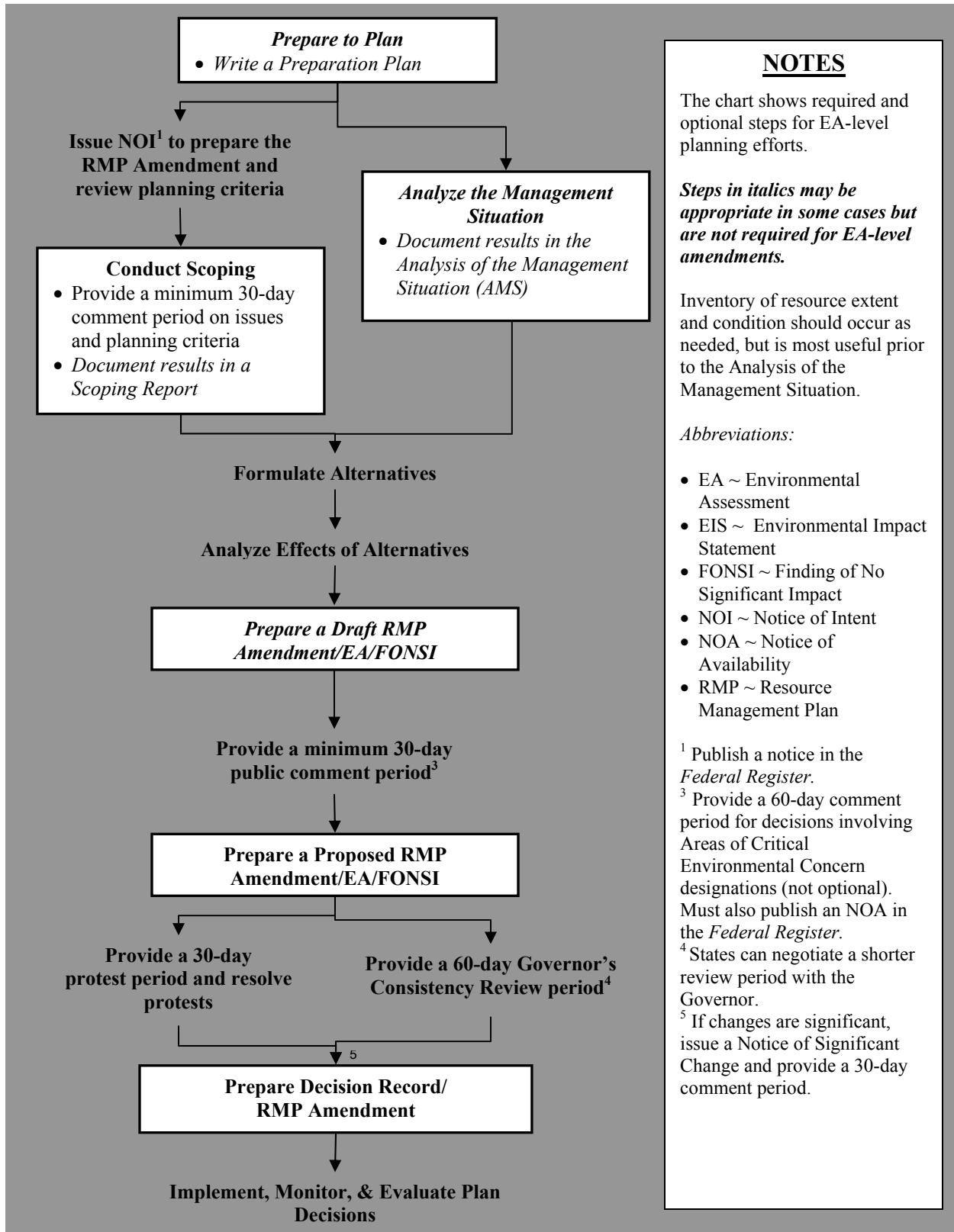


Figure 2.—EA-level planning efforts: Required and optional planning steps

1. Prepare to Plan (Optional)

It is highly recommended that Field offices engage in pre-planning activities, though they are not required. Field offices should complete pre-planning steps necessary to help ensure efficient and effective planning efforts. For example, Field offices could write preparation plans similar to those required for EIS-level planning efforts (see Prepare to Plan section in Chapter III and Appendix G-1).

2. Issue a Notice of Intent (NOI) to Prepare the RMP Amendment and Review Planning Criteria

The BLM must publish an NOI in the *Federal Register* to initiate the start of the planning effort (43 CFR 1610.2 (c)). The BLM can include the draft planning criteria in the NOI to solicit public review of the criteria. Alternatively, the BLM can make the planning criteria available to the public at a later date if desired (see Conduct Scoping below). Note, however, that public review of planning criteria is required at some point, whether at the time of the NOI or at a later date.

3. Conduct Scoping

Field offices must engage in an appropriate level of scoping activities. At a minimum, the BLM must offer a 30-day comment period on issues and planning criteria. Depending on the local situation and planning issues, the BLM can also conduct a more involved scoping effort and include a series of public meetings, for example.

The BLM must document the results of scoping either in a Scoping Report, the draft amendment/EA or the proposed amendment/EA (if a draft amendment/EA is not prepared).

4. Analyze the Management Situation (Optional)

The BLM is not required to analyze the management situation or produce a report that describes it. However, prior to formulating alternatives, the BLM should understand current conditions and trends of the resources and the uses/activities that will relate to potential decisions in the plan amendment. It is highly recommended that the BLM begin the process of gathering existing data, and supplementing data as needed, early in the plan amendment process. This information will create a solid base for analysis to support amending planning decisions. This could be accomplished by reference to and/or augmenting the existing AMS.

5. Formulate Alternatives

The BLM must formulate alternatives for EA-level planning efforts. The process is identical to that for EIS-level amendments.

6. Analyze the Effects of Alternatives

The BLM must also analyze the effects of alternatives.

7. Select a Proposed Action and Prepare a draft RMP amendment/EA/FONSI (optional)

The BLM must prepare a draft RMP amendment/EA/Finding of No Significant Impact (FONSI) when it is determined that a public review and comment period are appropriate (for example, when proposed ACEC designation are being considered per 43 CFR 1610.7-2 (2)(b) or to meet NEPA requirements under certain limited circumstances per 40 CFR 1501.4(e)(2). Otherwise, a draft is not required, and the BLM can simply go from Analyzing the Effects of Alternatives (step 6) to preparing a Proposed RMP Amendment/EA/FONSI (step 9). The FONSI should be unsigned.

8. Provide a Public Comment Period

If the BLM writes a draft RMP amendment/EA/FONSI, it must offer a minimum 30 day comment period. The BLM must offer a 60-day comment period for potential decisions regarding ACEC designation.

9. Prepare a Proposed RMP Amendment/EA/FONSI

The BLM must prepare a Proposed RMP Amendment/EA/FONSI for all EA-level planning efforts. The Proposed RMP Amendment/EA/FONSI is typically arranged in an EIS format (with chapters). The FONSI should be signed.

10. Provide a Protest Period and Resolve Protests

Like EIS-level planning efforts, EA-level efforts require a 30-day protest period. The protest period cannot be extended. Since a NOA is not published in the *Federal Register* for EA-level amendment, field offices are encouraged to widely notify the public (including publication of legal notices in local newspapers) to announce the protest period. The BLM must resolve these protests before issuing a Decision Record/RMP Amendment.

11. Provide a Governor's Consistency Review Period

Like EIS-level planning efforts, EA-level efforts require a 60-day Governor's Consistency Review Period.

12. Issue a Notice of Significant Change and Provide a 30-day Comment Period (if necessary)

This step is identical to that for EIS-level efforts.

13. Prepare a Decision Record/RMP Amendment

The BLM issues the Decision Record/RMP Amendment after it resolves all protests and any potential consistency issues from the Governor's office. The Decision Record should precede (or coincide with) the RMP Amendment (40 CFR 1506.1).

14. Implement, Monitor and Evaluate Plan Decisions

See Chapters IV and V of this Handbook.

IV. Implementation

A. Implementing land use plans

When an approved land use plan or land use plan amendment decision document (i.e., Record of Decision [ROD] or Decision Record [DR]) is signed, most of the land use plan decisions in the plan are effective immediately and require no additional planning or NEPA analysis. See Appendix C for a listing of program-specific land use plan decisions.

Some programs have specific requirements that must be taken in order to make certain decisions effective. An example of a land use plan decision that requires an additional action for implementation would be a recommendation to withdraw lands from entry under the mining laws. Formal action requiring Secretarial level review and decision making would follow if the BLM planning process results in a withdrawal recommendation and the applicable regulations in 43 CFR 2300 are followed.

Upon approval of the land use plan, subsequent implementation decisions are put into effect by developing implementation (activity-level and project-specific) plans. An activity-level plan typically describes multiple projects in detail that will lead to on-the-ground action. These plans traditionally have focused on single resource programs (habitat management plans, allotment management plans, recreation management plans, etc.). However, activity-level plans are increasingly interdisciplinary and are focused on multiple resource program areas to reflect the shift to a more watershed-based or landscape-based approach to management. These types of plans are sometimes referred to as “integrated or interdisciplinary plans,” “coordinated resource management plans,” “landscape management plans,” or “ecosystem management plans.” A project-specific plan is typically prepared for an individual project or several related projects.

B. Defining implementation decisions

Implementation decisions generally constitute BLM’s final approval allowing on-the-ground actions to proceed. These types of decisions require site-specific planning and NEPA analysis. Unlike land use plan decisions, implementation decisions are not subject to protest under the planning regulations. Instead, implementation decisions are subject to various administrative remedies, particularly appeals to the Office of Hearing and Appeals (Interior Board of Land Appeals). Where implementation decisions are made as part of the land use planning process, they are still subject to the appeals process or other administrative review as prescribed by the specific resource program regulations after the BLM resolves the protests to land use plan decisions and makes a decision to adopt or amend the RMP. See Appendix C for a listing of program-specific implementation decisions.

C. Making implementation decisions

Implementation decisions are made with the appropriate level of NEPA analysis along with any procedural and regulatory requirements for individual programs. See 40 CFR 1500-1508, the BLM NEPA Handbook (H-1790-1), and 516 DM 1-7 for detailed descriptions of NEPA

procedures. An EA, EIS, or EIS Supplement must be prepared for subsequent implementation planning unless the decisions and actions contained in the implementation plan are:

1. Identified as exceptions to the BLM NEPA requirements (e.g., actions specifically exempted from NEPA by the Congress).
2. Categorically excluded (refer to Departmental Manual 516 DM 2, Appendix 1, and 516 DM 6, Appendix 5.4, for a current listing (May 19, 1992) of categorical exclusions).
3. Fully covered by a previously prepared EA or EIS that does not need to be updated as documented by a Documentation of Land Use Plan Conformance and NEPA Adequacy (DNA).

D. Making land use plan and implementation decisions in the same planning effort

The BLM may use a single land use planning/NEPA process to make both land use plan and implementation decisions, provided both types of decisions are adequately addressed with the appropriate level of NEPA analysis. This may be appropriate in RMPs or plan amendments covering relatively small geographic areas or where there are a number of activity-level projects such as timber sales being addressed simultaneously with land use planning efforts. When describing the protest procedures for proposed RMPs, the BLM must make clear which decisions are land use plan decisions and thus protestable under the planning regulations and which decisions are implementation decisions that are not protestable. At the decision-making stage, the BLM can separate the two categories of decisions into two decision documents, one adopting the RMP (or amendment) and the other approving the implementation decisions; or the BLM may use a single decision document that adopts the RMP (or amendment) and approves the implementation actions. If a single decision document is used, the BLM must clearly distinguish the land use plan decisions from the implementation decisions and describe the administrative remedies for both.

When considering land use plan and implementation decisions in the same land use planning/NEPA process, the implementation decisions are usually approved at the same time or after the decision to approve the RMP (or amendment). An exception may occur when some/all of the implementation decisions are in conformance with decisions in the current RMP. In this case, the BLM may issue a ROD/DR on the implementation decisions that are consistent with the current plan prior to approving the ROD/DR on the new RMP (or amendment). This situation may occur when there is a need to approve high priority implementation decisions before the protests to the proposed RMP (or amendment) are resolved.

Making implementation decisions as part of the land use planning process and analyzing them concurrently with land use plan decisions does not change their administrative remedies or the timing of those remedies. Protests and appeals are discussed in Appendix E.

E. Developing strategies to facilitate implementation of land use plans

A documented, well-organized thought process is essential to the successful implementation of land use and implementation plans. An implementation strategy lists prioritized decisions that (a) will help achieve the desired outcomes of one or more land use or implementation plans and (b) can be implemented given existing or anticipated resources. Developing implementation strategies enables the BLM to prioritize the preparation of implementation decisions.

There are no procedural or approval requirements for an implementation strategy. Implementation strategies may be developed in conjunction with developing land use plan decisions, but strategies are not land use plan decisions and are not subject to protest or appeal. However, a well thought-out implementation strategy should prioritize each decision for funding and implementation. The strategy should also be interdisciplinary (not program by program). Developing an implementation strategy creates an important opportunity for continued collaboration with the public, tribes, state and local governments, and other Federal agencies.

Described below is a collaborative method for developing an implementation strategy with partners involved in developing the land use plan:

1. Describe implementation (activity) level decisions included in one or more land use and/or activity-level plans. Describe the project name, location, cost, etc. Group each project by the resource (e.g., cultural) or resource use (e.g., livestock grazing, realty) to which it pertains.
2. Identify dependencies between projects.
3. Identify existing or potential partners for each project.
4. Establish initial priorities (3 to 5 years out) within each resource or resource use category.
5. Establish initial priorities (3 to 5 years out) between the resource or resource use categories.

Factors that influence decision priorities are:

1. Statutory mandates, including, but not limited to, compliance with the Clean Air and Clean Water Acts, the Endangered Species Act, the National Historic Preservation Act, the Taylor Grazing Act, and FLPMA.
2. Goals listed in the BLM's Strategic Plan and Annual Performance Plan.
3. Present risks to resources, with resources at high risk ranking above resources without known or substantial risks.

4. Likelihood of success, with actions using proven techniques possibly ranking higher than actions using experimental techniques.
5. Cost-effectiveness of actions. There is no requirement to develop a cost/benefit analysis, but actions that have a high likelihood of improving resource conditions for relatively small expenditures of time and money should receive relatively higher priority.
6. Willingness and availability of cooperators to meet similar resource objectives for adjacent non-Federal lands and resources. This would include opportunities to cooperate on a watershed basis and to leverage limited resources.
7. Willingness and availability of partners interested in helping accomplish priority actions needed to meet desired outcomes.
8. Budgetary and staff resources required to implement the decisions.

V. Monitoring, Evaluation and Adaptive Management

The regulations in 43 CFR 1610.4-9 require that land use plans establish intervals and standards for monitoring and evaluations, based on the sensitivity of the resource decisions involved.

A. Monitoring

Land use plan monitoring is the process of (1) tracking the implementation of land use planning decisions (implementation monitoring) and (2) collecting data/information necessary to evaluate the effectiveness of land use planning decisions (effectiveness monitoring). In Appendix C, each resource program identifies desired land use plan decisions. BLM field offices must determine what actions are needed to implement those decisions. Sometimes actions occur just once, e.g., the development of an implementation plan; or actions occur on a fairly regular basis, e.g., steps taken to repair a damaged watershed. Monitoring is the process of following up on these actions and documenting BLM's progress toward full implementation of the land use plan and the achievement of desired outcomes. Field offices are encouraged to involve tribes, state and local governments, and the public if they express an interest in participating in this process.

Implementation monitoring is the process of tracking and documenting the implementation (or the progress towards implementation) of land use plan decisions. This should be done at least annually and should be documented in the form of a tracking log or report. The report must be available for public review (one way to accomplish this is an annual planning update which can be sent to those who participated in the planning process or have expressed an interest in receiving the report). The report should describe actions proposed or undertaken to implement land use plan decisions and can form the basis for annual budget documents. In subsequent years, reports should document which actions were completed and what further actions are needed to continue implementing land use plan decisions.

Effectiveness monitoring is the process of collecting data and information in order to determine whether or not desired outcomes (expressed as goals and objectives in the land use plan) are being met (or progress is being made towards meeting them) as the allowable uses and management actions are being implemented. A monitoring strategy must be developed as part of the land use plan that identifies indicators of change, acceptable thresholds, methodologies, protocols, and timeframes that will be used to evaluate and determine whether or not desired outcomes are being achieved.

B. Evaluation

Evaluation is the process of reviewing the land use plan and the periodic plan monitoring reports to determine whether the land use plan decisions and NEPA analysis are still valid and whether the plan is being implemented. Land use plans are evaluated to determine if: (1) decisions remain relevant to current issues, (2) decisions are effective in achieving (or making progress towards achieving) desired outcomes, (3) any decisions need to be revised, (4) any decisions need to be dropped from further consideration, and (5) any areas require new decisions.

Land use plan evaluations determine if decisions are being implemented, whether mitigation measures are satisfactory, whether there are significant changes in the related plans of other entities, whether there is new data of significance to the plan, and if decisions should be changed through amendment or revision. Plan evaluations should also be completed prior to any new planning starts that will replace an existing plan, for plan revisions, and for major plan amendments. However, if existing monitoring data, along with previously completed evaluations, substantiates the need for a plan revision or amendment, proceed with the revision or amendment.

An evaluation schedule shall be developed to periodically (at minimum 5-year intervals) evaluate the plan. Special or unscheduled evaluations may also be required to review unexpected actions or significant changes in the related plans of Indian Tribes, other Federal agencies, and state and local governments, or to evaluate legislation or litigation that has the potential to trigger an RMP amendment or revision.

Evaluations may identify resource needs and means for correcting deficiencies and addressing issues through plan maintenance, amendments, or new starts. They should also identify where new and emerging resource issues and other values have surfaced. Evaluations may also identify new and innovative practices that improve effectiveness and efficiency so that other offices may benefit.

1. Process for completing land use plan evaluations

The following section outlines the recommended process for completing land use plan evaluations.

- a. State offices, with input from the field, identify reasons for evaluating the RMP.
- b. Where appropriate, state and field offices identify land use plans that can be grouped/batched in a geographic region or planning area to look at issues that cut across boundaries (state and field offices). Each plan should have its own evaluation documentation as well as a combined (grouped/batched) evaluation for all RMPs identified in the geographical region or planning area.
- c. State and field offices identify what the evaluation is to measure. In some cases, the RMP/ROD may have identified both monitoring and evaluation measures, units, and programs, and may even have specified the monitoring/evaluation questions to be answered.

The State office may develop and send questionnaires to field offices (specific to the state and field offices) to focus the evaluation, along with instructions for completing it. Evaluations must be tailored to individual land use plans; however, a comprehensive evaluation must address the following questions:

1. Are actions outlined in the plan being implemented?

2. Does the plan establish desired outcomes (i.e., goals and objectives)?
 3. Are the allocations, constraints, or mitigation measures effective in achieving the desired outcomes? This determination is often made based on information obtained from resource assessments.
 4. Do decisions continue to be correct or proper over time?
 5. Have there been significant changes in the related plans of Indian Tribes, state or local governments, or other Federal agencies?
 6. Are there new data or analyses that significantly affect the planning decisions or the validity of the NEPA analysis?
 7. Are there unmet needs or new opportunities that can best be met through a plan amendment or revision, or will current management practices be sufficient? For example, are there outstanding requests for ACEC designations to protect resource values? *Note: ACECs must be designated through the land use planning process.*
 8. Are new inventories warranted pursuant to the BLM's duty to maintain inventories on a continuous basis (FLPMA, section 201)?
 9. Are there new legal or policy mandates as a result of new statutes, proclamations, Executive orders, or court orders not addressed in the plan?
- d. The state and field office establish/identify an interdisciplinary team that will complete the evaluation(s). If available, the team should include specialists from state and field offices as well as adjoining state(s), and representatives from WO-210, WO-170 (if NLCS units are involved), and tribes, other Federal agencies, state and local governments, and the public. The interdisciplinary team should represent the major resources/programs present in the land use plan evaluation area and should be encouraged to incorporate other (technical procedures) evaluations or analyses that address and provide useful information on the same resources.
- e. The evaluation team should review both published and unpublished documents that implement or support the RMP decisions and NEPA analysis (e.g., AMS, area wide mineral reports, socioeconomic studies/analyses, reasonably foreseeable development scenarios, ACEC reports, documents incorporated by reference/adoption, and other studies [wild and scenic river, threatened and endangered species, water, etc.]). The evaluation reports should also cite examples of implementation plans (at the activity level) that incorporate new information, address new issues, and provide either more detailed decisions or additional protective management direction. These may include formal decision-making documents as well as watershed-level analyses and other landscape units or plans.
- f. The evaluation team should review NEPA compliance and procedural conformance records within the land use plan evaluation (e.g., Documentation of Land Use Plan Conformance and

NEPA Adequacy, which typically relies on the RMP and associated NEPA documents [categorical exclusions]).

g. The official who initiates the evaluation (Washington Office, state director, or field manager) should be the approving official. State directors should concur with evaluations approved at the field office level.

2. Evaluation Report

An evaluation report documenting the findings of the evaluation must be prepared. Following state director approval or concurrence, the report will be made available to the public. The following report format is recommended. If appropriate, use charts, diagrams, and matrixes to display or summarize information.

a. Introduction

b. Purpose

c. Method and Scope

d. Results and findings

1. Document conclusions regarding achievement of desired outcomes as well as any individual program or resource management issues associated with plan implementation.

2. Identify decisions to be carried forward (i.e., no change needed), decisions needing to be modified, decisions needing to be dropped, and new decisions needed.

e. Recommendations, including any resource- or program-specific actions needed and other follow-up opportunities for the BLM field and state offices or interagency consideration.

f. Approval and concurrence.

C. Adaptive Management

The Office of Environmental Policy Review (OEPR) issued OEPC ESM03-6 providing initial guidance to all Interior agencies on implementing adaptive management practices in NEPA compliance. While this guidance does not provide specifics on the process and procedures for integrating adaptive management into the NEPA and land use planning process, it does formally define adaptive management as:

. . . a system of management practices based on clearly identified outcomes, monitoring to determine if management actions are meeting outcomes, and, if not, facilitating management changes that will best ensure that outcomes are met or to re-evaluate the outcomes.

In 2003, the Bureau initiated an effort to develop policies and procedures to integrate adaptive management into the NEPA and land use planning processes. When those policies and procedures are developed, they will be incorporated into this section of the handbook.

VI. Determining if New Decisions are Required

A. Specific regulatory requirements for considering new information or circumstances

New information, updated analyses, or new resource use or protection proposals may require amending or revising land use plans and updating implementation decisions. The primary requirements for considering new information are as follows:

1. The BLM planning regulations require evaluating whether there is new data of significance to the land use plan (see 43 CFR 1610.4-9) and whether plan amendments (see 43 CFR 1610.5-5) or revisions (see 43 CFR 1610.5-6) are required.
2. The CEQ regulations (40 CFR 1502.9(c)) require the BLM to prepare supplements to draft or final EISs if the agency makes substantial changes in the proposed action that are relevant to environmental concerns, or if there are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts.
3. Joint agency Endangered Species Act regulations (see 50 CFR 402.16 (b)) require consultation to be reinitiated if new information reveals that decisions may affect listed species or critical habitat in a way or to an extent not previously considered, including exceeding the incidental take for a particular action.

B. Considering new proposals, circumstances, or information

New data or information can include, but is not limited to:

1. Changes in status, new listings or new critical habitat designations for endangered, threatened, and other special status or sensitive species (see Appendix C, section (I)(G)).
2. Changes in intensity of use or impact levels for a particular resource (e.g., increased recreation use as a result of urban expansion).
3. Changes in social and economic conditions resulting from urban expansion or broad conservation efforts (e.g., open space management).
4. Public comment or staff assessments indicating that new information or changed circumstances warrant a reconsideration of the appropriate mix of uses on particular tracts of public lands.
5. A biological opinion issued by the U.S. Fish and Wildlife Service or NOAA Fisheries on actions in the planning area.
6. Information from tribes, elected county officials, state agencies, or other Federal agencies on significant changes in their related plans or resource conditions that are critical to the BLM land use plans and/or subordinate implementation plans.

7. New state listings of water-quality-limited streams (Clean Water Act, section 303(d)), total maximum daily load (TMDL) developments, or non-attainment area designations (Clean Air Act) that may lead to the identification of new management practices that would require additional NEPA compliance and could require new land use plan decisions.
8. New geochemical, geologic, or geophysical data.
9. New cultural resource data.
10. Environmental disturbances that significantly change natural conditions (e.g., wildfires, floods, or weed infestations).
11. Monitoring data and resource assessments associated with implementing resource management actions designed to achieve resource objectives and Land Health Standards.
12. Land use plan evaluations that weigh and interpret information gathered through resource monitoring.
13. Determinations as to whether mitigation measures outlined in the plan are effective.
14. New national policy or a change in legal duties resulting from laws, regulations, Executive orders, or the BLM directives. An example would be designation of a river segment under the Wild and Scenic Rivers Act that mandates a protection and enhancement standard that, in turn, may affect resource management objectives, conditions, or uses (e.g., livestock grazing or proposed projects) outlined in the land use plan.
15. Information from the public or others regarding conditions or uses of resources on public lands.

C. Deciding whether changes in decisions or the supporting NEPA analyses are warranted

The determination whether to amend or revise an RMP based on new proposals, circumstances, or information depends on (1) the nature of new proposals, (2) the significance of the new information or circumstances, (3) specific wording of the existing land use plan decisions, including any provisions for flexibility, and (4) the level and detail of the NEPA analysis. A “yes” answer to any of the following questions suggests the need to revisit existing decisions and/or the NEPA analysis:

1. Does the new information or circumstance provide for interpretations not known or considered at the time existing decisions were made that could measurably affect ongoing actions? For example: Current land use plan decisions may require that all wildland fires be suppressed to limit the fire to the smallest acreage possible and make no provision for

prescribed fires. This conflicts with new Secretarial policy guidance that wildland fire, as a critical natural process, must be reintroduced into fire-dependent ecosystems.

2. Are the decisions in the current land use plan no longer valid, based on new information or changed circumstances? If decisions are not valid, the decisions need to be vacated, replaced, or changed through plan amendment or revision. Examples of situations that may require new or changed land use plan decisions include, but are not limited to, the following:

a. Monitoring information may show the need to discontinue managing a herd in an existing herd management area because it is not practical to preserve or maintain a thriving ecological balance with the multiple use relationships in that area. Conversely, new herd management areas could be established if an analysis of monitoring data show that a viable herd could be established and meet the requirements for maintaining a thriving ecological balance.

b. The voluntary relinquishment of the grazing preference and permit on an allotment or the inability to achieve Land Health Standards under any level or management of livestock use may affect the decision identifying that allotment as being available for livestock use.

c. Consultations resulting in new requirements or actions that are not in conformance with the existing land use plan to protect threatened or endangered species or critical habitats may require new land use plan decisions, including new or supplemental NEPA analysis.

d. New requirements or actions that affect land use allocations or areawide constraints or restrictions established at the land use plan level would require amendment of land use plan decisions.

e. Current scientific knowledge, as reflected in scientific literature, could highlight a need to change plan decisions.

f. Public comment or a staff assessment supporting a different mix of uses on the lands that will better promote the long-term health and sustainability of the lands and their resources could require an amendment.

3. Are implementation decisions no longer valid, based on new information or changed circumstances? Site-specific resource-use levels or management actions normally do not require a land use plan amendment if the land use plan decisions provide broad direction for these uses and actions; however, they may require appropriate NEPA analysis. For example:

a. The level of livestock use permitted in an allotment may normally be modified based on allotment-specific resource assessment, condition, and trend-monitoring data.

b. Resource use levels or management practices, such as permitted livestock use or pre-commercial forest thinning, may normally be modified or eliminated on a site-specific or project-level basis to satisfy the needs of threatened or endangered species or their critical habitat, as detailed in biological opinions or approved recovery plans. Elimination of livestock grazing on an entire allotment is a management decision that should be thoroughly analyzed through the plan amendment process and not through a maintenance action.

4. Are the effects of proposed or ongoing actions substantially different from those projected in the existing NEPA analyses associated with the existing RMP? If “yes,” conduct a new or supplemental NEPA analysis to the extent necessary to address the differences and document the findings. Determine whether the new NEPA analysis should be conducted as part of a RMP plan amendment.

a. Consider direct and indirect effects and their significance.

b. Consider cumulative effects and whether the new information or circumstances identify or produce incremental impacts added to those resulting from other past, present, and reasonably foreseeable future actions. Does the additional effect, in the context of the ongoing action, require further mitigation or new RMP decisions?

For example, upon receipt of a proposal to develop an oil and gas field, the BLM would evaluate the proposal for conformance with the RMP. If the proposal is consistent with the reasonably foreseeable development analyzed in the RMP/EIS and the proposal is consistent with the RMP decisions, changes to the RMP/EIS are probably not necessary. In this instance, the BLM would work with the lease holders to get as much site-specific information as possible, then prepare an activity-level EA or EIS to approve some or all of the wells in the field and set the stage for subsequent application for permit to drill approvals.

If the proposal exceeds the reasonably foreseeable development analyzed in the current RMP/EIS, a new reasonably foreseeable development scenario and NEPA analysis supplementing the RMP/EIS would be warranted. If the proposal exceeds *and* is substantially different from the reasonably foreseeable development analyzed in the RMP/EIS, *and* the new NEPA analysis could reasonably be expected to result in changes to RMP decisions, a plan amendment may also be warranted. When it is not certain whether the project proposal and resulting NEPA analysis will result in the need to amend the RMP, considerable time and cost savings will be achieved by beginning the process as a plan amendment (issuing a NOI). If it is later determined that a plan amendment is not warranted, the amendment may be cancelled and the supplemental NEPA analysis continued.

The Supplemental EIS/RMP amendment could also address approvals for some or all of the wells and related facilities so that decisions on the field development could be made

concurrently with the decisions regarding the proposed RMP amendment. Such a planning/NEPA effort would promote efficient NEPA analysis and result in both plan-level and implementation-level decisions in the same document, thus reducing the need for additional NEPA analysis.

5. In light of new information or circumstances, are there now inconsistencies between the ongoing action and the resource-related plans of Indian Tribes, state and local governments, or other Federal agencies that render earlier consistency findings invalid? Changes in land use plan decisions through amendment or revision must be accompanied by new consistency determinations.

Further NEPA analysis may be conducted to help determine whether decisions are still valid. It is possible to conduct additional NEPA analysis and reach a conclusion that no change is needed in decisions, but the decisions cannot be changed without additional NEPA analysis.

D. Documenting the determination to modify, or not to modify, decisions or NEPA analysis

It is important to document decisions to modify or not modify the land use plan or NEPA analysis when these decisions are reached as part of the formal land use plan evaluation process (section V). In reviewing new information or circumstances that are controversial or of interest to the public, it is also important to provide all interested parties with written documentation of the BLM's determination.

In response to an outside application or internal proposal, a decision not to change land use decisions will be documented in the case file and/or in the response to the applicant. If the decision not to amend the plan was made through a NEPA analysis, then that decision can be documented in the Plan Conformance section of the NEPA document. If the decision is to change decisions or revisit the NEPA analysis, the rationale to modify, revise, or further evaluate decisions or NEPA analysis may be documented in a NOI prepared during scoping activities or in the planning or NEPA document.

E. Evaluating new proposals

New proposals can stem from specific BLM implementation actions, such as a proposal to prepare a livestock grazing allotment management plan, or from non-BLM-initiated proposals, such as a rights-of-way request for a new powerline.

A new proposal should provide enough detail to allow the BLM to determine whether it conforms to existing land use plan decisions and to facilitate screening for adequate NEPA compliance (See Figure 3). The NEPA Handbook (H-1790-1) describes the screening process in more detail.

Key for Evaluating New Proposals

This key poses the six critical screening questions (1 through 6 below) for any proposal or action (see BLM NEPA Handbook [H-1790-1] for additional detail).

1. If the proposal or action conforms to existing land use plans, **go to 2.**
1. If the proposal or action does not, **go to 1a.**
 - 1a. If proposal or action warrants further consideration, **then amend plan¹ or modify proposal to conform.**
 - 1a. If proposal or action does not, **then deny action.**
2. If proposal or action is an exception from BLM/NEPA requirements, **then no additional NEPA analysis is necessary.**
2. If not, **then go to 3.**
3. If proposal or action normally requires an EIS, **go to 3a.**
3. If not, **go to 4.**
 - 3a. If impacts are expected to be significant, **go to 8.**
 - 3a. If not, **go to 7.**
4. If proposal or action is listed as a Categorical Exclusion, **go to 4a.**
4. If not, **go to 5.**
 - 4a. If any of the 10 exceptions apply, **go to 7.**
 - 4a. If none apply, **then the proposal or action is Categorically Excluded.**
5. If existing analysis and documentation is sufficient, **then Document NEPA Adequacy.**
5. If insufficient, **then go to 6.**
6. If environmental impacts are expected to be significant, **go to 8.**
6. If insignificant, **go to 7.**
7. Complete EA; if no significant impacts are identified, **then issue FONSI.**
7. Complete EA; if significant impacts are identified, **go to 8.**
8. **Proposal or action requires an EIS.**

¹ This may also be accomplished through a new plan, plan revision, or planning analysis.

Figure 3—Key for evaluating new proposals (an overview)

F. Plan conformance

The term “plan conformance,” as defined in the BLM planning regulations, means either that the plan specifically identifies a resource management action or (if not) the action is consistent with the terms, conditions, and decisions of the approved plan (43 CFR 1601.0-5(b)). Key considerations in making and documenting conformance determinations include the following:

1. Do land use plan decisions allow, conditionally allow, or preclude the action?
2. Do land use plan decisions call for a new decision to accommodate the action?
3. If the plan does not specifically mention the action, how clearly consistent is the action with plan objectives, terms, conditions, and decisions?

G. Plan conformance and ongoing NEPA activities

After the RMP is approved, any authorizations and actions approved based on an activity-level or project-specific EIS (or EA) must be specifically provided for in the RMP or be consistent with the terms, conditions, and decisions in the approved RMP. A land use plan amendment may be necessary to consider monitoring and evaluation findings, substantive new data, new or revised policy, changes in circumstances or a proposed action that may result in a change in the scope of resource uses or a change in the terms, conditions, and decisions of the approved RMP. If the BLM determines that a plan amendment may be necessary, preparation of the EIS (or EA) and the analysis necessary for the amendment may occur simultaneously (43 CFR 1610.5).

In those instances when activity-level or project-specific EISs (or EAs) are being used to analyze an action that may not conform to the current land use plan, the BLM has several options: adjust the actions or condition the authorization to conform to the plan or achieve consistency with the terms, conditions, and decisions in the approved RMP; or prepare the EIS (or EA) as a RMP amendment, as described in Chapter VII.

H. Determining when to update land use plan decisions through maintenance actions

The BLM regulation in 43 CFR 1610.5-4 provides that land use plan decisions and supporting components can be maintained to reflect minor changes in data. Maintenance is limited to further refining or documenting a previously approved decision incorporated in the plan. Maintenance must not expand the scope of resource uses or restrictions or change the terms, conditions, and decisions of the approved plan. Plan maintenance is not considered a plan amendment and does not require formal public involvement, interagency coordination, or the NEPA analysis required for making new land use plan decisions. Maintenance actions must be documented in the plan or supporting components (i.e., recorded so that the change is evident). Examples of maintenance actions include:

1. Correcting minor data, typographical, mapping, or tabular data errors in the planning records after a plan or plan amendment has been completed.

2. Refining the boundary of an archaeological district based on new inventory data.
3. Applying an existing oil and gas lease stipulation to a new area prior to the lease sale based on new inventory data.
4. Refining the known habitat of a special status species addressed in the plan based on new information.
5. Modifying or waiving the lease stipulation language in the RMP consistent with the criteria outlined in the land use plan.
6. Refining or adjusting the boundary of a fire management unit (FMU) or other equivalent fire-related polygon through interagency coordination based on updated fire regime condition class inventory, fire occurrence, monitoring data, and/or demographic changes.

Plan maintenance must occur continuously so that the plan and its supporting records reflect the current status of decision implementation and knowledge of resource conditions.

VII. Amending and Revising Decisions

A. Changing land use plan decisions

Land use plan decisions are changed through either a plan amendment or a plan revision. The process for conducting plan amendments is basically the same as the land use planning process used in creating RMPs. The primary difference is that circumstances may allow for completing a plan amendment through the EA process, rather than through the EIS or supplemental EIS process. The process for preparing plan revisions is the same as for preparing new RMPs, and an EIS is always required. Refer to Chapter III for an overview of the EIS-level and EA-level planning processes.

B. Determining when it is necessary to amend plans and how it is accomplished

Plan amendments (see 43 CFR 1610.5-5) change one or more of the terms, conditions, or decisions of an approved land use plan. These decisions may include those relating to desired outcomes; measures to achieve desired outcomes, including resource restrictions; or land tenure decisions. Plan amendments are most often prompted by the need to:

1. Consider a proposal or action that does not conform to the plan.
2. Implement new or revised policy that changes land use plan decisions, such as an approved conservation agreement between the BLM and the U.S. Fish and Wildlife Service.
3. Respond to new, intensified, or changed uses on public land.
4. Consider new information from resource assessments, monitoring, or scientific studies that change land use plan decisions.

The BLM regulations in 43 CFR 1600 and the NEPA process detailed in the CEQ regulations in 40 CFR 1500 guide preparation of plan amendments. The process is tailored to the anticipated level of public controversy and potential for significant impacts. In simple, non-controversial cases, it is possible to complete the amendment process in less than 6 months. See section III for procedures for preparing land use plan decisions.

Plans needing amendment may be grouped geographically or by type of decision in the same amendment process. Similarly, one amendment process may amend the same or related decisions in more than one land use plan. The amendment process may also be used to update plans adopted from another agency.

1. In reaching a decision to amend a land use plan, the BLM must not only consider the resource, but also other workload priorities, budgetary constraints, and staff capabilities. In situations where available budgets allow and staff capabilities are restricted, consider contracting for all or portions of the plan amendment's NEPA analysis, including

baseline data acquisition. If the manager decides not to amend, then nonconforming actions cannot be taken.

2. Any proposal requiring an activity-level or project-specific and programmatic EIS that could result in new or modified RMP decisions, or the need to amend the current RMP prior to implementation, should be prepared as a RMP amendment whenever feasible.
3. Activity-level or project-specific EISs that address significant new information or circumstances not considered in the EIS for the current land use plan should be prepared as supplements to the EIS for the RMP whenever feasible. In most cases, if a supplement to the RMP/EIS is necessary, the BLM should also consider whether or not a simultaneous plan amendment is necessary.

The BLM may terminate a plan amendment at any time when circumstances warrant, rather than continue the plan amendment to approve the no action alternative as follows:

1. A plan amendment would be terminated when a key factor on which the amendment is based changes;
2. The BLM no longer considers the amendment necessary or appropriate;
3. Internal or external factors may apply. Determine whether completing the amendment would result in an overriding benefit to the public before making a decision to terminate;
4. Provide public notice of the action through news release, letter to the mailing list, or other means clearly explaining the reason for terminating the plan amendment. No *Federal Register* notice is required;
5. A Decision Record or Record of Decision is not prepared and termination of the amendment is not protestable under 43 CFR 1610.5-2. However, related decisions involving implementation actions may be subject to appeal under 43 CFR Part 4 or applicable authority.

C. Determining when it is necessary to revise an RMP or replace an MFP

RMP revisions (see 43 CFR 1610.5-6) involve preparation of a new RMP to replace an existing one. RMP revisions are necessary if monitoring and evaluation findings, new data, new or revised policy, or changes in circumstances indicate that decisions for an entire plan or a major portion of the plan no longer serve as a useful guide for resource management. Plan revisions are prepared using the same procedures and documentation as for new plans.

As funding and capability permit, all MFPs will be replaced by RMPs. The priority for replacing MFPs will be guided by the extent those plans fail to meet the statutory requirements for land use planning in FLPMA (see section (II)(A)), and the need to modify decisions to meet resource management needs.

D. Changing implementation decisions

Implementation decisions are changed through an interdisciplinary NEPA process in conjunction with the BLM resource program-specific guidance.

Any NEPA analysis that will be used to approve on-the-ground actions in conformance with the current RMP should include as much site-specific information as possible to facilitate approval of as many of the implementation actions as possible and reduce the need for additional NEPA analysis.

During an on-going RMP revision, it is possible to amend the current RMP to implement an action analyzed in an activity-level or project-specific EA or EIS. The BLM must carefully consider the implications of the information and analysis being prepared for either document. At a minimum, the documents must be carefully coordinated to ensure consistent utilization of available information and analysis.

E. Status of existing decisions during the amendment or revision process

Existing land use plans decisions remain in effect during an amendment or revision until the amendment or revision is completed. The decisions of existing land use plans do not change. For example, if current land use plans have designated lands open for a particular use, they remain open for that use. Land use plan decisions may be changed only through the amendment or revision process.

During the amendment or revision process, the BLM should review all proposed implementation actions through the NEPA process to determine whether approval of a proposed action would harm resource values so as to limit the choice of reasonable alternative actions relative to the land use plan decisions being reexamined. Even though the current land use plan may allow an action, the BLM manager has the discretion to modify proposed implementation-level actions and require appropriate conditions of approval, stipulations, relocations, or redesigns to reduce the effect of the action on the values being considered through the amendment or revision process. The appropriate modification to the proposed action is subject to valid existing rights and program specific regulations.

F. Coordinating Simultaneous Planning/NEPA Processes

When preparing an activity-level or project-specific EIS (or EA) during an on-going RMP revision (with its accompanying EIS), there may be opportunities to consolidate some components of the NEPA process, such as the cumulative effects analysis, and public involvement activities, such as public meetings and mailings, to reduce overall costs and simplify the overlapping processes for the public. Depending on the timing of the two decisions (one for the activity-level or project-specific EIS or EA and one for the on-going RMP revision), and the conformance of the actions to be approved in the EIS or EA, the BLM may choose to amend the RMP in order to implement the proposed actions being analyzed in the EIS or EA prior to completing the on-going RMP revision. In such cases, the BLM must consider the effect of amending the RMP on the on-going RMP revision process. Depending on the nature of the

new land use plan decisions, the alternatives to be considered in the on-going RMP revisions process, such as the no action alternative, may need to be modified. Any land use plan decision changed during the on-going RMP revision process could also have a “ripple” effect on many elements of the analysis being prepared for the on-going RMP, such as the purpose and need, affected environment, and environmental effects section.

Glossary of Terms and Acronyms

Following are the acronyms and definitions for terms used in this Handbook. Also see definitions for terms used in section 103 of FLPMA and the planning regulations at 43 CFR 1601.0-5. This glossary does not supersede these definitions or those in other laws or regulations.

Terms

Activity plan ~ a type of implementation plan (see *Implementation plan*); an activity plan usually describes multiple projects and applies best management practices to meet land use plan objectives. Examples of activity plans include interdisciplinary management plans, habitat management plans, recreation area management plans, and allotment management plans.

Alternative dispute resolution ~ any process used to prevent, manage, or resolve conflicts using procedures other than traditional courtroom litigation or formal agency adjudication.

Amendment ~ the process for considering or making changes in the terms, conditions, and decisions of approved RMPs or MFPs. Usually only one or two issues are considered that involve only a portion of the planning area.

Assessment ~ the act of evaluating and interpreting data and information for a defined purpose.

Beneficial outcomes ~ also referenced as “Recreation Benefits”; improved conditions, maintenance of desired conditions, prevention of worse conditions, and the realization of desired experiences.

Best management practices (BMPs) ~ a suite of techniques that guide, or may be applied to, management actions to aid in achieving desired outcomes. BMPs are often developed in conjunction with land use plans, but they are not considered a land use plan decision unless the land use plan specifies that they are mandatory. They may be updated or modified without a plan amendment if they are not mandatory.

Categorical exclusion (CX) ~ a category of actions (identified in agency guidance) that do not individually or cumulatively have a significant effect on the human environment, and for which neither an environmental assessment nor an EIS is required (40 CFR 1508.4).

Closed ~ generally denotes that an area is not available for a particular use or uses; refer to specific definitions found in law, regulations, or policy guidance for application to individual programs. For example, 43 CFR 8340.0-5 sets forth the specific meaning of “closed” as it relates to off-highway vehicle use, and 43 CFR 8364 defines “closed” as it relates to closure and restriction orders.

Collaboration ~ a cooperative process in which interested parties, often with widely varied interests, work together to seek solutions with broad support for managing public and other lands.

Collaborative partnerships and collaborative stewardship ~ refers to people working together, sharing knowledge and resources, to achieve desired outcomes for public lands and communities within statutory and regulatory frameworks.

Community-based SRMA ~ a special recreation management area (SRMA) adjoining a community or communities and managed to provide structured recreation opportunities (i.e., specific activities, experiences, and benefits) in response to recreation-tourism demand generated by community dependency and/or related tourism growth and development. Major investments in facilities and visitor assistance are authorized within this type of SRMA in response to demonstrated demand.

Conformance ~ means that a proposed action shall be specifically provided for in the land use plan or, if not specifically mentioned, shall be clearly consistent with the goals, objectives, or standards of the approved land use plan.

Conservation agreement ~ a formal signed agreement between the U.S. Fish and Wildlife Service or NOAA Fisheries and other parties that implements specific actions, activities, or programs designed to eliminate or reduce threats to, or otherwise improve the status of a species. Conservation agreements can be developed at a state, regional, or national level and generally include multiple agencies at both the state and Federal level, as well as tribes. Depending on the types of commitments the BLM makes in a conservation agreement and the level of signatory authority, plan revisions or amendments may be required prior to signing the conservation agreement, or subsequently in order to implement the conservation agreement.

Conservation strategy ~ a strategy outlining current activities or threats that are contributing to the decline of a species, along with the actions or strategies needed to reverse or eliminate such a decline or threats. Conservation strategies are generally developed for species of plants and animals that are designated as BLM sensitive species or that have been determined by the U.S. Fish and Wildlife Service or NOAA Fisheries to be Federal candidates under the Endangered Species Act.

Consistency ~ means that the proposed land use plan does not conflict with officially approved plans, programs, and policies of tribes, other Federal agencies, and state and local governments (to the extent practical within Federal law, regulation, and policy).

Cooperating agency ~ assists the lead Federal agency in developing an EA or EIS. The CEQ regulations implementing NEPA define a cooperating agency as any agency that has jurisdiction by law or special expertise for proposals covered by NEPA (40 CFR 1501.6). Any Federal, state, local government jurisdiction with such qualifications may become a cooperating agency by agreement with the lead agency.

Designated roads and trails ~ specific roads and trails identified by the BLM (or other agencies) where some type of motorized vehicle use is appropriate and allowed either seasonally or year-long.

Director (BLM Director) ~ the national Director of the BLM.

Documentation of land use plan conformance and NEPA adequacy (DNA) ~ a worksheet for determining and documenting that a new, site-specific proposed action both conforms to the existing land use plan(s) and is adequately analyzed in existing NEPA documents. The signed conclusion in the worksheet is an interim step in BLM's internal analysis process and is not an appealable decision.

Environmental justice ~ the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. Fair treatment means that no group of people, including racial, ethnic, or socioeconomic group should bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal, and commercial operations or the execution of Federal, state, local, and tribal programs and policies.

Evaluation (plan evaluation) ~ the process of reviewing the land use plan and the periodic plan monitoring reports to determine whether the land use plan decisions and NEPA analysis are still valid and whether the plan is being implemented.

Explicit recreation management objective ~ specifically targeted recreation activity, experience, and benefit opportunities (i.e., recreation opportunity outputs) and their attainment (i.e., recreation outcomes).

Extensive recreation management area (ERMA) ~ a public lands unit identified in land use plans containing all acreage not identified as a SRMA. Recreation management actions within an ERMA are limited to only those of a custodial nature.

Geographic information system ~ a system of computer hardware, software, data, people and applications that capture, store, edit, analyze, and graphically display a potentially wide array of geospatial information.

Goal ~ a broad statement of a desired outcome; usually not quantifiable and may not have established time frames for achievement.

Guidelines ~ actions or management practices that may be used to achieve desired outcomes, sometimes expressed as BMPs. Guidelines may be identified during the land use planning process, but they are not considered a land use plan decision unless the plan specifies that they are mandatory. Guidelines for grazing administration must conform to 43 CFR 4180.2.

Implementation decisions ~ decisions that take action to implement land use plan decisions; generally appealable to IBLA under 43 CFR 4.410.

Implementation plan - a sub-geographic or site-specific plan written to implement decisions made in a land use plan. Implementation plans include both activity plans and project plans (they are types of implementation plans).

Indian tribe (or tribe) ~ any Indian group in the conterminous United States that the Secretary of the Interior recognizes as possessing tribal status (listed periodically in the *Federal Register*).

Intensive recreation management areas ~ SRMAs having distinctive, highly visible, or otherwise outstanding resource attractions that are managed to provide structured recreation opportunities in response to demonstrated national or regional recreation-tourism demand. Major investments in facilities and visitor assistance are authorized in these areas. Niches served by these prominent areas are comprised of national and regional recreation-tourism markets. Here the emphasis is on meeting demand for specific activity, experience, and benefit opportunities provided through these superlative natural and cultural settings.

Land use allocation ~ the identification in a land use plan of the activities and foreseeable development that are allowed, restricted, or excluded for all or part of the planning area, based on desired future conditions.

Land use plan ~ a set of decisions that establish management direction for land within an administrative area, as prescribed under the planning provisions of FLPMA; an assimilation of land-use-plan-level decisions developed through the planning process outlined in 43 CFR 1600, regardless of the scale at which the decisions were developed. The term includes both RMPs and MFPs.

Land use plan boundary ~ a BLM land use plan boundary is defined as the geographic extent of a RMP or MFP.

Land use plan decision ~ establishes desired outcomes and actions needed to achieve them. Decisions are reached using the planning process in 43 CFR 1600. When they are presented to the public as proposed decisions, they can be protested to the BLM Director. They are not appealable to IBLA.

Land use planning base ~ the entire body of land use plan decisions resulting from RMPs, MFPs, planning analyses, the adoption of other agency plans, or any other type of plan where land-use-plan-level decisions are reached.

Limited ~ generally denotes that an area or roads and trails are available for a particular use or uses. Refer to specific program definitions found in law, regulations, or policy guidance for application to individual programs. For example, 43 CFR 8340.0-5 defines the specific meaning of “limited” as it relates to off-highway vehicle use.

Management decision ~ a decision made by the BLM to manage public lands. Management decisions include both land use plan decisions and implementation decisions.

Market niche ~ a place or position within relevant markets, suitable or appropriate—given available supply and current demand, for specific settings, outputs, and outcomes.

Monitoring (plan monitoring) ~ the process of tracking the implementation of land use plan decisions and collecting and assessing data/information necessary to evaluate the effectiveness of land use planning decisions.

Multijurisdictional planning ~ collaborative planning in which the purpose is to address land use planning issues for an area, such as an entire watershed or other landscape unit, in which there is a mix of public and/or private land ownerships and adjoining or overlapping tribal, state, local government, or other Federal agency authorities.

Objective ~ a description of a desired condition for a resource. Objectives can be quantified and measured and, where possible, have established timeframes for achievement.

Off-highway vehicle (off-road vehicle) ~ any motorized vehicle capable of, or designed for, travel on or immediately over land, water, or other natural terrain, excluding: (1) any nonamphibious registered motorboat; (2) any military, fire, emergency, or law enforcement vehicle while being used for emergency purposes; (3) any vehicle whose use is expressly authorized by the authorized officer, or otherwise officially approved; (4) vehicles in official use; and (5) any combat or combat support vehicle when used for national defense.

Open ~ generally denotes that an area is available for a particular use or uses. Refer to specific program definitions found in law, regulations, or policy guidance for application to individual programs. For example, 43 CFR 8340.0-5 defines the specific meaning of “open” as it relates to off-highway vehicle use.

Open space recreation management areas ~ SRMAs having primary open-space characteristics, that are managed to support BLM’s traditional role as a provider of dispersed recreation, maintaining their highly-valued, distinctive, undeveloped recreation setting character. Within the bounds of legal requirements and sound management practices, resource and visitor management actions exercise minimal regulatory constraint and exclude major investments in facilities and visitor assistance to preserve the visitor’s freedom to choose where to go and what to do. Niches served by these high visibility areas may be comprised of national, regional, community, and/or local markets. Here the emphasis is on accommodating use and enjoyment, but prohibiting the kinds of recreation use, project, and other facility developments that would change the areas’ distinctive open-space setting character.

Permitted use ~ the forage allocated by, or under the guidance of, an applicable land use plan for livestock grazing in an allotment under a permit or lease; expressed in animal unit months (AUMs) (43 CFR 4100.0-5).

Planning analysis ~ a process using appropriate resource data and NEPA analysis to provide a basis for decisions in areas not yet covered by an RMP.

Planning criteria ~ the standards, rules, and other factors developed by managers and interdisciplinary teams for their use in forming judgments about decision making, analysis, and data collection during planning. Planning criteria streamline and simplify the resource management planning actions.

Project plan – a type of implementation plan (see *Implementation plan*). A project plan typically addresses individual projects or several related projects. Examples of project plans include prescribed burn plans, trail plans, and recreation site plans.

Provincial advisory council (PAC) ~ see *Resource advisory council*.

Public land ~ land or interest in land owned by the United States and administered by the Secretary of the Interior through the BLM without regard to how the United States acquired ownership, except lands located on the Outer Continental Shelf, and land held for the benefit of Indians, Aleuts, and Eskimos.

Recreation experiences ~ psychological outcomes realized either by recreation-tourism participants as a direct result of their onsite leisure engagements and recreation-tourism activity participation or by non-participating community residents as a result of their interaction with visitors and guests within their community and/or interaction with the BLM and other public and private recreation-tourism providers and their actions.

Recreation management zones ~ subunits within a SRMA managed for distinctly different recreation products.

Recreation niche ~ the place or position within relevant recreation-tourism markets most suitable (i.e., most capable of producing certain specific kinds of recreation opportunities) and appropriate (i.e., most responsive to identified visitor or resident customers), given available supply and current demand, for the production of specific recreation opportunities and the sustainable maintenance of accompanying setting character.

Recreation opportunities ~ favorable circumstances enabling visitors' engagement in a leisure activity to realize immediate psychological experiences and attain more lasting, value-added beneficial outcomes.

Recreation setting character conditions ~ the distinguishing recreational qualities of any landscape, objectively defined along a continuum ranging from primitive to urban landscapes, expressed in terms of the nature of the component parts of its physical, social and administrative attributes. These recreational qualities can be both classified and mapped. This classification and mapping process should be based on variation that either exists (i.e., setting descriptions) or is desired (i.e., setting prescriptions) among component parts of the various physical, social, and administrative attributes of any landscape.

Recreation settings ~ the collective, distinguishing attributes of landscapes that influence, and sometimes actually determine, what kinds of recreation opportunities are produced. These include opportunities for engaging in specific recreation activities, attaining both satisfying and dissatisfying recreation experiences, and attaining both beneficial and disbeneficial outcomes.

Resource advisory council (RAC) ~ a council established by the Secretary of the Interior to provide advice or recommendations to BLM management. In some states, provincial advisory councils (PACs) are functional equivalents of RACs.

Resource use level ~ the level of use allowed within an area, based on the desired outcomes and land use allocations in the land use plan. Targets or goals for resource use levels are established on an area-wide or broad watershed level in the land use plan. Site-specific resource use levels are normally determined at the implementation level, based on site-specific resource conditions and needs as determined through resource monitoring and assessments.

Revision ~ the process of completely rewriting the land use plan due to changes in the planning area affecting major portions of the plan or the entire plan.

Scale ~ refers to the geographic area and data resolution under examination in an assessment or planning effort.

Setting character ~ the condition of any recreation system, objectively defined along a continuum ranging from primitive to urban in terms of variation of its component physical, social, and administrative attributes.

Social science ~ the study of society and of individual relationships in and to society, generally including one or more of the academic disciplines of sociology, economics, political science, geography, history, anthropology, and psychology.

Special recreation management area (SRMA) ~ a public lands unit identified in land use plans to direct recreation funding and personnel to fulfill commitments made to provide specific, structured recreation opportunities (i.e., activity, experience, and benefit opportunities). The BLM recognizes three distinct types of SRMAs: community-based; intensive; and undeveloped big open.

Special status species ~ includes proposed species, listed species, and candidate species under the Endangered Species Act; state-listed species; and BLM state director-designated sensitive species (see BLM Manual 6840, Special Status Species Policy).

Standard ~ a description of the physical and biological conditions or degree of function required for healthy, sustainable lands (e.g., Land Health Standards). To be expressed as a desired outcome (goal).

State implementation plan (SIP) ~ a strategic document, prepared by a state (or other authorized air quality regulatory agency) and approved by the U.S. EPA, that thoroughly describes how requirements of the Clean Air Act will be implemented (including standards to be achieved, control measures to be applied, enforcement actions in case of violation, etc.).

Strategic plan (BLM strategic plan) ~ a plan that establishes the overall direction for the BLM. This plan is guided by the requirements of the Government Performance and Results Act of

1993, covers a 5-year period, and is updated every 3 years. It is consistent with FLPMA and other laws affecting the public lands.

Total maximum daily load (TMDL) ~ an estimate of the total quantity of pollutants (from all sources: point, nonpoint, and natural) that may be allowed into waters without exceeding applicable water quality criteria.

Travel management areas ~ polygons or delineated areas where a rational approach has been taken to classify areas open, closed, or limited, and have identified and/or designated network of roads, trails, ways, and other routes that provide for public access and travel across the planning area. All designated travel routes within travel management areas should have a clearly identified need and purpose as well as clearly defined activity types, modes of travel, and seasons or timeframes for allowable access or other limitations.

Tribe ~ see Indian Tribe.

Undeveloped big open SRMA ~ an SRMA whose primary characteristics are vast size and largely open, undeveloped recreation settings. Major investments in facilities are excluded within this type of SRMA to sustain distinctive recreation setting characteristics; however, major investments in visitor services are authorized both to sustain those distinctive setting characteristics and to maintain visitor freedom to choose where to go and what to do—all in response to demonstrated demand.

Visual resource management classes ~ categories assigned to public lands based on scenic quality, sensitivity level, and distance zones. There are four classes. Each class has an objective which prescribes the amount of change allowed in the characteristic landscape.

Watershed approach – a framework to guide watershed management that: (1) uses watershed assessments to determine existing and reference conditions; (2) incorporates assessment results into resource management planning; and (3) fosters collaboration with all landowners in the watershed. The framework considers both ground and surface water flow within a hydrologically defined geographical area.

Acronyms

ABM	activity-based management
ACEC	area of critical environmental concern
ADR	alternative dispute resolution
AUM	animal unit month
BBM	benefits-based management
BLM	Bureau of Land Management
CA	conservation agreement
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
CS	conservation strategy
CX	categorical exclusion
DM	Departmental Manual
DNA	Documentation of Land Use Plan Conformance and National Environmental Policy Act (NEPA) Adequacy
DOI	Department of the Interior
DR	decision record (for an EA)
EA	environmental assessment
EBM	experience-based management
EIS	environmental impact statement
EPA	Environmental Protection Agency
ERMA	extensive recreation management area
ESA	Endangered Species Act
FACA	Federal Advisory Committee Act
FWS	U.S. Fish and Wildlife Service
FLPMA	Federal Land Policy and Management Act
FONSI	Finding of No Significant Impact
GIS	geographic information system
IBLA	Interior Board of Land Appeals
LAC	limits of acceptable change
LUP	land use plan
MFP	management framework plan
MOU	memorandum of understanding
NLCS	National Landscape Conservation System
NMFS	National Marine Fisheries Service
NOA	notice of availability

NOI	notice of intent
NEPA	National Environmental Policy Act
NOAA	National Oceanic and Atmospheric Administration
OHV	off-highway vehicle (also refers to off-road vehicles)
PAC	provincial advisory council
RAC	resource advisory council
RMP	resource management plan
RMZ	recreation management zone
ROD	record of decision (for an EIS)
ROS	recreation opportunity spectrum
SRMA	special recreation management area
T&E	threatened and endangered
TMDL	total maximum daily load
U.S.C.	United States Code
VRM	visual resource management

Appendix A: Guide to Collaborative Planning

I. Principles

Collaboration implies that tribal, state, and local governments, other Federal agencies, and the public will be involved well before the planning process is officially initiated, rather than only at specific points stipulated by regulation and policy. The first-hand experience of BLM field managers and staff has resulted in the following suggested guidelines for collaboration.

A. Recognize tribal, state, and local governments' role in the planning process. FLPMA, section 202(c)(9), as paraphrased, requires meaningful participation by local officials and consistency, to the extent practicable, with officially approved plans of tribal, state, and local governments so long as the plans are consistent with Federal laws and regulations. Early involvement will help ensure that the BLM develops land use decisions that are supported by and conform to other jurisdictions in the area to the maximum extent possible.

B. Be inclusive and explicitly acknowledge the interests of distant groups, individuals, industry, corporations, and other agencies. An effective collaborative process for public land planning assures that local, regional, and national interests are integrated. Distant interests are sought out and encouraged. Effective outreach is the best way to get beyond the barriers to successful participation. Ensure multiple options for participation.

C. Clearly cite the authority of collaborative groups, including that of the BLM, and ensure accountability. Participants must understand the roles of all parties in the planning effort. If the planning effort includes other participants with jurisdictional responsibilities or decision-making authority, the responsibilities of each must be clearly identified. Decisions made by each jurisdiction must be within their own authorities. The BLM retains decision-making authority for all decisions on BLM lands. The BLM does not need to be the lead agency for agency personnel to participate in collaborative efforts.

D. Use collaboration to enhance and complement standard public involvement requirements. Individuals or groups that were unable or chose not to participate in a collaborative process are still entitled to full input through legally required public review and comment processes.

E. Recognize that collaborative processes may not be effective everywhere. The BLM manager retains the authority to manage the planning process and may choose to move forward with traditional planning processes if collaborative efforts are ineffective or become unacceptably lengthy.

II. Practices

A. Face-to-face or one-on-one communication provides the best means of building trust and good working relationships. Be sure to ask yourself and others questions such as the following:

1. Who else should I talk to? Who else should be involved? Whom do I need to approach to ensure the best contacts are made? How can the BLM assure sufficiently diverse participation to adequately reflect local, regional, and national interests?
2. What formal and informal opportunities for communication could be used to relay the BLM's message?

B. On a local level, postings on local bulletin boards and face-to-face communication may best serve community needs when presented in both English and local languages, depending on the unique characteristics of each community. Consider the following questions:

1. How does this community receive and send information? Would the use of Internet technology, such as websites and e-mail, be effective?
2. Are there community meetings where information and ideas are exchanged?

Although this approach may seem time consuming at first, it is eventually very effective in communicating efficiently with a large number of people, motivating people to implement the agreed upon strategy, building trust, and encouraging broad-based participation. It may seem daunting in urban settings, but the same approach can be effective once the above questions are answered. This approach provides the BLM with a technique to more effectively engage the public in the decision-making process, which normally leads to increased support for the decisions ultimately reached. This approach also provides an early alert to emerging issues, giving a BLM manager more time and flexibility to resolve issues up front. As issues are resolved dynamically, conflict diminishes. These methods can be used in advance of, and are complementary to, a standard communications plan that defines what communications products are needed, who is responsible for producing them, and when specific products must be delivered.

BLM offices should maintain mailing lists of individuals and organizations that request involvement in specific activities or areas, such as rangeland developments or areas of critical environmental concern. NOIs and NOAs for planning/NEPA processes, along with other materials should be provided as requested. Offices should also maintain a listing of planned or ongoing planning/NEPA processes, make these lists available to the public, and encourage public participation throughout the decision-making process.

III. Benefits

Benefits of collaboration include the following:

- A. Better decisions are made. Concerns are heard and addressed, information and technical knowledge are shared, mutual goals and actions to achieve these goals are agreed upon, and plans are easier to implement as a result. Solutions tend to be more

long-term and to stand up to legal scrutiny. Through collaboration with different landowners and jurisdictions, we are able to more effectively plan for the protection and use of BLM resources.

B. Resources are leveraged more effectively. There are a variety of cost-share arrangements and grants available for collaborative and partnership initiatives that can help implement on-the-ground projects.

C. Relationships are improved. Collaboration encourages people to continue to talk despite differences and changing circumstances, thus improving the ability to resolve conflict and build trust among participants.

IV. Tools

It is highly recommended that training on collaborative skills be completed before undertaking initiatives to work with private citizens and groups. The BLM National Training Center offers a series of courses, “The Partnership Series,” which can be taught in BLM locations to mixed public-private audiences rather than at the National Training Center. Visit their web site at www.ntc.blm.gov/partner for more information.

Innovative partnerships and assistance agreements are very helpful to launching collaborative efforts. The BLM Washington Office’s Planning, Assessment, and Community Support Group (WO-210) can provide more information.

The BLM and the Sonoran Institute have prepared “A Desktop Reference Guide to Collaborative, Community-Based Planning” which is available at BLM state and field offices. This guide provides suggestions and examples for collaborative planning.

Appendix B: Federal Advisory Committee Act Considerations

I. Purpose

The Federal Advisory Committee Act (FACA), 5 U.S.C.A. App. 2 (86 Stat. 770, as amended), was enacted on October 6, 1972, to reduce narrow special-interest group influence on decision-makers, to foster equal access to the decision-making process for the general public, and to control costs by preventing the establishment of unnecessary advisory committees. The FACA applies whenever a statute or an agency official establishes or utilizes a committee, board, commission or similar group for the purpose of obtaining advice or recommendations on issues or policies within the agency official's responsibility.

The BLM's managers and staff must understand the provisions of FACA both when they are gathering public input for decision-making processes and when they are working in collaborative efforts, including Alternative Dispute Resolution, to ensure BLM's collaborative efforts comply with FACA. In essence, any time a group will be consulted or will be providing recommendations to a BLM official, the BLM should verify whether FACA applies and, if so, ensure that the FACA requirements are followed. If the BLM fails to comply with FACA, it will leave its decisions and products open to challenge in court.

II. Implementing FACA

A. Avoiding Violations

To avoid violating the FACA, BLM managers should:

1. Consider whether FACA applies to any current or proposed collaborative or group activity. FACA will apply if a group is established or utilized by the BLM for the purpose of obtaining advice. In reaching decisions whether FACA will apply, managers should refer to the General Services Administration's (GSA) regulations at 41 CFR 102-3 and consult with the Office of the Solicitor. Further information about when FACA applies, including the FACA regulations, may be found at www.policyworks.gov/org/main/mc/linkit.htm or in the Committee Management Secretariat section of the GSA website.

- a. If FACA applies, establishing a committee requires consultation with GSA, filing a charter, publishing a notice in the *Federal Register*, and opening meetings of the group to the public.

- b. Existing groups are covered by FACA if they are "utilized" by a Federal agency. A group is "utilized" whenever a Federal agency exercises actual management or control over its operation.

2. For those groups covered by FACA, verify that its requirements are followed, including that an appropriate charter is filed, and that there is balanced membership, that the public is informed of its meetings (time, place, purpose, etc.) through *Federal*

Register publication, and that the meetings are open to the public. Consult with FACA experts to ensure compliance with its procedures.

Collaborative groups that are not initiated by the BLM can avoid application of FACA and can continue to have active BLM participation by maintaining their independence from BLM actual management or control.

B. Determining if FACA Applies

Figure 4 outlines the basic requirements to determine if the provisions of FACA apply. If there is any doubt, the BLM field office should consult its Solicitor. The field office must determine whether FACA applies to a particular collaborative effort, and if it does, whether it would be beneficial to pursue the effort by chartering the group under FACA. Answers to the following questions can be helpful in determining whether FACA does or does not apply:

1. Does the group include individuals who are not employees of tribal, state, or local governments or other Federal agencies?
2. Does the group have a formal organizational structure?
3. How was the group or meeting initiated? Specifically, was the group established by the BLM?
4. Is the group subject to agency actual management or control?
5. What is the function of the group? Is it providing consensus advice or recommendations as a group to the agency?

FACA will not apply to any meeting of more than one individual initiated by the President or Federal official(s) to obtain the advice of individual attendees, provided that the Federal official does not exercise actual management or control over the group. FACA does not apply to meetings held exclusively between Federal officials and tribal, state, and local elected officials, or their designated employees, where such meetings are solely for the purpose of exchanging views, information, or advice relating to the management or implementation of Federal intergovernmental programs (see Unfunded Mandates Reform Act, 2 U.S.C. 1534).

C. FACA Requirements

If a group is subject to FACA, there are a number of requirements that must be in place in order to proceed. Subcommittees may, under some circumstances, be subject to these requirements as well. Specific requirements include:

1. A charter describing the committee's function, duration, members, duties, frequency of meetings, and costs.

2. A designated Federal employee to attend all meetings and to approve meeting agendas.
3. Notices of meetings that are published in the *Federal Register* and other appropriate venues.
4. Meetings that are open to the public, with detailed minutes prepared for public review.

Further explanation is provided in the BLM's Natural Resource Alternative Dispute Resolution Initiative Strategic Plan and Tool Kit, September 11, 1997, available at BLM state offices.

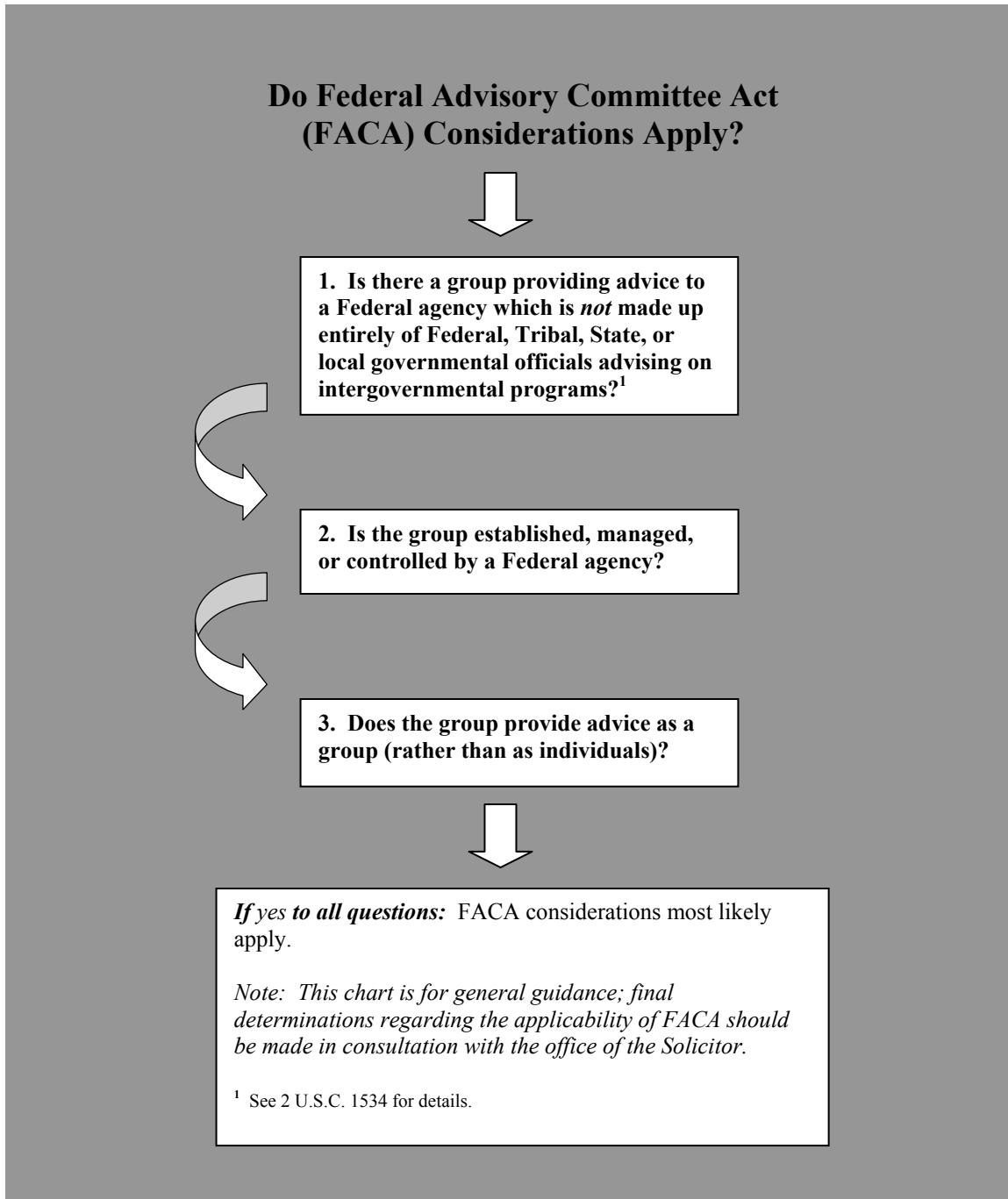


Figure 4.—Federal Advisory Committee Act (FACA) flow chart: Does FACA apply?

Appendix C: Program-Specific and Resource-Specific Decision Guidance

This Appendix provides three categories of planning information for BLM program areas: (1) *Land Use Plan Decisions*, (2) *Implementation Decisions*, and (3) *Notices, Consultations, and Hearings*. Each program/resource heading contains resource-specific guidance for each category. The guidance presented for each resource should be addressed in conjunction with the guidance presented for other resources to maintain an integrated, interdisciplinary approach to planning.

Land Use Plan Decisions. These broad-scale decisions guide future land management actions and subsequent site-specific implementation decisions. Land use plan decisions fall into two categories: desired outcomes (goals and objectives), and allowable uses and actions to achieve outcomes. Proposed land use plan decisions are protestable to the BLM Director.

The application of program-specific guidance for land use plan decisions will vary, depending on the decision category, and must be applied as follows:

- I. Natural, Biological, and Cultural Resources: Decisions identified must be made during the land use planning process if the resource exists in the planning area.
- II. Resources Uses: Decisions identified must be made during the land use planning process if the resource may exist in the planning area and the BLM anticipates it may authorize or allow its use.
- III. Special Designations: Special designation decisions identified must be made during the land use planning process when the BLM anticipates it may authorize or allow uses which could disqualify inventoried resource values from designation. Special designation decisions may be made during the land use planning process when there is no threat to the inventoried resource.
- IV. Support: Support needs and decisions may be determined through the land use planning process, based on individual planning situations.

Decisions identifying desired outcomes, allowable uses and actions, or special designations must be included in at least one of the alternatives during development of the land use plan and associated environmental analysis.

Implementation Decisions: Implementation decisions generally constitute the BLM's final approval allowing on-the-ground actions to proceed. These types of decisions require site-specific planning and NEPA analysis. They may be incorporated into implementation plans (activity or project plans) or may exist as stand-alone decisions. Where implementation decisions are made as part of the land use planning process, they are still subject to the appeals process or other administrative review as prescribed by specific resource program regulations after the BLM resolves the protests to land use plan decisions and makes a decision to adopt or amend the RMP (*High Desert Multiple Use Coalition, Inc. et al. Keith Collins, 142 IBLA 285 (1998)*).

Notices, Consultations, and Hearings. This section identifies resource-specific requirements and suggestions for notices, consultations, and hearings when developing land use plan decisions that are in addition to those identified in Chapter III of this Handbook. *Note:* Some laws or regulations, such as the Endangered Species Act and Clean Air Act, have notice, consultation, or hearing requirements that apply to most resource programs or activities. These requirements are identified in the primary program narrative but are not repeated for each program or activity that may be affected.

I. Natural, Biological, and Cultural Resources

A. Air

Land Use Plan Decisions. Identify desired outcomes and areawide criteria or restrictions, in cooperation with the appropriate air quality regulatory agency, that apply to direct or authorized emission-generating activities, including the Clean Air Act's requirements for compliance with:

1. Applicable National Ambient Air Quality Standards (section 109);
2. State Implementation Plans (section 110);
3. Control of Pollution from Federal Facilities (section 118);
4. Prevention of Significant Deterioration, including visibility impacts to mandatory Federal Class I Areas (section 160 et seq.); and
5. Conformity Analyses and Determinations (section 176(c)).

Implementation Decisions. Identify site-specific emission control strategies, processes, and actions to achieve desired air quality conditions from direct or authorized emission-generating activities.

Notices, Consultations, and Hearings. Consult, coordinate, and comply with applicable tribal, Federal, state, and local air quality regulations, as required by the Clean Air Act, Executive Order 12088, and tribal, Federal or state implementation plans. Each field office should work closely with counties or states on the development or amendment of state implementation plans (SIPs).

B. Soil and Water

Land Use Plan Decisions. Identify desired outcomes (including standards or goals under the Clean Water Act). Identify watersheds that may need special protection from the standpoint of human health concerns, aquatic ecosystem health, or other public uses. For riparian areas, identify desired width/depth ratios, streambank conditions, channel substrate conditions, and large woody material characteristics. Identify areawide use restrictions or other protective measures to meet tribal, state, and local water quality requirements. Identify measures, including filing for water rights under state permit procedures, to ensure water availability for multiple use management and functioning, healthy riparian and upland systems.

Implementation Decisions. Identify site-specific management opportunities and priorities by using a watershed approach and watershed assessment information. Identify the site-specific or basin-specific soil, riparian, or nonpoint-source best management practices and rehabilitation techniques needed to meet tribal, state and local water quality requirements.

Notices, Consultations, and Hearings. Consult and coordinate with other Federal, state, and local agencies, as directed by the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001-1009), and the Clean Water Act (33 U.S.C. 1251) (see BLM Manual 7000). Collaborate with local watershed groups when developing activity plans.

C. Vegetation

Land Use Plan Decisions. Identify desired outcomes for vegetative resources, including the desired mix of vegetative types, structural stages, and landscape and riparian functions, and provide for native plant, fish, and wildlife habitats. Designate priority plant species and habitats, including Special Status Species and populations of plant species recognized as significant for at least one factor such as density, diversity, size, public interest, remnant character, or age. Identify the actions and areawide use restrictions needed to achieve desired vegetative conditions.

In areas where Healthy Forests Restoration Act authorities are to be used, identify old growth forest stands or describe a process for identifying old growth forest stands in the land use plan based on the structure and composition characteristic of the forest type. Provide management direction to maintain, or contribute toward the restoration of, the structure and composition of old growth forest stands in areas where these authorities will be used. This management direction should consider the pre-fire exclusion old growth conditions characteristic of the forest type, taking into account the contribution of the stand to landscape fire adaptation and watershed health, and retaining the large trees contributing to old growth structure.

Implementation Decisions. Identify site-specific vegetation management practices such as allotment grazing systems, vegetation treatments, or manipulation methods (including fuels treatments) to achieve desired plant communities, as well as integrated vegetation management techniques to rehabilitate weed infestations or otherwise control noxious and invasive weeds. Identify old-growth stands and management practices to achieve old-growth management direction where applicable. Identify old-growth stands and management practices to achieve old-growth management direction where applicable.

Notices, Consultations, and Hearings. Consult under section 7 of the Endangered Species Act, or a parallel state Endangered Species Act law or agreement, for all actions that may affect listed species or designated critical habitat or that may adversely affect proposed species' critical habitat (see section (I)(G) of this Appendix and BLM Handbook H-6840).

D. Special Status Species

Land Use Plan Decisions. Identify strategies, use restrictions, and actions decisions to conserve and recover special status species. Given the legal mandate to conserve threatened or

endangered species and BLM’s policy to conserve all special status species, land use planning strategies and decisions should result in a reasonable conservation strategy for these species. Land use plan decisions should be clear and sufficiently detailed to enhance habitat or prevent avoidable loss of habitat pending the development and implementation of implementation-level plans. This may include identifying stipulations or criteria that would be applied to implementation actions. Land use plan decisions should be consistent with BLM’s mandate to recover listed species and should be consistent with objectives and recommended actions in approved recovery plans, conservation agreements and strategies, MOUs, and applicable biological opinions for threatened and endangered species.

Implementation Decisions. Identify the programmatic and site-specific actions needed to implement planning decisions for conserving and recovering special status species. These decisions may be identified in implementation plans for habitat management areas, ACECs, grazing allotments, etc.

Notices, Consultations, and Hearings. Consultation with the U.S. Fish and Wildlife Service or NOAA Fisheries Service is required by the Endangered Species Act for actions (plans, programs, or projects) that may affect listed species and designated critical habitat, and conferencing is needed if actions are likely to jeopardize the continued existence of a proposed species, or result in the destruction or adverse modification of proposed critical habitat (see 50 CFR 402.14, 402.10 and BLM Manual section 6840). Depending on state-specific agreements or policies, there may be additional requirements to confer with state wildlife agencies if Federal actions may affect state-listed species or their habitats.

1. Memorandum of Agreement with the USFWS and the Forest Service. The BLM has entered into a Memorandum of Agreement (MOA) with the USFWS, and the USDA-Forest Service to improve the efficiency and effectiveness of plan-level section 7 consultation processes under the Endangered Species Act. Through this MOA, the BLM agrees to promote the conservation of candidate, proposed, and listed species and to informally and formally consult/confer on listed and proposed species and designated and proposed critical habitat during planning (1) to assure that activities implemented under these plans minimize or avoid adverse impacts to such species and any critical habitat; (2) to assure that such activities implemented under these plans do not preclude future conservation opportunities; (3) to use, where possible, formal conference procedures specified in 50 CFR 402 to avoid conflicts between elements contained in plans and the requirements for conservation of the proposed species and proposed critical habitat; and (4) to analyze the effects of the plan on candidate species pursuant to agency planning requirements.

The MOA establishes interagency commitment to and guidance for the following: (1) early interagency communication, coordination, consultation, and conferencing on candidate, proposed, and listed species to take place prior to and during plan proposal development; (2) consultations/conferencing on land use plan adoption, revision, amendment, and ongoing plans where re-initiation is required (see discussion below); (3) implementation guidance for plan consultation; (4) efficiency through a consistent, programmatic interagency cooperative consultation process; (5) assurance that ongoing

activities do not jeopardize listed species, result in the destruction/adverse modification of designated critical habitat, or result in unauthorized take during consultations on an existing management plan; and (6) consultation or conferencing on both land management plans and other programmatic-level proposals for species listed or critical habitat designated since the adoption of a plan (see Appendix F).

2. Informal Consultation. During preparation of draft land use plan decisions and associated NEPA analysis, informal consultation should be initiated on the preferred alternative with the USFWS or the NOAA Fisheries Service. Including representatives from these agencies on the planning team during development of alternatives allows the agencies to adequately address and discuss the effects of management actions on listed and proposed species and their critical habitats, and to identify actions to achieve:

- a) No effect on listed species or their critical habitat,
- b) May affect, but not likely to adversely affect, determination for proposed species, or not likely to adversely modify proposed critical habitat.
- c) Beneficial effect for all listed species and critical habitat.

Informal consultation may reduce or eliminate the need for formal consultation. If formal consultation is required, as determined by the USFWS or NOAA Fisheries Service, the consultation process must be completed before the decision is approved. If formal consultation is not required, this must be documented in the planning record by a letter of concurrence from the USFWS or NOAA Fisheries Service.

3. Formal Consultation. The Endangered Species Act and 50 CFR 402.16 outline criteria for re-initiating consultation when there has been significant change since the original consultation. Based on these criteria, consultation on land use plan and implementation decisions must be re-initiated for any of the following reasons:

- a) New information shows that the plan decisions may affect listed or proposed species or critical habitat in a way or to an extent not previously considered.
- b) Land use plan and/or implementation decisions are modified in a way that may cause adverse effects to the listed or proposed species or critical habitat that were not considered in the biological opinion.
- c) Implementation of existing land use plan decisions could affect a newly listed species or newly designated critical habitat.
- d) The amount or extent of incidental take is exceeded.

4. Consultation under Endangered Species Act with Indian Tribes. DOI's Secretarial Order 3206: American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act, dated June 5, 1997, requires DOI agencies to consult with

Indian Tribes when agency actions to protect a listed species, as a result of compliance with Endangered Species Act, affect or may affect Indian lands, tribal trust resources, or the exercise of American Indian Tribal rights. Consultation under this Order should be closely coordinated with regional or field offices of the FWS and/or NOAA Fisheries Service for game and non-game species.

E. Fish and Wildlife

Land Use Plan Decisions. Acknowledging the states' roles in managing fish and wildlife and working in close coordination with state wildlife agencies, describe desired habitat conditions and/or population for major habitat types that support a wide variety of game and non-game species. Designate priority species and habitats, including special status species, and populations of fish or wildlife species recognized as significant for at least one factor such as density, diversity, size, public interest, remnant character, or age. Identify actions and areawide use restrictions needed to achieve desired population and habitat conditions while maintaining a thriving natural ecological balance and multiple-use relationships. (Also see section G above for Special Status Species management.) Identify Essential Fish Habitat (EFH) for federally managed fish species (Oregon, Washington, California and Idaho only).

Implementation Decisions. Identify site-specific actions, such as riparian fencing, guzzler placement, fuels management, etc., needed to manage ecosystems for all species and habitat for special status species. Identify specific measures to conserve and enhance EFH.

Notices, Consultations, and Hearings. Consult under section 7 of the Endangered Species Act, along with parallel state Endangered Species Act laws or agreements as applicable, for all actions that may affect listed species or designated critical habitat or confer if actions are likely to jeopardize the continued existence of a proposed species or result in the destruction or adverse modification of proposed critical habitat (see section (I)(G) of this Appendix and BLM Handbook H-6840). Consult with the NOAA Fisheries on any action authorized, funded, or undertaken that may impact EFH (through existing environmental review processes in accordance with NEPA).

F. Wild Horses and Burros

Land Use Plan Decisions. Identify the following (see 43 CFR 4700):

1. Herd Areas. Herd areas (HAs) are limited to areas of the public lands identified as being habitat used by wild horses and burros at the time of the passage of the Wild Horse and Burro Act, as amended (16 U.S.C. 1331-1340). Herd Area boundaries may only be changed when it is determined that (1) areas once listed as HAs are later found to be used only by privately owned horses or burros, or (2) the HA boundary does not correctly portray where wild horses and burros were found in 1971.
2. Herd Management Area Designation. Herd Management Areas (HMA) are established only on areas within HAs within which wild horses and/or burros can be managed for the long term. For HMAs, identify the following:

Notices, Consultations, and Hearings. No additional specific requirements exist.

a) Initial and estimated herd size that could be managed while still preserving and maintaining a thriving natural ecological balance and multiple-use relationships for that area.

b) Guidelines and criteria for adjusting herd size.

3. Herd Areas Not Designated as Herd Management Areas. Where appropriate, the land use plan may include decisions removing horses from all or part of a herd area. Examples include intermingled and unfenced lands within herd areas where private landowners do not want to make them available for wild horse or burro use; or essential habitat components are not available for wild horse or burro use within a herd area.

4. Wild Horse and Burro Ranges. An HMA may be considered for designation as a wild horse or burro range when there is a significant public value present, such as unique characteristics in a herd or an outstanding opportunity for public viewing.

5. Areawide Restrictions Needed to Achieve Objectives. For example, if domestic horses in HMAs are not compatible with wild horse management policies, then, domestic horse grazing must not be permitted in HMAs or adjacent to HMAs if domestic and wild horses are likely to intermingle.

Implementation Decisions. Identify and set objectives for herd composition, animal characteristics, and habitat development needs. Establish appropriate management levels (AMLs) based on monitoring and evaluations, including the population range within which the herd size will be allowed to fluctuate. (*Commission for the Preservation of Wild Horses, et al., 139 IBLA 24 (1997).*)¹

Notices, Consultations, and Hearings. The Wild and Free-Roaming Horses and Burros Act, as amended (16 U.S.C. 1331-1340) requires BLM to consult with Federal and state wildlife agencies and all other affected interests during land use and implementation planning for the management of wild horse and burros.

Public hearings are required when anticipated management activities involve the use of helicopters to capture, or the use of motor vehicles to transport, wild horses and burros. Hearings are held in the state where the activities are proposed and are normally conducted on an annual basis (see 43 CFR 4740).

G. Cultural Resources

Land Use Plan Decisions. Identify area wide criteria or site-specific use restrictions that apply to special cultural resource issues, including traditional cultural properties that may affect the location, timing, or method of development or use of other resources in the planning area.

¹ Reference incorporated as part of IM 2004-079.

Identify measures to pro-actively manage, protect, and use cultural resources, including traditional cultural properties.

The scope and scale of cultural resource identification are much more general and less intensive for land use planning than for processing site specific use proposals. Instead of new, on-the-ground inventory, the appropriate identification level for land use planning is a regional overview: (1) a compilation and analysis of reasonably available cultural resource data and literature, (2) a management-oriented synthesis of the resulting information (see Manual section 8110.) If land use decisions, however, are more specific in terms of impacts, they may require a more detailed level of identification of the scope and nature of cultural resources during land use planning.

RMPs will include at least the following two goals:

1. Preserve and protect significant cultural resources and ensure that they are available for appropriate uses by present and future generations (FLPMA, section 103 (c), 201(a), 202(c); National Historic Preservation Act, section 110(a); Archaeological Resources Protection Act, section 14(a)).
2. “Seek to reduce imminent threats and resolve potential conflicts from natural or human-caused deterioration, or potential conflict with other resource uses (FLPMA Sec. 103(c), NHPA 106, 110 (a) (2)) by ensuring that all authorizations for land use and resource use will comply with the NHPA Section 106.”

All cultural properties in the RMP area, whether already recorded or projected to occur on the basis of existing-data synthesis, including cultural landscapes, will be allocated to the uses listed in Table C-1 according to their nature and relative preservation value. These uses pertain to allocations pertain to cultural resources, not to areas of land.

Table C-1.—Cultural use allocations and desired outcomes

Use allocation ¹	Desired outcomes
a. Scientific use	Preserved until research potential is realized
b. Conservation for future use	Preserved until conditions for use are met
c. Traditional use	Long-term preservation
d. Public use	Long-term preservation, on-site interpretation
e. Experimental use	Protected until used
f. Discharged from management	No use after recordation; not preserved

¹ The majority of the cultural properties in a given geographic area will fall into categories (a) and (f). The less-common properties in categories (b)–(e) are likely to be associated with particular settings that can be delineated geographically in the planning process. As the plan is developed, properties in categories b–d will require the most attention to balance their proactive uses with other land and resource uses.

Implementation Decisions. Identify site-specific protection measures and opportunities to use cultural properties for scientific, educational, recreational, and traditional purposes. Evaluate whether intended uses would result in changes to cultural properties’ significance or preservation value, and if so, how resource condition should be monitored, measured, and maintained at an acceptable level.

1. Cultural properties allocated to uses are subject to the management actions listed in Table C-2 to realize their use potential.

Table C-2.—Cultural use allocations and management actions

Use allocation	Management
a. Scientific use	Permit appropriate research, including date recovery
b. Conservation for future use	Propose protective measures/designations ¹
c. Traditional use	Consult with tribes; determine limitations ¹
d. Public use	Determine permitted use ¹¹
e. Experimental use	Determine nature of experiment
f. Discharged from management	Remove protective measures
¹ Safeguards against incompatible land and resource uses may be imposed through withdrawals stipulations on leases and permits, design requirements, and similar measures which are developed and recommended by an appropriately staffed interdisciplinary team.	

2. Categorize geographic area as high/medium/low priority for future inventory of cultural properties.

3. All authorizations for land and resource use will comply with section 106 of the National Historic Preservation Act, Consistent with and subject to the objective established in the RMP for the proactive use of cultural properties in the public interest (NHPA Sec. 106, 101 (d)(6), 110(a)(2)(E); national BLM-ACHP-NCSHPO Programmatic Agreement of March 1997).

Notices, Consultations, and Hearings.

1. Consistent with the national Programmatic Agreement and individual state BLM-SHPO protocols, invite the State Historic Preservation Officer (SHPO) to participate from the outset of planning in order to reduce the potential for cultural resource conflicts with other resource uses as plans are implemented.

2. For states not operating under a BLM-SHPO protocol, such as Eastern states, consult with the State Historic Preservation Officer (SHPO) before plan approval concerning any actions that may be directly implemented upon plan approval and could affect a cultural property listed in or eligible for the National Register of Historic Places (see 36 CFR 800).

3. Formal consultations under section 106 of the National Historic Preservation Act usually take place during implementation planning; however, consult with the SHPO during land use planning regarding cultural resource evaluation recommendations (36 CFR 800.4(c)).

4. Consult tribal leaders and traditional religious practitioners under the American Indian Religious Freedom Act about any management objectives and actions that might affect Native American religious practices, including access to sacred sites. Consult tribal leaders under the National Historic Preservation Act about any management objectives or actions that might affect properties of traditional cultural importance.

H. Paleontology

Land Use Plan Decisions. Identify criteria or use restrictions to ensure that (a) areas containing, or that are likely to contain, vertebrate or noteworthy occurrences of invertebrate or plant fossils are identified and evaluated prior to authorizing surface-disturbing activities; (b) management recommendations are developed to promote the scientific, educational, and recreational uses of fossils; and (c) threats to paleontological resources are identified and mitigated as appropriate.

Implementation Decisions. Identify appropriate protection measures and scientific, educational and recreational use opportunities for paleontological localities.

Notices, Consultations, and Hearings. No additional specific requirements exist.

I. Visual Resources

Land Use Plan Decisions. Manage visual resource values are managed in accordance with visual resource management (VRM) objectives (management classes). Designate VRM management classes for all areas of BLM land, based on an inventory of visual resources and management considerations for other land uses. VRM management classes may differ from VRM inventory classes, based on management priorities for land uses (see BLM Handbook H-8410-1 for a description of VRM classes).

Implementation Decisions. Manage resource uses and management activities consistent with the VRM objectives established in the land use plan. Design all BLM resource uses, management activities, and other implementation decisions to meet VRM objectives established in the land use plan. Utilize visual resource design techniques and best management practices to mitigate the potential for short- and long-term impacts. Contrast ratings are required for all major projects proposed on public lands that fall within VRM Class I, and II, and Class III areas which have high sensitivity levels (see Handbook H-8341-1 for contrast-rating procedures).

J. Wildland Fire Management

Land Use Plan Decisions. Identify landscape-level (broad scale) fire management goals and objectives, including desired wildland fire conditions. Describe desired wildland fire conditions using Fire Regime Condition Class or other approved methods of description.

Identify the suite of management strategies/actions (including appropriate management response, hazardous fuels treatments, prevention and mitigation methods) that can be used to achieve desired outcomes and underlying land use allocations. Include a description of geographic areas that are suitable for wildland fire use for resource benefit and areas where wildland fire use is not appropriate due to social, economic, political, or resource constraints (for example, wildland urban interface).

Identify criteria that will be used for establishing fire management priorities. Public and fire fighter safety is always the number one priority during fire management activities.

Identify restrictions on fire management practices (including both wildfire suppression and fuels management) if any are needed to protect natural or cultural resource values. Restrictions may be structured to allow the local manager the flexibility to apply restrictions on a seasonal or annual basis, based on resource conditions, weather factors, and operational capability.

Best management practices may be developed in conjunction with land use planning efforts. Some or all of these practices may be identified as land use plan decisions.

Implementation Decisions.

1. Describe site-specific fire management objectives and actions needed to meet the broad scale land use plan level fire management goals and objectives.
2. Describe site-specific fuels treatment actions and projects (for example, wildland fire use, prescribed fire, mechanical thinning, biological and chemical) including their location, size and specific layout and design features.
3. Identify constraints and acceptable tactics for protection of specific sensitive sites.
4. Use land use plan criteria to establish priorities for fire prevention, fire preparedness, fire suppression, fuels management, and post-fire rehabilitation.
5. Modify preparedness and protection strategies based on treatments implemented and new and emerging resource issues.
6. Identify prescription parameters/thresholds for suppression, wildland fire use and prescribed fire.

For additional guidance, see the BLM Prescribed Fire Management Handbook (H-9214-1).

Notices, Consultations, and Hearings.

1. Consult, coordinate, and comply with tribes, Federal agencies, and state and local governments regarding smoke management where required by the Clean Air Act, Executive Order 12088 (Federal Compliance with Pollution Control Standards), and state implementation plans.
2. Consult and coordinate with adjacent tribes, Federal agencies, and state and local governments to establish protection and fuels management priorities.
3. Consult under section 7 of the Endangered Species Act, along with parallel state Endangered Species Act laws or agreements as applicable, for all actions that may affect listed species or designated critical habitat or critical habitat (see section (I)(G) of this Appendix and BLM Handbook H-6840).

4. Consult with the State Historic Preservation Officer and federally recognized tribes regarding anticipated fire management actions that have the potential to affect cultural resources, in accordance with section 106 of the National Historic Preservation Act (BLM Manual 8140).

K. Naturalness, Solitude, and Primitive Recreation

Land Use Plan Decisions. Identify strategies and decisions that may be applied to protect or preserve certain lands in their natural condition, or to provide outstanding opportunities for solitude, or primitive and unconfined types of recreation activities. Land use plan decisions may include establishing goals and objectives that describe the desired outcome of the land and resources, desired outcome of the solitude or recreation experience, and allowable uses. The land use plan may also identify the management actions necessary to achieve the intended goals and objectives, including the conditions of use that would be attached to permits, leases, and other authorizations to avoid or minimize impacts to the affected natural, biological, and cultural resources and other land uses.

Implementation Decisions. Identify appropriate site specific protection measures to insure protection of identified lands in their natural condition, or to provide outstanding opportunities for solitude, or primitive and unconfined types of recreation activities.

Notices, Consultations, and Hearings. No additional specific requirements exist.

L. Cave and Karst Resources

Land Use Plan Decisions: Identify Significant Caves as mandated by the Federal Cave Resources Protection Act of 1988. Criteria for identification of Significant Caves is set forth in 43 CFR Part 37 Subpart B (c). If it is determined that a cave meets these criteria, it must be designated as significant as set forth in 43 CFR Part 37 Subpart B (f).

For each designated Significant Cave, consider whether or not an administrative designation (e.g., Area of Critical Environmental Concern) is needed to provide adequate protection for significant cave resources (see III. Special Designations). Regardless, it is vital that both management objectives and setting prescriptions be set for each designated Significant Cave. Management objectives should be outcome based (i.e., not facility or project based), and setting prescriptions need to specify conditions needed to facilitate achievement of those objectives.

Implementation Decisions: Address four basic but broad types of cave and karst resource management actions for all Significant Caves:

1. management (resources, visitors and facilities);
2. marketing (outreach, information and education, promotion, interpretation, and environmental education);
3. monitoring (social, environmental and administrative indicators and standards); and

4. administration (regulatory, permit/fee/fiscal, data management, and customer liaison).

All BLM implementing actions must be conditioned by the specific management objectives and accompanying setting prescriptions incorporated within land use plan decisions for each Significant Cave.

Notices, Consultation, and Hearings: Certain actions involving impacts to cave and karst resources may require consultation and coordination with other federal, state and local government agencies, and nongovernmental organizations or individuals as mandated by: Section 4 of the Federal Cave Resources Protection Act; Section 106 of the National Historic Preservation Act; Section 7 of the Endangered Species Act; and Section 8 of the Public Rangeland Improvement Act.

II. Resource Uses

A. Forestry

Land Use Plan Decisions: Identify characteristics (indicators) to describe healthy forest conditions (i.e., desired outcomes) for forest/woodland types found within the planning area. Identify the suite of possible management actions (including appropriate harvest, reforestation, and forest development methods), and associated best management practices, that can be applied to meet desired outcomes.

Identify areas that are available and have the capacity for planned, sustained-yield timber harvest or special forest product harvest. A probable sale quantity (PSQ) should be determined, if possible, for those areas determined to be available for harvest. The PSQ is the allowable harvest level that can be maintained without decline over the long term if the schedule of harvests and regeneration are followed. PSQ recognizes a level of uncertainty in meeting the determined level; this uncertainty is typically based on other environmental factors that preclude harvesting at a particular time (for example, because of watershed or habitat concerns). A PSQ is not a commitment to offer for sale a specific level of timber volume every year.

Implementation Decisions: Identify individual timber or special forest product sale locations and schedules; site-specific intensive management practices, locations, and schedules; and restrictions associated with forestry activities. Identify individual forest health treatment activities by location and schedule. (*Headwaters, Inc., 116 IBLA 129 (1990)*).

Notices, Consultations, and Hearings: No additional specific requirements exist.

B. Livestock Grazing

Land Use Plan Decisions: Identify lands available or not available for livestock grazing (see 43 CFR 4130.2(a)), considering the following factors:

1. Other uses for the land;

2. terrain characteristics;
3. soil, vegetation, and watershed characteristics;
4. the presence of undesirable vegetation, including significant invasive weed infestations; and
5. the presence of other resources that may require special management or protection, such as special status species, Special Recreation Management Areas (SRMAs), or ACECs.

Decisions identifying lands available, or not available, for livestock grazing may be revisited through the amendment or revision process if the grazing preference or permit on those lands has been voluntarily relinquished, or if there are outstanding requests to voluntarily relinquish the grazing preference. If an evaluation of Land Health Standards identifies an allotment or group of allotments where Land Health Standards cannot be achieved under any level or management of livestock use, then decisions identifying those areas as available for livestock grazing need to be revisited.

For lands available for livestock grazing, identify on an areawide basis both the existing permitted use and the future anticipated permitted use with full implementation of the land use plan while maintaining a thriving natural ecological balance and multiple-use relationships. In addition, identify guidelines and criteria for future allotment-specific adjustments in permitted use, season of use, or other grazing management practices (*Joel Stamatakis; Steve Stamatakis, 98 IBLM 4 (1987)*).

Implementation Decisions: For areas available for grazing, identify allotment-specific (for one or several allotments) grazing management practices and permitted use based on monitoring and assessment information, as well as constraints and needs related to other resources. Grazing management practices and levels of permitted use must achieve the desired outcomes outlined in the land use plan, including rangeland health standards (or comprehensive Land Health Standards), or must result in significant progress toward fulfilling of rangeland health standards; they must also conform to the guidelines required under 43 CFR 4180.2(b).

Notices, Consultations, and Hearings: Conduct appropriate consultation, cooperation, and coordination actions as required under 43 CFR 4130.2(b). Copies of proposed decisions on grazing use are sent to interested members of the public in accordance with 43 CFR 4160.1.

C. Recreation and Visitor Services

Land Use Plan Decisions: Identify Special Recreation Management Areas (SRMAs). The BLM recognizes three distinct types of SRMAs:

1. Community-Based SRMA;
2. Intensive SRMA; and
3. Undeveloped Big Open SRMA.

Each SRMA has a distinct, primary recreation market as well as a corresponding and distinguishing recreation management strategy. For each SRMA identified, determine whether that market is Intensive, Community-Based, or Undeveloped Big Open. Divide recreation areas that have more than one distinct, primary recreation market, into two separate SRMAs.

For each SRMA identified, delineate discrete, Recreation Management Zone (RMZ) boundaries. Each RMZ has four components; it: serves a different recreation niche within the primary recreation market; provides a different set of recreation opportunities; has distinctive recreation setting character; and requires a specific set of management actions to meet primary recreation market demand. To address these four components within each RMZ:

1. Identify the corresponding recreation niche to be served;
2. Write explicit recreation management objectives for the specific recreation opportunities to be produced and the outcomes to be attained (activities, experiences, and benefits);
3. Prescribe recreation setting character conditions required to produce recreation opportunities and facilitate the attainment of both recreation experiences and beneficial outcomes, as targeted above (the Recreation Opportunity Spectrum is a primary tool for doing this); and
4. Briefly describe an Activity Planning framework that addresses recreation management, marketing, monitoring, and administrative support actions necessary to achieve recreation management objectives and setting prescriptions (see Implementation Decisions below).

Visual Resource Management Classes need to be correlated with the recreation management objectives and setting prescriptions that have been set for each RMZ delineated.

Anything not delineated as an SRMA is an Extensive Recreation Management Area (ERMA). Management within all ERMAs is restricted to custodial actions only. Therefore, actions within ERMAs are generally implemented directly from land use plan decisions and do not require activity-level planning.

Recognition of singularly dominant activity-based recreation demand of and by itself (e.g., heavy off-highway vehicle use, river rafting, etc.), however great, generally constitutes insufficient rationale for the identification of an SRMA and the subsequent expenditure of major recreation program investments in facilities and/or visitor assistance. This does not mean that the expenditure of substantial custodial funding is not warranted under certain circumstances, but such expenditures should not be confused with the provision of structured recreation opportunities that characterize SRMAs.

Identification, but not formal designation, of both SRMAs and ERMAs is required (see Manual Section 8300).

Implementation Decisions: For all SRMAs, address four basic but broad types of recreation actions:

1. Recreation management (of resources, visitors, and facilities);
2. Recreation marketing (including outreach, information and education, promotion, interpretation, and environmental education);
3. Recreation monitoring (including social, environmental, and administrative indicators and standards); and
4. Recreation administration (regulatory; permits, fees, and fiscal; data management; and customer liaison).

All BLM implementing actions must be conditioned by the specific RMZ objectives and accompanying setting prescriptions incorporated within land use plan decisions. Since the BLM is not the sole-source provider of public lands recreation, be sure to address any actions of other key recreation-tourism providers within local service communities (i.e., local governments and private recreation-tourism businesses). The BLM cannot dictate to its local government and private business providers. Yet, without their collaborative engagement as managing partners in plan design and implementation, recreation opportunities targeted by management objectives cannot be produced over the long run, nor can prescribed recreation settings be sustained.

Notices, Consultation, and Hearings: No additional specific requirements exist.

D. Comprehensive Trails and Travel Management

Land Use Plan Decisions: Delineate travel management areas and designate off-highway vehicle management areas.

1. Delineating Travel Management Areas

Comprehensive travel management planning should address all resource use aspects (recreational, traditional, casual, agricultural, industrial, educational etc.) and accompanying modes and conditions of travel on the public lands, not just motorized or off-highway vehicle activities. The travel management areas (polygons) should identify acceptable modes of access and travel for each area (including over-land, over-water, over-snow and fly-in access (remote airstrips and float planes). These travel management areas should be developed and delineated in the RMP. In developing these areas, consider the following:

- a. Consistency with all resource program goals and objectives;
- b. Primary travelers;
- c. Objectives for allowing travel in the area;
- d. Setting characteristics that are to be maintained (including ROS and VRM settings); and
- e. Primary means of travel allowed to accomplish the objectives and to maintain the setting characteristics.

2. Designation of Off-Highway Vehicle Management Areas

All public lands are required to have OHV area designations (see 43 CFR 8342.1). Areas, roads and trails must be classified as open, limited, or closed to motorized travel activities. Criteria for open, limited, and closed area designations are established in 43 CFR 8340.0-5 (f) (g) and (h), respectively.

For areas classified as “limited” consider a full range of possibilities, including travel that will be: limited to types or modes of travel, such as foot, equestrian, bicycle, motorized, etc., limited to existing roads and trails, limited to time or season of use, limited to certain types of vehicles (OHVs, motorcycles, ATVs, high clearance, etc.), limited to licensed or permitted vehicles or users, limited to BLM administrative use only, or other types of limitations. In addition, provide specific guidance about the process for managing motorized vehicle access for authorized, permitted or otherwise approved vehicles for those specific categories of motorized vehicle uses that are exempt from a limited designation (see 43 CFR 8340.0-5 (a) (1-5)).

At a minimum, the travel management area designation for wilderness study areas (WSAs) must be “limited” to ways and trails existing at the time of inventory, unless “open” is appropriate for a sand dune or snow area. Existing roads, ways and trails must be fully documented and mapped. This applies to both motorized and mechanized transport (see Wilderness Study Area Handbook H-8550-1, I.B.11, and refer to 43 CFR 8364.1 for mechanized transport). In addition, future designations may be made for a WSA if it is released from study.

Except as otherwise provided by law (e.g., the Alaska National Interest Lands Conservation Act), congressionally designated wilderness areas are statutorily closed to motorized and mechanized use. These areas should be shown in the land use plans along with the acreage affected.

Existing laws, proclamations, regulations or Executive Orders may limit the use of the “open” area designation or impose additional requirements relating to travel management in specific circumstances.

For RMP provisions related to National Scenic, Historic and National Recreation Trails, National Back Country Byways or other byway designations, see section Appendix C III Special Designations.

Implementation Decisions: Complete a defined travel management network (system of areas, roads and/or trails) during the development of the land use plan, to the extent practical. If it is not practical to define or delineate the travel management network during the land use planning process, a preliminary network must be identified and a process established to select a final travel management network. Possible reasons for not completing the final network might be size or complexity of the area, controversy, incomplete data, or other constraints.

If the final travel management network is to be deferred in the RMP, then the RMP should document the decision-making process used to develop the initial network, provide the basis for future management decisions, and help set guidelines for making road and trail network adjustments throughout the life of the plan. The identification of the uncompleted travel

management networks should be delineated in the land use plan and the following tasks completed for each area:

- 1) Produce a map of a preliminary road and trail network;
- 2) Define short-term management guidance for road and trail access and activities in areas or sub-areas not completed;
- 3) Outline additional data needs, and a strategy to collect needed information;
- 4) Provide a clear planning sequence, including public collaboration, criteria and constraints for subsequent road and trail selection and identification; and
- 5) Provide a schedule to complete the area or sub-area road and trail selection process.
- 6) Identify any easements and rights-of-ways (to be issued to the BLM or others) needed to maintain the preliminary or existing road and trail network.

If the decision on delineating travel management networks is deferred in the land use plan to the implementation phase, the work normally should be completed within five years of the signing of the record of decision for the RMP.

At the implementation phase of the plan, establish a process to identify specific areas, roads and/or trails that will be available for public use, and specify limitations placed on use. Products from this process will include:

- 1) A map of roads and trails for all travel modes.
- 2) Definitions and additional limitations for specific roads and trails (defined in 43 CFR 8340.0-5(g)).
- 3) Criteria to select or reject specific roads and trails in the final travel management network, add new roads or trails and to specify limitations.
- 4) Guidelines for management, monitoring, and maintenance of the system.
- 5) Indicators to guide future plan maintenance, amendments, or revisions related to travel management network.
- 6) Needed easements and rights-of-ways (to be issued to the BLM or others) to maintain the existing road and trail network providing public land access.

In addition, travel management networks should be reviewed periodically to ensure that current resource and travel management objectives are being met (see 43 CFR 8342.3).

Notices, Consultation, and Hearings: No additional specific requirements exist.

E. Lands and Realty

Land Use Plan Decisions: Identify the following consistent with the goals, and objectives for natural resources within the planning area:

1. Lands generally required for retention (43 CFR 2400), proposed disposal, or acquisition (based on acquisition criteria identified in the land use plan; FLPMA section 205(b)) (*Oregon Natural Resources Council, 78 IBLA 124 (1983)*). Lands are to be retained in Federal ownership, unless it is determined that disposal of a particular parcel will serve the national interest (FLPMA section 102(1)).
2. Lands that are available for disposal under a variety of disposal authorities, provided they meet the criteria provided in FLPMA (section 203 and 206 and 209) or other statutes and regulations.
3. Lands identified for disposal that are, or are not, eligible under the Federal Land Transaction Facilitation Act of 2000 (FLTFA). Unless FLTFA is amended, only lands identified for disposal in a land use plan approved prior to July 25, 2000, are eligible.
4. Proposed withdrawal areas including existing withdrawals to be continued, modified, or revoked (including how the lands would be managed if the withdrawal were relinquished and an opening order issued) (see 43 CFR 2300).
5. Land Classifications under section 7 of the Taylor Grazing Act of 1934, as amended (43 U.S.C. 315f). The procedures applicable to section 7 outlined in 43 CFR 2400 must be followed. The following actions require classification: Recreation and Public Purposes Act sales (see 43 CFR 2740) and leases (see 43 CFR 2912); agricultural entries (see 43 CFR 2520, 2530, 2610); and state grants (see 43 CFR 2620). To the extent that the land use planning procedures pursuant to 43 CFR 1600 differ from applicable classification procedures under 43 CFR 2400, the latter procedures shall be followed and applied. The analysis that supports classification decisions is normally the same analysis utilized in the land use planning/NEPA process to make decisions concerning the disposal or retention of public lands. For any classification decision made through the land use plan, initiate the classification decision requirements (i.e., proposed and initial decisions required under 43 CFR 2400) at the time the decision document is issued for the land use plan.
6. Where and under what circumstances authorizations for use, occupancy, and development (such as major leases and land use permits) may be granted (see 43 CFR 2740/2912, 43 CFR 2912, 43 CFR 2911, and 43 CFR 2920, respectively).
7. Right-of-way corridors, avoidance areas, and exclusion areas, along with any general terms and conditions that may apply (see 43 CFR Part 2800 and 2880).

8. Identify both existing and potential corridors (potential corridors include existing right-of-way routes that can be considered for additional facilities and thus be considered a corridor if not already designated). Identify existing and potential right-of-way development areas for renewable energy projects (e.g., wind, solar, biomass, geothermal), communication sites, and other uses; describe likely development of potential corridors and other right-of-way sites as a basis for impact assessment and development of stipulations or conditions of use, and describe limitations on other uses in the potential corridors or a potential right-of-way development sites which would be necessary to maintain the corridor and right-of-way values.

Implementation Decisions: Identify exchange agreements, land sale plans, approvals of leases and permits, and all subsequent phases of case processing. Identify issuance of site-specific right-of-way grants and authorizations. Identify authorization notices for those actions that require classification or other notices, including sales, exchanges, state selections, Recreation and Public Purposes Act sales and leases, agricultural entries, and other land disposal actions.

Notices, Consultations, and Hearings: Consult with parties to Interagency Agreements or MOUs relating to corridor identification or use. The Western Utility Group must be consulted when developing decisions affecting utility use. Consult with Indian Tribes and state and local governments having an interest in or jurisdiction over lands proposed for disposal or acquisition.

F. Coal and Oil Shale

Land Use Plan Decisions: Identify the following consistent with the goals, and objectives for natural resources within the planning area:

1. Unleased coal lands that are acceptable for further consideration for coal leasing and development and those that are not (see 43 CFR 3461).
2. Areas unsuitable for surface mining of coal (43 CFR 1610.7-1) under the criteria set forth in 43 CFR 3461.5.
3. For acceptable lands, areas suitable for development by all mining methods or by only certain stipulated mining methods, such as surface or underground mining (see 43 CFR 3461).
4. Any special conditions that must be met during more detailed planning, lease sale, or post-lease activities, including measures required to protect other resource values (see 43 CFR 3461).

Implementation Decisions: Process lease applications and lease exchanges, and delineate coal tracts for disposal.

Notices, Consultations, and Hearings:

1. Publish a call for coal and other resource information in the *Federal Register* and the local news media before initiating, revising, or amending land use plans or a land use analysis involving coal (see 43 CFR 3461.2-1(a)(2)).
2. Publish in the *Federal Register* a notice under 43 CFR 3461.2-1(a)(2), providing for a minimum 30-day comment period on the results of the application of unsuitability criteria, exemptions, and exceptions.
3. Consult as required under 43 CFR 3461.5 for unsuitability criteria 7 through 11, criteria 13 through 15, and criterion 17.
4. Consult qualified surface owners as required under 43 CFR 3420.1-4(e)(4) to determine their preference for or against surface mining. If a significant number of qualified surface owners in an area do not support surface mining, BLM can consider only underground mining unless one of the exceptions in 43 CFR 3420.1-4(e)(4)(ii) or (iii) applies.
5. Consult Indian Tribes, other Federal agencies, and states as required under 43 CFR 3420.1-6 and 3420.1-7.
6. Hold a public hearing as required under 43 CFR 1610.2(k) and 43 CFR 3420.1-5 if requested.

G. Fluid Minerals: Oil and Gas, Tar Sands, Geothermal Resources, and Coal Bed Natural Gas

Land Use Plan Decisions: Identify the following consistent with the goals, standards, and objectives for natural resources within the planning area:

1. Areas open to leasing, subject to the terms and conditions of the standard lease form.
2. Areas open to leasing, subject to minor constraints such as seasonal restrictions. (These are areas where it has been determined that moderately restrictive lease stipulations may be required to mitigate impacts to other land uses or resource values.)
3. Areas open to leasing, subject to major constraints such as no-surface-occupancy stipulations on an area more than 40 acres in size or more than 0.25 mile in width. (These are areas where it has been determined that highly restrictive lease stipulations are required to mitigate impacts to other lands or resource values. This category also includes areas where overlapping minor constraints would severely limit development of fluid mineral resources.)
4. Areas closed to leasing. (These are areas where it has been determined that other land uses or resource values cannot be adequately protected with even the most restrictive lease stipulations; appropriate protection can be ensured only by closing the lands to leasing.) Identify whether such closures are discretionary or nondiscretionary.

5. Lease stipulations that apply to areas open to leasing.
6. Whether the leasing and development decisions also apply to geophysical exploration.
7. How identified constraints will be applied in areas currently under lease.
8. Long term resource condition objectives for areas currently under development to guide reclamation activities prior to abandonment.

A determination that lands are available for leasing represents a commitment to allow surface use under standard terms and conditions unless stipulations constraining development are attached to leases. All stipulations must have waiver, exception, or modification criteria documented in the plan (H-1624-1 and 43 CFR 3101.1-4). When applying leasing restrictions, the least restrictive constraint to meet the resource protection objective should be used (see H-1624-1) (*Southern Utah Wilderness Alliance et al.*, 128 IBLA 52 (1993)).

Implementation Decisions: Offer leases with appropriate stipulations. Address site-specific actions such as geophysical exploration, approval or disapproval of applications for permit to drill (APDs) with attached restrictions or conditions of approval, well siting, tank battery placement, and pipeline routing (*Colorado Environmental Coalition*, 130 IBLA 61 (1994)).

Notices, Consultations, and Hearings: Public notice shall be given 45 days before offering lands for lease and 30 days before approving APDs or substantially modifying the terms of any lease.

H. Locatable Minerals, Mineral Materials, and Nonenergy Leasable Minerals

Land Use Plan Decisions: Identify the following consistent with the goals, and objectives for natural resources within the planning area:

1. Areas open or closed to the operation of the mining laws, mineral material disposal, and non-energy leasing.
2. In open areas, identify any areawide terms, conditions, or other special considerations needed to protect resource values.

Implementation Decisions: Authorize claims, sales, common use, licenses, leases and permits and identify site-specific constraints.

Notices, Consultations, and Hearings: Recommend proposed withdrawals to the Secretary of the Interior for appropriate action pursuant to section 204(a) of FLPMA. Comply with the congressional notice provisions of section 204 of FLPMA (43 U.S.C. 1714) for withdrawals of 5,000 acres or more.

III. Special Designations

A. Congressional Designations

Land Use Plan Decisions: Develop stand-alone RMP/EIS-level plans for all National Monuments and Congressionally designated National Conservation Areas, National Recreation Areas, Cooperative Management and Protection Areas, Outstanding Natural Areas, and Reserves. For designated National Scenic and Historic Trails:

1. Identify goals, objectives and measures to achieve them, as well as allowable uses and surface restrictions to avoid potential adverse affects. Land use plans must also reference, incorporate, or be amended with provisions from applicable Comprehensive Management Plans required by the National Trails System Act.
2. Establish VRM designations; identify Special Recreation Management Areas, recreation management zones, and OHV designations; identify trail-related lands for retention, acquisition, withdrawals, avoidance, and exclusion areas; identify appropriate special leasing conditions, terms, constraints, or stipulations; designate trail segments as ACECs; and identify interpretive measures.
3. Concentrate on high potential sites and segments along national historic trails, national register eligible segments, and the primitive character and connection of national scenic trail segments. Consider the historic context and/or current and future landscape condition along the trails.

Implementation Decisions: Develop site-specific implementation actions and plans for congressionally designated areas.

Notices, Consultations, and Hearings: No additional specific requirements.

B. Administrative Designations

Land Use Plan Decisions: Consistent with the goals, standards and objectives for the planning area, make the following determinations:

1. Manage WSAs under the interim management policy (H-8550-1) until they are released by Congress. Identify management direction for WSAs should they be released from wilderness consideration by Congress.
2. Assess all eligible river segments and determine which are suitable or non-suitable per Section 5(d)(i) of the Wild and Scenic Rivers Act and make a recommendation (if applicable) to Congress for inclusion in the National Wild and Scenic River System (see BLM Manual 8351).
3. Designate ACECs and identify goals, standards, and objectives for each area, as well as general management practices and uses, including necessary constraints and mitigation

measures (also see BLM Manual 1613). This direction should be specific enough to minimize the need for subsequent ACEC management plans. ACECs must meet the relevance and importance criteria in 43 CFR 1610.7-2(b) and must require special management (43 CFR 1601.0-5(a)) to:

a) Protect the area and prevent irreparable damage to resources or natural systems.

b) Protect life and promote safety in areas where natural hazards exist.

4. Designate Research Natural Areas and Outstanding Natural Areas as types of ACECs using the ACEC designation process.

5. Designate Back Country Byways, National Recreation Trails, Watchable Wildlife Viewing Sites, Wild Horse and Burro Ranges, or other BLM administrative designations.

Subject to valid existing rights, avoid approval of proposed actions that could degrade the values of potential special designations. Proposed actions will be reviewed on a case-by-case basis and impacts to an area's values will be assessed. The standard for this review is the protection of the area's resources and values so that the area will not be disqualified from designation. Subject to valid existing rights, proposed actions that can not meet this standard should be postponed, relocated, mitigated, or denied.

2. *Implementation Decisions*: Develop Site-specific management actions and constraints. Evaluate and issue permits for scientific, educational, or recreational activities, and develop project plans for trails, interpretive exhibits, resource rehabilitation, and other site-specific activities. Protective management provisions must be followed to enhance or protect identified resource values and/or characteristics.

3. *Notices, Consultations, and Hearings*: Publish a *Federal Register* notice providing a 60-day comment period on proposed ACEC recommendations and resource use limitations (see 43 CFR 1610.7-2(b)).

IV. Support

The planning regulations in 43 CFR 1601.0-5(k)(6) provide that land use plans may identify support needs such as access development, realty actions, engineering, cadastral survey, etc.

A. Cadastral

Land Use Plan Decisions: Identify planning boundaries so the geographic extent of land use decisions is clearly understood. The plan may identify areas where additional cadastral survey work is needed to locate and mark boundaries on the ground, including those areas identified for disposal. The plan may also identify the need to complete more detailed boundary management plans.

Implementation Decisions: If necessary, develop a boundary management plan for locating and marking priority areas. Identify areas needing immediate trespass resolution.

B. Interpretation and Environmental Education

Land Use Plan Decisions: Identify the significant resources or areas that will be made available for interpretation. Identify goals and objectives for interpreting those resources and what management actions are necessary to achieve the goals and objectives.

Implementation Decisions: The implementation plan for the planning area should address the interpretive techniques to be used to implement an interpretive program including the partners needed for a successful interpretive program. The following factors should be considered:

1. The key interpretive stories unique to the planning area.
2. The primary interpretive message or themes needed.

The key interpretive stories are best identified by collaborating with community groups, interested partners, and other Federal, state and county government agency staff. These interpretive stories are often about unique historical, biological, geological or other resource values found in the planning area. The significant interpretive resources in National Landscape Conservation System (NLCS) units are identified in the proclamation establishing the area. The interpretive theme(s) is the main message you want the public to understand about the resources or areas to be interpreted. The implementation plan should identify the use of the many available interpretive techniques such as:

1. wayside exhibits and kiosks;
2. visitor centers or visitor contact stations;
3. brochures/maps;
4. video/compact disc/audio presentations;
5. Internet materials;
6. personal presentations to individuals, groups and the media;
7. use of existing educational curriculum (leave no trace, tread lighter, etc.) and/or develop site-specific curriculum to achieve resource protection goals and objectives; and
8. teacher/non-formal education workshops to promote use of environmental education curriculum.

Notices, Consultation and Hearing: No additional specific requirements.

C. Transportation Facilities

1. *Land Use Plan Decisions:* Identify land areas available or suitable for transportation facilities. Identify types of transportation facilities that are appropriate for the planning area. Identify limitations, if any, on the types or locations of facilities for specified areas.

Identify the area(s) having in-place transportation facilities that should be removed. Identify road repair, road rehabilitation, road construction, and maintenance standards appropriate to specific areas. Identify limitations, if any, on road repair, road rehabilitation, road construction, and maintenance actions. Identify limitations, if any, on road density (ie. miles/section) for specific areas.

Also refer to Appendix C, Section II.D. (Comprehensive Trails and Travel Management).

2. Implementation Decisions: Develop a map or other type of specification document that displays and describes the intended use of the individual geographic units within the planning area. In conjunction with the process of identifying a road network (see Appendix C, Section II.D, (Comprehensive Trails and Travel Management)), develop a transportation plan outlining specific road types and designations such as Federal, state, county, and tribal roads, and BLM administered/maintained roads. Identify roads in Congressionally designated conservation units, Presidential conservation designations, and administrative conservation designations such as Back Country Byways.

Appendix D: Social Science Considerations in Land Use Planning Decisions

I. Introduction

Appendix D provides guidance on integrating social science information into the planning process. Any information gathered in support of a planning effort must be considered in the context of BLM’s legal mandates.

A. The need for social science

The BLM is required to manage the public lands on the basis of multiple use and sustained yield and to meet the needs of present and future generations. As the human population continues to increase and social values evolve, resource conflicts are likely to increase. More importantly, the American public is increasingly aware of the importance of the public lands to its well-being and is demanding a larger voice in resource management decisions. Given these realities, the planning process can represent a constant balancing of competing needs, interests, and values. The effective use of social science can be critical to understanding and reconciling these differing perspectives.

The BLM is required by statute and Executive order to integrate social science in the preparation of informed, sustainable land use planning decisions. Section 202(c)(2) of FLPMA requires BLM to integrate physical, biological, economic, and other sciences in developing land-use plans (43 USC 1712(c)(2)). FLPMA regulations 43 CFR 1610.4-3 and 1610.4-6 also require BLM to analyze social, economic, and institutional information. Section 102(2)(A) of NEPA requires Federal agencies to

insure the integrated use of the natural and social sciences . . . in planning and decision making.

Federal agencies are also required to

. . . identify and address . . . disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations in the United States. . .

in accordance with Executive Order 12898 on Environmental Justice.

B. Defining social science information in land use planning

Social science information in land use planning can include the economic, political, and social structure of communities, regions, and the Nation as a whole; social values, beliefs, and attitudes; how people interact with the landscape; and sense-of-place issues. The social sciences integrate a wide variety of disciplines, generally including economics, sociology, demography, anthropology, archaeology, political science, geography, history, and landscape architecture. Though the information appropriate to a given analysis depends upon the specific issues being assessed, the social science information usually important for resource planning decisions can be grouped in the seven categories listed in Table D-1.

Table D-1.—Human environment: Key topics¹

	Topic	Relevance to plan	Examples
Demography and social indicators	<i>Population</i>	Potential demand on BLM lands and resources	<ul style="list-style-type: none"> ▪ Population trends ▪ distribution by age and gender
	<i>Inequality</i>	Differences in visibility and influence; identify vulnerable populations (environmental justice)	<ul style="list-style-type: none"> ▪ Income distribution ▪ percent of households in poverty
	<i>Social difference</i>	Barriers to public involvement; different user needs and values; identify distinctive populations (environmental justice)	<ul style="list-style-type: none"> ▪ Ethnicity ▪ languages spoken in household ▪ tribal affiliation
	<i>Social indicators</i>	Can indicate community strengths and weaknesses that may have implications for planning issues	<ul style="list-style-type: none"> ▪ Crime rates ▪ divorce rates ▪ unemployment ▪ education ▪ length of residence
Social organization and institutions	<i>Government</i>	Potential cooperating agencies; contacts for plan coordination	<ul style="list-style-type: none"> ▪ Municipal and county governments in/near planning area ▪ special districts ▪ tribal governments
	<i>Non-governmental institutions</i>	Potential partners for plan implementation; sources of economic and social resilience	<ul style="list-style-type: none"> ▪ Grange ▪ Chamber of Commerce ▪ church groups ▪ ethnic advocacy organizations
	<i>Communities of place</i>	Local and regional population centers relative to planning area	<ul style="list-style-type: none"> ▪ Gateway communities ▪ natural resource-dependent communities
	<i>Social groups and networks</i>	Opportunities for informal contacts in seeking public comment and communicating plans and proposals	<ul style="list-style-type: none"> ▪ Networks linking ranchers or retirees
	<i>Occupational and interest groups</i>	Provide range of perspectives on potential land use decisions	<ul style="list-style-type: none"> ▪ Wilderness advocates ▪ oil & gas producers
Attitudes and values	<i>Values and beliefs regarding local environment and its use</i>	Local understandings may shape acceptability of proposed land use decisions	<ul style="list-style-type: none"> ▪ Local understanding of effects of coal bed methane technology on ground water conditions
	<i>Attitudes regarding proposed land management actions</i>	While public attitudes are elicited in scoping, more systematic approaches such as surveys or interviews can identify important differences between groups, providing further information to help identify impacts and mitigation strategies	<ul style="list-style-type: none"> ▪ Reactions to proposals to decrease grazing or to reduce accumulated fuels through prescribed burning
	<i>Quality of life</i>	Can indicate community perceptions that may have implications for planning issues	<ul style="list-style-type: none"> ▪ Perceived access to community resources ▪ satisfaction with community conditions, such as opportunities for employment
Human geography	<i>Distribution of communities, roads, and resources</i>	Can predict potential conflicts and impacts over proposed land use allocations	<ul style="list-style-type: none"> ▪ Wildland-urban interface ▪ recreational demand from nearby cities

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	Topic	Relevance to plan	Examples
	<i>Land ownership and access</i>	Can predict potential conflicts and impacts over proposed land use allocations	<ul style="list-style-type: none"> ▪ Split estate ownership of sub-surface minerals
	<i>Culturally significant places and areas</i>	Identify constraints on site-specific activities (may be developed in cultural resource analysis)	<ul style="list-style-type: none"> ▪ Locally valued buildings, sites, and landscapes ▪ sense of place
Economic value	<i>Products and uses of the assessment (study) area</i>	Regional economic sectors and their interrelation	<ul style="list-style-type: none"> ▪ Annual receipts from manufacturing, agriculture, mining, tourism
	<i>Non-market values of resources and activities</i>	More complete description of economic and cultural benefit of BLM lands and resources	<ul style="list-style-type: none"> ▪ ACECs' value to visitors: qualitative (description) or quantitative (willingness to pay)
	<i>Dependence on BLM lands and resources</i>	Understand the potential local and regional impacts of land use decisions	<ul style="list-style-type: none"> ▪ Value of BLM timber sales ▪ visitor-day expenditures
Employment, income, and subsistence	<i>Employment</i>	Change in relative significance of various economic sectors	<ul style="list-style-type: none"> ▪ Jobs from government, construction, agriculture
	<i>Income</i>	Change in relative significance of various economic sectors	<ul style="list-style-type: none"> ▪ Non-labor income (dividends, transfer payments)
	<i>Economic diversity and resilience</i>	Ability of stakeholder communities to respond to external change	<ul style="list-style-type: none"> ▪ Level of dependence on single economic sector
	<i>Regional economic organization</i>	Identify amount and geographic distribution of new indirect and induced employment resulting from additional local investment	<ul style="list-style-type: none"> ▪ New local jobs resulting from proposed increase in oil and gas production on public lands
	<i>Subsistence activities</i>	Non-market production from BLM lands for local use	<ul style="list-style-type: none"> ▪ Amount and value of subsistence hunting by local residents
Public finance and government services	<i>Governmental revenues and expenditures</i>	Fiscal capacity and resilience under change	<ul style="list-style-type: none"> ▪ County PILT receipts
	<i>Public infrastructure and services</i>	Community services may be impacted by resource or recreational development of public lands	<ul style="list-style-type: none"> ▪ Expenditures on schools, roads
<p>¹ This list of topics is not exhaustive. The topics included in the social and economic assessment (affected environment) should assist the reader to understand the human context of the planning effort, and in particular to identify the potential impacts, constraints, and opportunities associated with planning alternatives.</p>			

II. Incorporating social science information into land use planning

A. The planning process

To be effective, social scientific data and methods should be integrated into the entire planning process, from preparing the preparation plan to implementation and monitoring. The main social science activities for the various planning steps are outlined in Table D-2.

Table D-2.—Social science activities for the various planning steps

Planning Steps	Social Science Activities
Steps 1 & 2—Identify Issues and Develop Planning Criteria	<ul style="list-style-type: none"> ▪ Identify publics and strategies to reach them ▪ Identify social and economic issues ▪ Identify social and economic planning criteria
Step 3—Inventory Data	<ul style="list-style-type: none"> ▪ Identify inventory methods ▪ Collect necessary social and economic data
Steps 4—Analyze Management Situation	<ul style="list-style-type: none"> ▪ Conduct social and economic assessment, including existing conditions and trends and the impacts of continuing current management ▪ Document assessment methods in an appendix or technical supplement
Step 5—Formulate Alternatives	<ul style="list-style-type: none"> ▪ Identify social and economic opportunities and constraints to help formulate alternatives
Step 6—Estimate Effects of Alternatives	<ul style="list-style-type: none"> ▪ Identify analysis methods ▪ Analyze the social and economic effects of the alternatives ▪ Document impact analysis methods in an appendix or technical supplement ▪ Assess mitigation opportunities to enhance alternatives' positive effects and minimize their negative effects
Steps 7 & 8—Identify preferred alternative and Finalize Plan	<ul style="list-style-type: none"> ▪ Identify potential social and economic factors to help select the preferred alternative
Step 9—Monitor and Evaluate	<ul style="list-style-type: none"> ▪ Track social and economic indicators

B. Objectives of the analysis

Social science input to BLM's resource management planning has three main elements: baseline assessment, impact analysis, and mitigation.

1. Baseline assessment. Characterize existing conditions and trends in local communities and the wider region that may affect and be affected by land use planning decisions. This baseline assessment should be included or summarized and referenced in the Affected Environment section of the EIS. In particular, the baseline assessment should:

- a) Review and summarize the relevant published and unpublished literature on the history, economy, and social system(s) of the study area;
- b) Characterize the economic structure and activity of communities and groups within the study area that are affected by the management of BLM lands; and
- c) Characterize the social structure, activities, and values of such communities and groups.

When preparing RMP amendments for activity- or implementation-level projects, the social science and economic portions of the affected environment chapter may be referenced to the original RMP or reduced in complexity, based on the actual issues associated with the proposed actions.

2. Impact analysis. In the Environmental Consequences section of the EIS, characterize impacts to existing conditions and trends from each of the alternatives under consideration, including the no action alternative, relative to the baseline assessment. Impacts include direct, indirect, and cumulative effects for all resources that make up the human environment. In particular, impact analyses should:

- a) Analyze the positive and negative economic effects of each alternative developed within the RMP on those communities and groups; and
- b) analyze the positive and negative social effects of each alternative developed within the RMP on those communities and groups; also
- c) in fulfillment of Environmental Justice requirements, identify any disproportionate negative effect on low-income or minority populations associated with one or more proposed alternatives (see section IV, Environmental Justice).

3. Mitigation strategy. As appropriate, identify measures that may reduce or avoid potential adverse economic or social effects of the alternatives, and maximize their positive effects. Determination of the preferred alternative as expressed in the RMP Record of Decision should reflect this analysis. Note that the preferred alternative is not required to be the alternative with the least cumulative adverse impacts or that provides full mitigation to all social and economic impacts.

C. Analytic requirements

Social science information provided for RMPs should be consistent with the following guidelines.

1. Scale and level of effort. The scope of analysis and level of effort should be commensurate with the importance of the resource issues addressed in the RMP/EIS, and should reflect emphases and concerns identified through scoping and other formal and informal consultative efforts.

For example, a regional programmatic plan would likely provide a broad characterization of communities within and near the planning region as well as an examination of national-scale public land priorities. A single RMP would likely focus on a much smaller area and include a more detailed analysis for each community. At the implementation plan level, the analysis would focus on more site-specific information, such as the groups, networks, or individuals affected by the decision under consideration.

2. Assessment area. The assessment (study) area for economic and social analysis may be larger than the designated planning area (for example, because of a major retail center outside, but near the planning area). Depending on the issues, the boundaries of the social and economic study areas may not be identical. The analysis may also require describing populations that do not reside primarily in the assessment area, such as recreational users coming from metropolitan areas.

3. Schedule. Information should be gathered early enough to be included throughout the discussion and decision-making phases of the planning effort.

Note that the economic analysis (and indirectly, the social analysis) is dependent on sound output projections for each significant resource, over each alternative to be evaluated. For example, the economic analysis of recreation-related impacts (changes in assessment area payroll and employment) cannot be done until the recreation specialists have determined the changes in visitor days, by alternative. The economic analysis of mineral development cannot be done until the geologists have developed an analysis of the changes in mineral availability and production, by alternative.

4. Data quality and analytic soundness. Social and economic analyses should be performed in a manner consistent with professionally recognized approaches, methods, and techniques. In addition, the Information Quality Act (Public Law 106-554, §515) requires Federal agencies to ensure that influential information, such as that used in the preparation of RMPs, be characterized by reproducibility and transparency.

BLM recognizes that influential information should be subject to a high degree of transparency about data and methods to facilitate the reproducibility of such information by qualified third parties, to an acceptable degree of precision. It is important that analytic results have a high degree of transparency regarding (1) the source of the data used, (2) the various assumptions employed, (3) the analytic methods applied, and (4) the statistical procedures employed. It is also important that the degree of rigor with which each of these factors is presented and discussed be scaled as appropriate, and that all factors be presented and discussed (BLM, “Information Quality Guidelines,” available at: [http://www.blm.gov/nhp/eoia/data_quality/]).

Data sources and methods of analysis must be clearly and briefly described in the text of the RMP/EIS and described in more detail in a technical supplement or RMP appendix.

5. Peer review/quality assurance. Whether produced by BLM staff or contractors, the primary work products should undergo peer review, either by other professionally qualified Bureau staff or by qualified outside reviewers. Products that should be given peer review include (a) the socioeconomic portions of the Analysis of the Management Situation; (b) the social and economic impact analyses; (c) the environmental justice analysis; and (d) the technical report. Field office staff responsible for the socioeconomic analysis should coordinate review with state office social science staff, or if unavailable, social science staff at the Planning Group, Washington Office.

Unless there is a commitment from qualified BLM staff to undertake review of these work products, the field office staff should include the expected costs of external review in the preparation plan budget, and allow adequate time for review in the preparation plan schedule.

6. Dimensions of impact analysis. Impact analyses must make clear how the social and economic effects of each management alternative—both positive and negative—are distributed among the communities and groups in the assessment area, and among other relevant populations (for example, recreational users who live outside the study area). Potential impacts have multiple aspects relevant to decision-making; a well-crafted impact analysis should follow Table D-3.

Table D-3.—Dimension of impact analysis relevant to decision-making

Aspect	Describe
Space	▪ Impacts across multiple geographic scales: individual, household, community, region, and where appropriate, national society.
Time	▪ Impacts across multiples time scales: short-term versus long-term.
Social identity	▪ Who would be affected, and in what ways. If different groups or publics (for example, distinguished by income, ethnicity, gender, or occupation) will be unequally affected, describe and explain why. Where low income, minority, or tribal populations would be disproportionately affected, ensure that this is documented in the environmental justice assessment (see section IV).
Magnitude	▪ The magnitude and significance of projected impacts.
Probability	▪ The likelihood of a projected impact occurring.
Causation	▪ The direct, indirect, and cumulative projected impacts.
Acceptability	▪ The anticipated desirability or acceptability of projected impacts.

III. Public Involvement

A. Integrating social science into public involvement

Development of the social and economic analysis should take place as part of a larger collaborative dialogue between BLM and the public. Staff or contractors responsible for social science contributions to the RMP should integrate information from public involvement processes with technical data collection and analysis.

To the extent feasible, BLM's public involvement process should seek not only attitudes and values relevant to planning issues and alternatives, but also suggestions regarding sources of data and methods of analysis. Involving local publics in discussions of appropriate data and methods early in a planning process increases the likelihood that the resulting analysis of effects will be considered credible and useful. State and field offices are encouraged to engage potential and existing partners in the collection, preparation, and analysis of social and economic data leading to the formulation of alternatives, their anticipated impacts, and potential mitigation.

Partners include other Federal agencies and state, county and municipal governments, and tribes. Information-sharing with partners is crucial to the formulation of cumulative social and economic impacts from alternatives that span jurisdictional/regional boundaries. Consider cooperating agency status where appropriate and look for opportunities to combine analysis with partners' planning processes. Other participants, such as universities, communities, religious institutions, industry representatives, and non-governmental organizations may also share vital information not obtainable through standard data sources.

B. Economic strategies workshop

The public involvement effort on all new RMPs, RMP revisions, and RMP amendments accompanied by EISs must include at least one economic strategies workshop. Such workshops provide an opportunity for local government officials, community leaders, and other citizens to discuss regional economic conditions, trends, and strategies with BLM managers and staff. Such workshops must meet three objectives:

- 1) Imparting skills on analyzing local and regional economic and social conditions and trends;
- 2) assisting community members to identify desired economic and social conditions; and
- 3) collaborating with BLM staff to identify opportunities to advance local economic and social goals through planning and policy decisions within the authority of BLM, its cooperating agencies, or other partners.

Field managers are welcome to select appropriate workshops from qualified vendors, or to work with state or Washington Office social science staff to design a workshop appropriate to their situations. The cost of such workshops should be included in the RMP planning budget and indicated in the preparation plan. For sources of further information on such workshops, see section VI, Further Guidance.

IV. Environmental Justice Requirements

Environmental Justice (Instruction Memorandum 2002-164) involves

The fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. Fair treatment means that no group of people, including racial, ethnic, or socioeconomic group should bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal, and commercial operations or the execution of Federal, state, local, and tribal programs and policies.

Executive Order 12898, issued in 1994, requires that

... each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations.

A. BLM’s Environmental Justice principles

- 1) The BLM will determine if its proposed actions will adversely and disproportionately impact minority populations, low-income communities, and tribes (reference Executive Order No. 12898, Environmental Justice) and consider aggregate, cumulative, and synergistic effects, including results of actions taken by other parties;
- 2) the BLM will promote and provide opportunities for full involvement of minority populations, low-income communities, and tribes in BLM decisions that affect their lives, livelihoods, and health;
- 3) the BLM will incorporate environmental justice considerations in land use planning alternatives to adequately respond to environmental justice issues and problems facing minority populations, low-income communities, and tribes living near public lands, working with, and/or using public land resources;
- 4) where disproportionately high adverse impacts are anticipated, the BLM will work with local community groups/associations, governments, and tribal leaders to determine if land disposition and/or acquisition policies affect real estate values and real income of minority and low income communities, and tribes; and
- 5) the BLM state and field offices will continue to make environmental justice a mandatory critical element for consideration in all land use planning and NEPA documents. This requirement was established on an interim basis in Instruction Memorandum 1999-178.

B. Incorporating Environmental Justice efforts in the RMP/EIS process

- 1) Consult with other Federal agencies, states, and local governments, and tribes, community groups/associations, churches, etc., to identify minority and low-income communities, and reservations, including migrant and/or seasonal workers. Work with the above groups to determine any potential disproportionately high and adverse impacts posed by the proposed action. With the cooperation of the partners, affected minority populations, low-income communities, and tribes, adopt and implement creative measures to eliminate, minimize, and/or correct identified environmental justice impacts.
- 2) Through collaboration, identify potential planning areas where proposed action(s) could have disproportionately high and adverse impacts on the health of minority populations, low-income communities, and tribes or their surrounding environment, and document findings and recommended solutions.
- 3) Share appropriate information about potential high and adverse impacts with minority populations, and/or low-income communities, and/or tribes through workshops, informal meetings, or other forums and solicit feedback and recommendations.

- 4) Publish NOIs and NOAs announcing scoping/issue identification meetings in the local media (newspaper, radio, or television) of identified minority and low-income communities and tribes.
- 5) Develop mailing lists of identified minority populations, low-income communities, and tribes. Become knowledgeable of the geographic areas of proposed actions and the people that live there (minority and low-income including those in transitory status).
- 6) When appropriate, schedule scoping/issue identification meetings in minority and low-income communities or on tribal reservations; and
- 7) Consider the need to translate to other languages planning and NEPA documents mailed/circulated to identified minority populations, low-income communities, and tribes. Consider also the need to have an interpreter present at all scheduled meetings if there are potential language problems.

C. Documentation and analysis

- 1) Preparation plans should identify known low-income, minority, and tribal populations within the assessment area, and should indicate what measures will be taken to encourage their participation in the planning process.
- 2) Data and analyses needed to ensure environmental justice compliance should be incorporated in work plans for social and economic impact analyses.
- 3) Environmental justice considerations should be documented as subsections within the RMP/EIS social and economic analyses in (a) the AMS, (b) the affected environment chapter, and (c) the impact analysis (environmental consequences) chapter. An explanation of how any environmental justice issues have been considered and, where possible, mitigated should be included in the description and rationale for the preferred alternative.

For further information: The CEQ has prepared detailed guidance on complying with Environmental Justice objectives in the NEPA process. See “Environmental Justice: Guidance Under the National Environmental Policy Act, 1997,” available at: [<http://ceq.eh.doe.gov/nepa/regs/ej/justice.pdf>].

The Interagency Working Group on Environmental Justice, organized by EPA, has useful guidance and other resources. See: [<http://www.epa.gov/compliance/environmentaljustice/interagency/index.html>].

For assistance in identifying tribal, minority, and low-income populations within a planning area, see EPA’s “Environmental Justice Geographic Assessment Tool,” available at: [<http://www.epa.gov/enviro/ej/>].

The Department of the Interior’s Office of Environmental Policy and Compliance has information on environmental justice policy and projects. See: [<http://www.doi.gov/oepe/justice.html>].

V. Data Sources

A. Types of data

The type of data to be collected and analyzed should be appropriate to the planning scale and the issues identified through the scoping process.

There are numerous sources of data available at the national, state, and local levels from government, university, and private sources. Utilize BLM sources as well as other governmental agencies that routinely collect and report economic and social data. Much of the government data is easily available online. Locally- and regionally-produced reports on social and economic conditions that are produced on a one-time basis (such as county or community planning documents and university extension studies) may also be useful.

Use existing data to the extent possible. If new (primary) data collection is needed to achieve a reasonable level of validity or precision, describe and justify the proposed work.

Collecting primary data may be necessary, particularly for the social impact assessment. Such data could take a variety of forms including surveys, focus groups, or key informant interviews. Nonetheless, planning documents and environmental impact statements do not routinely require primary data collection. Whether by Agency requirement or contractor's proposal, any plan to include primary data collection should be justified in terms of gaps in available data or special circumstances.

B. Use of the Economic Profile System

Developed by the Sonoran Institute under an agreement with the BLM, the Economic Profile System (EPS) and its companion, EPSC (for Community), produce standardized economic and demographic profiles for a selected region, county, or community in any of the fifty states. EPS and EPSC simplify the socioeconomic research required for land use planning by gathering and presenting, in a variety of useful formats, data from multiple Federal databases. These information tools were created to improve planning and more efficiently accomplish the time-consuming task of gathering important social and economic data. EPSC uses the Decennial Census to provide in-depth community-level profiles. EPS draws upon a variety of governmental databases to produce thorough and multi-faceted profiles of economic and demographic changes over the past 30 years.

Field offices are encouraged to use EPS and EPSC as tools for characterizing economic and social baseline conditions. EPS and EPSC profiles can be provided in an appendix to the AMS or RMP/EIS, while selected figures and tables can easily be incorporated in the main RMP/EIS text. Where a plan or NEPA analysis will be prepared by contractors, planning leads are encouraged to have contractors utilize EPS in plan preparation, and to seek commensurate cost

savings in contracted work. Note that EPS and EPSC are not impact models: they cannot be used to quantify the economic impacts of a proposed activity or planning alternative.

For further information on EPS and EPSC, see section VI, Further Guidance.

C. Paperwork Reduction Act requirements for new data collection

RMP/EIS teams must ensure that any new (primary) data collection complies with the requirements of the Paperwork Reduction Act of 1995 (Public Law 104-13).

If answers to identical questions are to be collected from 10 or more members of the public—for example, through a survey questionnaire—the Paperwork Reduction Act requires Office of Management and Budget (OMB) approval for the study. Note that for purposes of the Act, “public” also applies to state, local, and tribal government employees, though not to employees of the Federal government. OMB review is normally a lengthy process, which must be initiated through the BLM Washington Office. Unless the proposed data collection can be processed by expedited review under the terms of an existing generic OMB authorization (such as that for Customer Satisfaction Surveys), it is probably not feasible to plan for such data collection with a lead time of less than one year.

D. References

The following references are provided as potential sources for social and economic information. Data and information from these and other sources must be used within the context of the laws governing BLM’s management of the public lands.

The Federal Interagency Council on Statistical Policy. Fedstats Website:

[<http://www.fedstats.gov/>]. This website provides access to a wide variety of data produced by over 70 Federal agencies for public use. It provides access to statistics for demographics, economics, natural resources, the environment, energy, health, education, and many other areas. Much of this data is available at the county, state, and/or regional level.

U.S. Department of Agriculture, Forest Service. Human Dimensions Website:

[<http://www.fs.fed.us/emc/nris/hd/>].

[<http://fsweb.nris.fs.fed.us/hd/software/hdmodule/index.shtml>] This website contains much useful information about human dimensions analysis and includes sites from which economic and demographic data can be downloaded.

U.S. Department of Commerce, Bureau of the Census. Census data includes the economic characteristics of cities, towns, counties, and states, as well as a wide variety of social and demographic information such as population, age, and migration rates. The Census Bureau also presents information on county governments including financial characteristics (Website: [<http://www.census.gov>]).

U.S. Department of Commerce, Bureau of Economic Analysis. Includes data for states, counties, and economic regions for such factors as personal income and employment by industry, gross state product, and more (Website: [<http://www.bea.doc.gov/>]).

U.S. Department of Labor, Bureau of Labor Statistics. This Federal agency collects and reports data on the labor market, including labor trends, detailed information on employment by industry, and unemployment rates. It also reports price indices such as the consumer price index and the producer price index (Website: [<http://www.stats.bls.gov/>]).

U.S. Department of the Interior, BLM. The BLM collects data on a wide variety of commercial uses of public lands. This data is useful for putting public land uses in the context of overall use in a planning area. Examples of the data collected include grazing use, mining, timber product sales, coal, oil and gas leases, recreation, rights of way, and payments-in-lieu-of-taxes (PILT). To obtain this data, contact resource specialists for those uses or refer to BLM's annual Public Land Statistics publication (Website: [<http://www.blm.gov/publications/>]).

Local sources of data. There are many local government agencies and organizations that collect data that can be useful in land use planning. Such sources of data include state and local employment departments, city and county governments (e.g., building departments, departments of motor vehicles, or county tax assessors), local and state Chambers of Commerce, local and state economic development commissions, etc.

Resource-specific sources of data. There are many state and Federal agencies that collect and report data on specific industries, such as agriculture (farming and ranching), mining, forestry, and recreation. For agricultural data, the *USDA Economic Research Service* (Website: [<http://www.ers.usda.gov/>]; [<http://www.econ.ag.gov/>]) and the *National Agricultural Statistics Service* (Website: [<http://www.usda.gov/nass/>]) are two good sources of information. The *Economic Research Service* also conducts studies on rural conditions and trends.

VI. Further Guidance

For further information on the topics in Appendix D, contact your state office social science staff, or social science staff at the Planning, Assessment, and Community Support Group, Washington Office (WO-210).

A web site to provide social science guidance, tools, and information resources is under development. See: [http://www.blm.gov/planning/tools_social.html].

Appendix E: Summary of Protest and Appeal Provisions

The BLM must distinguish between land use plan and implementation decisions in all proposed RMP documents (new RMPs, revisions, or amendments) and related decisions (Records of Decision [ROD] and Decision Records [DR]), and clearly describe for the public the administrative remedies for each type of decision. The “Dear Reader” letter or the Executive Summary could be used to communicate this information to the public.

I. Land Use Plan Protests

The protest procedures in 43 CFR 1610.5-2 provide the public an administrative review of the state director’s proposed land use plan decisions. The BLM Director determines through this process whether the state director followed established procedure, considered relevant information in reaching proposed decisions, and proposed decisions consistent with BLM policy.

The Director has delegated signing of response letters to protests to the Assistant Director, Renewable Resources and Planning (AD-200). Acting in support of the Director, the Group Manager for Planning, Assessment, and Community Support (WO-210) is responsible for the oversight of the entire process once a protest is filed through final resolution. Each protest is considered in close coordination with the involved state director and affected WO groups, other WO policy officials, and as appropriate, the Office of the Solicitor. The WO-210 Group Manager makes recommendations to the Assistant Director for final resolution of the protest.

It will be the BLM’s goal to resolve all protests within 90 days. If it is not possible to resolve and respond to the protest(s) within 90 days, the WO-210 Group Manager should send a letter acknowledging receipt of the protest to the originating party, indicating that a more detailed response will follow. Refer to Figure 5 for a summary of the protest process.

A. Washington Office Initial Evaluation of Protests

When possible, all actions in this section will be completed within 5 business days of receipt of the protest letters:

1) The Protest Coordinator will establish a case file for each protest received. Each protest will be consecutively serialized using the following coding: PP-SO-PN-FY-#

- a) “PP” means Plan Protest,
- b) “SO” means the responsible State Office,
- c) “PN” means a plan name identifier of up to several letters,
- d) “FY” means the last two digits of the fiscal year,
- e) “#” is a sequential number assigned as the filings are received.

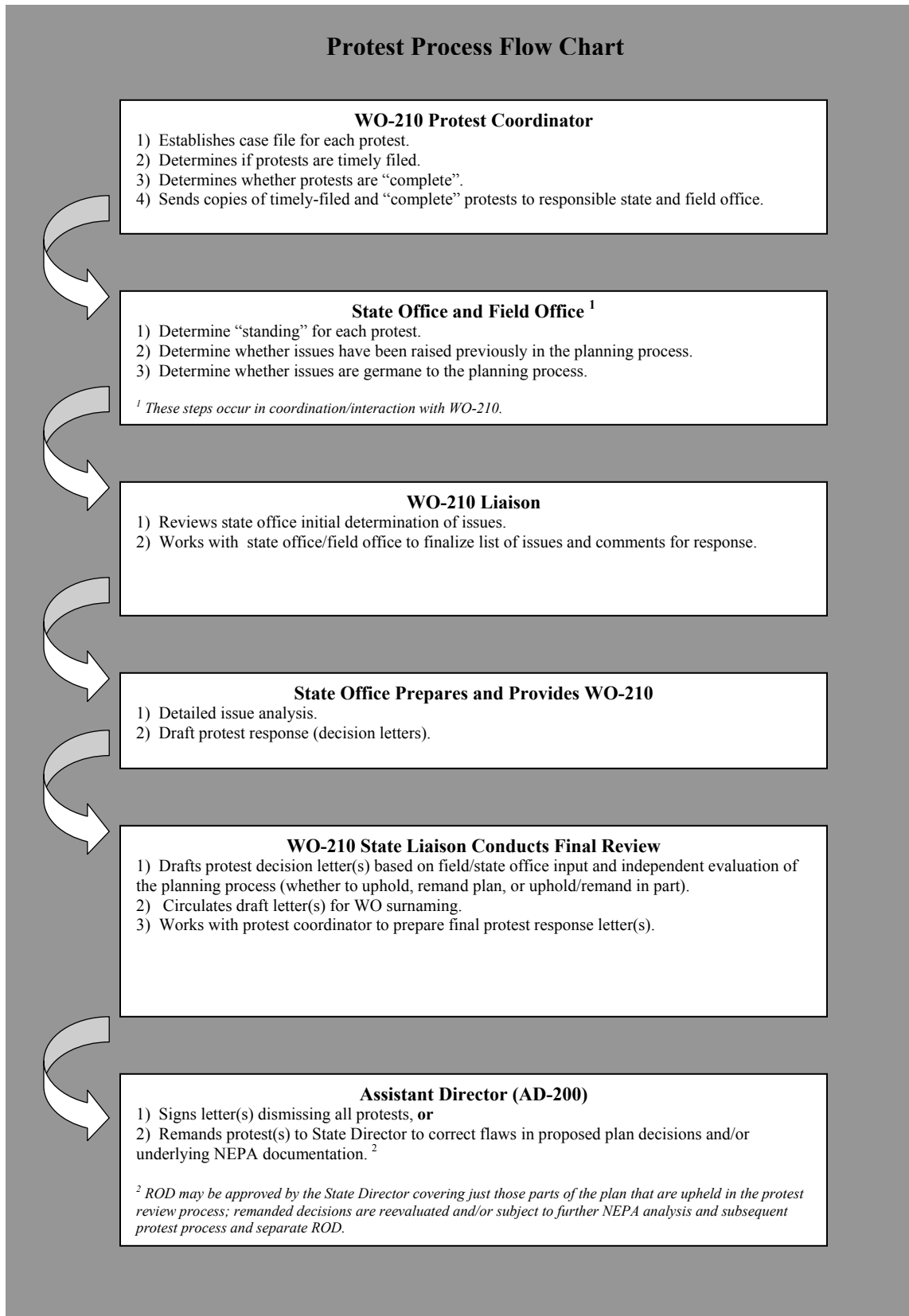


Figure 5.—Protest process flow chart

2) The Protest Coordinator will check to ensure that each protest was filed within the protest period (see 43 CFR 1610.5-2(a)(1)). Plan protests are deemed timely if the postmark is not later than the last day of the protest period (see Receiving, Managing, and Responding to Electronic Mail and Faxed Protests at the end of this section). Normally, BLM does not need to actually receive a protest by the end of the protest period—the protest letter must only be postmarked by that date. In certain instances, the BLM may require that protests be received by the end of the protest period. This requirement may only occur if the public is widely and officially notified (at a minimum, in the *Federal Register* Notice and Dear Reader letter). In all cases, the protest period shall be 30 days and always end on a business day. If the 30th day falls on a Saturday or Sunday, the protest period shall end the following Monday. The protest period may not be extended for any reason. Due to security screening delays, some protests may arrive in Washington, D.C. three weeks after the protest period ends, or later.

The following strict standards will determine timeliness:

- a) If the originator filed a protest after the protest period, the WO will dismiss it and respond to the originator in writing.
- b) If the originator filed a protest timely, proceed to the next steps.
- c) The publication of the Environmental Protection Agency’s (EPA) *Federal Register* Notice of Availability starts the protest period for EIS-level plans and amendments. The initiation of the protest period for EA-level plan amendments is the publication of the notice of its effective date.

3) The Protest Coordinator will examine each protest to see if it is complete (see 43 CFR 1610.5-2(a)(2)(i)-(v)). The term “complete” means that the following five protest components are submitted in the protest filing:

- a) The name, mailing address, telephone number, and interest of the person filing the protest;
- b) a statement of the issue or issues being protested;
- c) a statement of the part or parts of the plan or amendment being protested;
- d) a copy of all documents addressing the issue or issues that were submitted during the planning process by the protesting party or an indication of the date the issue or issues were discussed for the record; and
- e) a concise statement explaining why the state director’s decision is believed to be wrong.

The BLM will not dismiss a protest solely because the protest omits some or all of the documentation required by item (3) above. If BLM is uncertain about standing and the missing materials are necessary for BLM to make this determination, BLM shall request, in writing, the

protesting party to provide the missing materials to the protest coordinator. Requested materials must be postmarked no later than 10 days after BLM's request for these materials is received by the protesting party (return receipt verified). If following BLM's request for missing materials, the protest does not meet the five protest components and if standing cannot be determined by this additional step, the protesting party will be denied standing. Case-by-case consideration will be given to appropriate actions for incomplete submissions. Minor omissions will not be used as a reason to dismiss a protest.

Each protesting party must meet all requirements for filing a complete protest in accordance with the regulations. Merely attaching or referencing another protesting party's protest is not sufficient to qualify as a valid protest.

4) The Protest Coordinator will forward a copy of protest letters meeting the above five components to the responsible state and field office(s) for further evaluation and a detailed analysis. Protests that meet the requirements noted above will be forwarded to the affected state as soon as practicable rather than waiting until the end of the protest period. WO liaisons should also ensure that copies of the protests are distributed to all affected WO program staffs.

B. State Office Evaluation and Determination

1) The state director and field office(s) will use the following criteria to determine the validity of the protest as documented on the "State Director's Protest Analysis" form at the end of this section:

a) Does the protesting party have standing? The protesting party must have participated in the planning process by:

1. Sending in written comments;
2. making oral comments;
3. attending a public meeting;
4. calling the BLM field office; and/or
5. discussing the project with BLM employees in the field.

The Administrative record should be checked for appropriate documentation of the protesting party's participation in order for BLM to substantiate the protesting party's standing. The responsible field office manager will review the planning records to make this determination. If the record does not support the protester's participation, the field office should attempt to verify the alleged participation with the protesting party, giving the protester the benefit of doubt if there is a dispute. If the determination is made that no participation has occurred, no further review of the protest is required. The AD-200 will issue a written decision that dismisses the protest for lack of standing. Even though the protest is dismissed, the AD may address any comments that were raised.

Individual members of an organization do not obtain standing solely because their organization has participated in the planning process. To file a protest as an individual, the individual has to meet the requirements for standing (they must have participated in

the planning process). Conversely, an organization does not obtain standing solely because one of its members has standing (an officer or official representative of the organization must have participated in the planning process on behalf of the organization in order of the organization to have standing..

b. Have the issues been raised before in the planning process? Issues raised on protest must have been previously raised for the record in the planning process. The issue does not need to have been raised specifically by the protesting party. If some of the issues were previously raised, the state director’s analysis will indicate which issues were raised previously and which are newly introduced. If the responsible state/field office determines that one or more issues have not been raised before, those issues will be treated as comments.

c. Are the issues raised germane to the planning process? An issue is not germane to the planning process if it is beyond the scope of a particular planning effort, or if it involves a matter normally addressed in plan implementation. Issues that are not germane to the planning process will not be considered as protest issues but treated as comments.

If the answers to the questions above are all “yes,” the state director should continue the analysis starting with Step 2 below. If the answers to one or more of the questions is “no,” the state director should complete a draft response and forward the document to the appropriate WO-210 state liaison who will complete a response that dismisses the protest.

2. A detailed analysis will be prepared for each issue or comment raised (see State Director’s Protest Analysis) in a protest letter. The following factors must be addressed in the state director’s analysis:

- a) The facts considered;
- b) procedures followed;
- c) authorities cited;
- d) references from applicable documents;
- e) applicable BLM policies.

When citing published data from the planning record, the document, date of publication, and page number(s) must be part of the analysis used in the response to the protest issue. When citing material from unpublished BLM records, sufficient information must be included to show that the material existed and was relevant during the planning process.

3) The state director will document the detailed analysis of each protest using the format in the State Director’s Protest Analysis. The preparation of preliminary draft responses will expedite the protest resolution process. Other pertinent information that would help resolve the protest should also be included. Completed packages will be sent to the Group Manager, WO-210, no later than 60 days after the protest is received in the state office.

4. The state director, in consultation with the WO, may determine that discussion and negotiation with protesting parties are appropriate if these discussions may lead to resolution of one or more issues. When these discussions result in resolution of protest issues, advise the protesting party to give the Director a written notice withdrawing the protest. The protesting party may decline to withdraw the protest, but may be willing to accept a clarification or minor change to the proposed decision that effectively resolves the contested issues. This type of change must not trigger a “notice of significant change” required by 43 CFR 1610.5-1(b). For large numbers of protests or complex protests, the WO may send a team to work with the state office and field office in analyzing issues and preparing draft responses.

C. Washington Office Final Review

1) WO-210 state liaisons, in coordination with the respective state/field office, will evaluate each protest for content. 43 CFR 1610.5-2(a)(v) requires that protests include a “concise statement explaining why the state director’s decision is believed to be wrong.” Statements that merely reflect disagreement, express opinions, or make demands or allegations without the support of this concise statement will be addressed as comments and will not cause a change in the plan being protested.

2) The Group Manager, WO-210 will prepare a draft response and decision on each protest. Decisions should have standard organization and phraseology. The decision will:

- a) Incorporate the results of the WO and SO evaluations;
- b) incorporate the SO and WO-210 analyses of the protest points; and
- c) provide a clear statement of the action taken on the protest (dismissed, denied, returned to the state director for further consideration, or upheld in total or in part).

The bases for upholding protests include:

- a) Approval of the proposed plan or amendment would be contrary to the Director’s policy guidance;
- b) significant aspects of the proposed plan or amendment are based upon invalid or incomplete information; or
- c) the proposed plan or amendment does not comply with applicable laws, regulations, policies and planning procedures.

Protests upheld on any of the three bases above will be returned, in whole or in part, to the state director for:

- a) Clarification;
 - b) further planning or consideration; or,
 - c) change, in whole or in part, of the proposed management decisions.
- 3) As the protest responses are drafted, WO-210 will coordinate with other Washington Office program staffs. Program offices are consulted when a protest involves one or more of the following:
- a) Precedent-setting departures from the existing resource management practices;
 - b) failure to comply with national policy guidance and legal requirements;
 - c) a major change in the use of resources in the area covered by the plan; and/or
 - d) subject areas or matters where special expertise is required.
- 4) The WO-210 state liaison will forward the draft proposed response(s) for surnaming to the appropriate Assistant Directors.

The following strategy will be used for expediting the surnaming process:

- a) Use of staff from appropriate groups and directorates to prepare draft protest responses.
 - b) WO-210 will provide “heads up” to AD-200 when draft protest responses are ready for surnaming.
 - c) AD-200 will provide “heads up” at staff meetings to alert Group Managers of the availability of draft protest responses.
 - d) WO-210 will provide briefings for Group Managers (including GMs from other Directorates as needed) 2 to 3 days prior to obtaining necessary surnames. Requested changes should be substantive rather than editorial.
 - e) WO-210 will conduct “working briefings” with the AD-200, Deputy Director, Chief of Staff, etc. (including Departmental staff as necessary) early in the process as possible and prior to approval of protest responses.
- 5) A formal surnaming package should be prepared for each protest response. The format and content of the folder should include the following:

Cover sheet prepared for surnaming by the following individuals:

- a) Protest Coordinator
- b) Author (generally the WO-210 state liaison)
- c) Deputy Group Manager (DGM)
- d) Group Manager (at the discretion of the DGM or author)
- e) WO Group Managers who have an interest in the EIS, Plan, or issues raised in a protest.

- f) Deputy Assistant Director (DAD)
- g) Assistant Director (AD) at the discretion of the DAD
- h) Director (at the discretion of the AD)
- i) Others at the discretion of the author

The letter of protest.

A Summary Brief (one or two pages) in the following format:

- a) Background concerning the plan (or plan amendment) and the NEPA document (EA, EIS)—including what kinds of documents were prepared, when were they completed, etc;
- b) Date the protest period closed;
- c) Requirements statement as to whether all of the NEPA, FLPMA, regulatory, and policy requirements were followed by the BLM SO/FO;
- d) Position of constituents or other sensitivities—factual, political, litigation, etc;
- e) Summary of the major issues in the protest and responses to issues;
- f) Recommended Decision or if you are recommending remand (return) in whole or part, why and what are the circumstances;
- g) SO and FO collaboration, who you worked with in the SO and/or FO and whether they've reviewed the draft letter; and
- h) WO Coordination, who you worked with in the WO (make sure they are on the surnaming sheet).

Note: for large numbers of protests, the above information may be arranged in a tabular format rather than preparing individual summary briefs for each protest.

Response letter format and content guidance:

These are typical responses to protests where the state director's proposed decision is being upheld. For protests where the state director's proposed decision is being returned in whole or in part, or the boilerplate paragraphs below do not fit the protest, consult with the respective state liaison for the exact language.

a. Standard Paragraphs

Each letter of response should contain the following paragraphs:

H-1601-1 LAND USE PLANNING HANDBOOK

Paragraph 1: “The Bureau of Land Management (BLM) recognizes the importance of collaboration in the management of public lands and resources. Involving the public during the preparation of land use plans, which guide implementation of the BLM’s multiple use mission, is especially critical. Land use plans are designed to balance the public demands for various land uses while ensuring appropriate levels of resource protection. While there may be times when BLM cannot meet the needs of all those interested in the public lands, BLM strives to address comments in a conscientious manner. In this spirit, BLM appreciates your involvement in the (name of plan).”

Paragraph 2: “As the Assistant Director for Renewable Resources and Planning, I am responsible to the BLM Director for reviewing and resolving all protests of BLM's land use plans, including your protest of (date). The purpose of this letter is to inform you of the results of that review.”

Paragraph 3:

1) For protests that are determined to be invalid because the protesting party does not have standing:

"As outlined in the Dear Reader letter for the proposed plan, the planning regulations at 43 CFR 1610.5-2 outline the requirements for filing a valid protest. I find that you do not meet these requirements because you have not participated in the planning process or you do not have an interest that is or may be adversely affected. Therefore, I am dismissing the protest.” (*Optional:* Even though your protest is being dismissed, you provided a comment(s), which is (are) addressed below.)

2) For protests that are determined to be invalid because they were filed after the protest period:

“As outlined in the Dear Reader letter for the proposed plan, the planning regulations at 43 CFR 1610.5-2 outline the requirements for filing a valid protest. I find that you do not meet these requirements because your letter was not postmarked (or received) by the required date. The regulations at 43 CFR 1610.5-2 do not allow for an extension of the protest period for any reason. Therefore, I am dismissing the protest.” (*Optional:* Even though your protest is being dismissed, you provided a comment(s), which is (are) addressed below.)

3) For all protests that contain only issues:

“As outlined in the Dear Reader letter for the proposed plan, the planning regulations at 43 CFR 1610.5-2 outline the requirements for filing a valid protest. I find that you meet these requirements. Your protest issue(s) is (are) addressed below.”

4) *For protests that contain both issues and comments:*

“As outlined in the Dear Reader letter for the proposed plan, the planning regulations at 43 CFR 1610.5-2 outline the requirements for filing a valid protest. I find that you meet these requirements, in part, and therefore portions of your protest letter are considered a valid protest. I have determined that your letter also contained a comment(s) which is (are) not considered a valid protest issue(s) because . . .” (*Explain why:* “the comment(s) represent opinions or observations not substantiated with a concise statement of why the state director’s proposed decision is believed to be wrong, contains issues not previously raised in the planning process, or the issues you raised are not germane to the planning process”, etc.). “The issue(s) and comment(s) are addressed below.”

5) *For protests that contain only comments:*

“As outlined in the Dear Reader letter for the proposed plan, the planning regulations at 43 CFR 1610.5-2 outline the requirements for filing a valid protest. I find that you do not meet these requirements because . . .” (*see above*). “Therefore, your protest is not valid and is hereby dismissed. Even though your protest is being dismissed, your letter contained a comment(s). That (those) comment(s) is (are) addressed below.”

b. Issues Identified by the Protesting Party

In the response letters, issues should be addressed within separate paragraphs for the issue and response, in the same order as in the submitted protest letter. Issues should be quoted wherever possible. Where issues cannot reasonably be quoted (e.g., they are long, rambling or contain material not pertinent to the issues), they should be clearly summarized. It is sufficient to have some issues summarized and others quoted. The statement of the issue must capture all pertinent points addressed in the response. Comments should be addressed at the end of the response letter. Use the following format for addressing issues and comments:

Issue/Comment #:

Response:

Protest response letters should clearly document whether BLM followed the correct procedures in arriving at the proposed decision(s). Authors should identify any regulatory basis for responding to a protesting party’s assertion. Do not argue or be defensive in the response. BLM’s response to each issue should cite page numbers, where possible, in the NEPA document that specifically relate to the issue or comment and not rely solely on what was said in meetings or derived from notes, files, or phone calls. Focus on what was in writing or in the formal planning process.

c. Comments

Comments are addressed in the same manner as protest issues. The response letter must clearly identify why comments are not treated as protest issues, either in the opening paragraphs of the letter or the response to the comment.

Letters addressed to the protest coordinator stating that the comment did not qualify as a protest issue should be forwarded to the respective state office. A letter should be sent to the sender from WO-210, informing the sender that BLM has forwarded the letter to the respective state office for consideration as a comment.

d. Standard Paragraphs after the Issues

Decision: For protests in which the state director's proposed decision is being upheld (for protests in which the decision is being returned, in whole or in part, consult with your state liaison for the appropriate response):

“After careful review of your protest letter, I conclude that the BLM [insert state] state director and the [insert field office] field office manager followed the applicable planning procedures, laws, regulations and policies and considered all relevant resource information and public input in developing the [insert name of plan] Proposed RMP/Amendment/Final EIS. There is no basis for changing the Proposed RMP/Amendment as a result of your protest.”

“This decision is the final decision of the Department of the Interior on your protest letter (43 CFR 1610.5-2(b)). The Interior Board of Land Appeals (IBLA) does not hear appeals from a decision by the Director of the BLM on protests concerning RMPs. Any party to a case who is adversely affected by a decision of a BLM official to implement some portion of an RMP may appeal such action to the IBLA at the time the action is implemented.”

“Thank you for your participation in the development of the [insert name of plan] Proposed RMP/Amendment/Final EIS, and for your interest in the public lands. I encourage you to remain actively involved in BLM's resource management activities and to provide information and input during the implementation of the plan. If you have any questions, or wish to further discuss any issues regarding the plan, please call [insert name], field office manager, [insert phone number].”

When the revised draft response is surnamed, the WO-210 state liaison and the Protest Coordinator will finalize each protest response and prepare a letter for signature by the Assistant Director (AD), WO-200.

Once the AD has signed the protest response, the Protest Coordinator will send it to the protesting party by certified mail, return receipt requested. A copy will also be sent to the appropriate state director and field manager(s). The state director

may sign the land use plan decision document only after all protest response letters have been signed and mailed, and any other requirements for approval have been met.

Portions of the proposed plan not under protest or remanded for reconsideration may be approved and implemented. In such cases, the state office should consult with the WO for further direction.

If the proposed decision and its supporting analysis are returned in whole or in part to the state director, WO-210 will negotiate the necessary follow-up with the affected state and field office.

D. Receiving, Managing, and Responding to Electronic Mail and Faxed Protests

All protest letters sent to BLM via facsimile (fax) or electronic mail (e-mail) will be considered invalid protests unless a properly filed protest is also submitted. BLM will refer to such correspondence as “comments” and respond accordingly. If the protesting party also provides the original signed copy of the protest postmarked by the close of the protest period, then the fax and/or e-mail correspondence will be considered an advance copy of the protest. Advance copies of protests provide BLM an indication of the number of protests that will come in after the close of the protest period.

The planning regulations (43 CFR 1610.5-2) require that all protests must be in writing. “Electronic signatures” for certain types of correspondence are now recognized where systems have been established and mechanisms are in place to enable the affected parties to verify the authenticity of the electronic signature. Such systems and mechanisms are not in place for BLM protest procedures. Consequently, BLM requires protests be sent to the protest coordinator via regular mail or other delivery service.

New standard language regarding e-mail and fax protests to include in the Agency’s *Federal Register* Notice of Availability and in the “Dear Reader” letter is provided below:

“E-mail and faxed protests will not be accepted as valid protests unless the protesting party also provides the original letter by either regular or other deliver service postmarked by the close of the protest period. Under these conditions, BLM will consider the e-mail or faxed protest as an advance copy and it will receive full consideration. If you wish to provide BLM with such advance notification, please direct faxed protests to the attention of the BLM protest coordinator at [insert phone number], and e-mails to [insert e-mail address].”

E. State Director’s Protest Analysis

When citing published data from the planning record, the state/field office must provide the document, date of publication, and page number(s).

State Office Analysis For Protest Number:

- 1) Plan Name:
- 2) Closing Date for Protest:
- 3) Name of Individual or Organization:
- 4) State Office Evaluation Results:
 - a. After review of all planning records, protesting party has standing through participation in some phase of the planning process (check one)? Yes [] No []
 - b. Have the issues raised in the protest been raised before by the protesting party or another party in some phase of the planning process (check one)? Yes [] No [] (Indicate from the identified list of issues those not raised during the planning process with an X.)
 - c. Are the issues raised in the protest germane to the planning effort (check one)? Yes [] No [] (Indicate with an X from the list of identified issues those that are not germane and why.)
5. List of Issues Raised
6. State Office Detailed Analysis of Identified Issues:
7. State Office Detailed Analysis of Identified Comments:
8. State Office Recommendations or Opportunities for Resolution:

II. Governor's Consistency Review Appeal Process

The planning regulations in 43 CFR 1610.3-2(e) allow a state Governor an opportunity to appeal to the BLM Director if the BLM state director does not accept the Governor's recommendations on plan consistency.

Prior to approval of a proposed plan, revision, or amendment, the BLM state director will submit the proposed plan, revision, or amendment to the Governor(s) of the state(s) involved and identify any known inconsistencies with approved state or local plans, policies, or programs. The Governor has 60 days to identify inconsistencies and to provide written recommendations to the BLM state director. If the BLM state director does not accept a Governor's recommendations, the BLM state director must notify the Governor in writing; the Governor then has 30 days in which to submit a written appeal to the BLM Director.

The BLM Director will accept the Governor's recommendations if the Director determines that the recommendations provide for a reasonable balance between the national interest and the state's interest. The Director must communicate to the Governor in writing and publish in the *Federal Register* the reasons for accepting or rejecting the Governor's recommendations.

III. Administrative Remedies of Implementation Decisions

Implementation decisions are subject to the administrative remedies set forth in the regulations that apply to each resource management program of the BLM. These administrative remedies for final implementation decisions usually take the form of appeals to the Office of Hearings and Appeals (OHA), though for certain proposed or non-final implementation decisions, including those affecting timber sales, oil and gas lease sales, land exchanges, and proposed grazing decisions, the regulations provide for an internal agency review (usually a protest to the Authorized Officer) which must be completed before the final implementation decision can be appealed to the OHA. This type of protest to the Authorized Officer should not be confused with the protest of land use plan decisions to the BLM Director.

**Appendix F: Memorandum of Agreement—Endangered Species Act
Consultation and Coordination**

August 30, 2000

MEMORANDUM OF AGREEMENT

**ENDANGERED SPECIES ACT
SECTION 7 PROGRAMMATIC CONSULTATIONS
AND COORDINATION**

among

**BUREAU OF LAND MANAGEMENT,
FOREST SERVICE,
NATIONAL MARINE FISHERIES SERVICE**

and

FISH AND WILDLIFE SERVICE

Goal

The goal of the Memorandum of Agreement (MOA) is to improve the efficiency and effectiveness of plan and programmatic level section 7 consultation processes under the Endangered Species Act, and enhance conservation of imperiled species while delivering appropriate goods and services provided by lands and resources managed by the signatory agencies.

Purpose

The purpose of this interagency Memorandum of Agreement (MOA) is to establish a general framework for a “streamlined” (i.e., easier and more effective) process for interagency cooperation among the Bureau of Land Management (BLM), U.S. Forest Service (FS), U.S. Fish and Wildlife Service (FWS), and National Marine Fisheries Service (NMFS) in the exercise of their responsibilities under the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531-1544) and the 1994 Memorandum of Understanding on the conservation of species which are tending towards Federal listing (94-SMU-058), which all four agencies signed. In particular, this MOA outlines guidance and procedures for section 7 consultations as well as consideration of candidate species conservation in land management plans and other programmatic level proposals prepared by the BLM and FS. The guidance and procedures outlined in this MOA will enhance existing procedures for conducting section 7 consultations. Nothing in this MOA is intended to amend 50 CFR Part 402. This streamlined process will provide a number of efficiencies, allowing the agencies to better achieve compliance with the Endangered Species Act and the regulations at 50 CFR Part 402 without altering or diminishing the agencies’ existing responsibilities under the Endangered Species Act or its regulations. Although consultation already occurs on land management plans and site-specific land management activities, guidance

is needed to ensure consistency and efficiency. The result will be increased up-front coordination on biological assessments including conservation measures for candidate, proposed, and listed species and proposed and designated critical habitat. It will also result in a shortened time frame for the appropriate consultation response (a goal of 30 days or less for concurrence letters and 90 days or less to complete formal consultation) once an agreed to biological assessment has been received by the FWS or NMFS. This agreement in no way alters the commitment of the action agencies to consult at the site-specific level.

The term “action” as used in section 7 of the Endangered Species Act includes land use plans under the Federal Land Policy and Management Act (43 U.S.C. 1701 et seq.) and RMPs under the Forest and Rangeland Renewable Resources Planning Act (16 U.S.C. 1600 et seq.) as amended by the Forest Management Act (16 U.S.C. 1600 et seq.).

The BLM and FS (action agencies) will consult and confer, as outlined in the following sections, on land management plans, both during development of a new, amended, or revised plan, and on an existing plan if a new species is listed or critical habitat designated, or significant new information becomes available, and, where appropriate, consult on other programmatic level proposals (e.g., recreation program, grazing program, riparian strategy), habitat management plans, multi-year projects aggregated as a program, grouped permits or activities, or plan objectives, standards and guidelines, such as the Pacific Anadromous Fish Strategy (PACFISH) interim standards and guidelines. The action agencies also agree to include candidate species in biological assessments/evaluations provided during the plan consultation/conference process.

The BLM, FS, FWS, and NMFS agree to promote the conservation of candidate, proposed, and listed species and to informally and formally consult/confer as specified in 50 CFR 402 on listed and proposed species, and designated and proposed critical habitat during planning: (1) To assure that activities implemented under these plans minimize or avoid adverse impacts to such species and any critical habitat; (2) to assure that such activities implemented under these plans do not preclude future conservation opportunities; (3) to use, where possible, formal conference procedures specified in 50 CFR 402 to avoid conflicts between elements contained in plans and the requirements for conservation of proposed species and proposed critical habitat; and (4) to analyze the effects of the plan on candidate species pursuant to agency planning regulations.

This MOA establishes interagency commitment to and guidance for the following: (1) Early interagency communication, coordination, consultation, and conferencing on candidate, proposed, and listed species to take place prior to and during plan/program proposal development; (2) consultations/conferencing on land management plan adoption, revision, amendment and on ongoing plans where reinitiation is required; (3) implementation guidance for plan and programmatic level consultation; (4) efficiency through a consistent programmatic interagency cooperative consultation process; (5) ensuring that ongoing activities do not jeopardize listed species, result in the destruction/adverse modification of designated critical habitat, or result in unauthorized take during consultations on an existing land management plan; and (6) consulting or conferencing on both land management plans and other programmatic level proposals for species listed or critical habitat designated since the adoption of a plan.

Context of Agreement

As part of their land management planning processes, the FS prepares land and resource management plans and the BLM prepares RMPs and, in the past, has also prepared MFPs (hereinafter, these plans will be collectively called "plans"). Plans identify general land-use purposes or allocations; future conditions that are desired on specific lands; goals and objectives for resource conditions on specific lands; and standards, guidelines, or other mechanisms that establish the management framework for all the activities conducted and allowed on lands managed by these agencies. Plans are developed over a period of several years and site-specific management actions are developed and carried out to implement the plan.

Because a plan does not normally prescribe the specific timing and location of expected land management activities, there is a significant level of uncertainty associated with the potential environmental consequences of plans. This uncertainty extends to effects on candidate, proposed, endangered and threatened species and designated critical habitat. Although the precise location and timing of site-specific effects of management actions and land uses are not often known when a plan is adopted, amended, or revised, BLM and FS, by signing this MOA, agree to consult with FWS and NMFS so that future activities formulated and allowed under the parameters of the plan are not likely to jeopardize the continued existence of listed species or result in the destruction/adverse modification of designated critical habitat. Additionally, because of the conservation mandate of section 7(a)(1) of the Endangered Species Act, plans can be very helpful in recovery of listed species. The action agencies, by signing this agreement, affirm that planning for conservation of candidate, proposed, and listed species is key to the accomplishment of the Federal land stewardship role. Successful implementation of this MOA will enhance plans and programmatic level proposals by promoting the incorporation of conservation objectives and guidelines for proposed and listed species.

Plans may be operational for a period covering many years, new species may be added to the list of threatened and endangered species, or significant new information may become available, triggering reinitiation of formal consultation and the need for reevaluation of the effects of plan implementation on listed or proposed species, and on designated or proposed critical habitat. This provides an additional impetus to cooperate under this MOA.

Under new FWS guidance issued on December 5, 1996 (61 FR 64481), candidate species are those species for which FWS has on file sufficient information on biological vulnerability and threat(s) to support issuance of a proposed rule to list, but issuance of the proposed rule is precluded by higher listing priorities. NMFS also maintains a list of candidate species that are being considered for listing. Since it is highly likely that most candidate species will become proposed and/or listed during the life span of the plan or program under consultation, it is prudent to receive conservation recommendations for candidates to use in the development of alternatives during the NEPA process or programmatic level consultations. These recommendations for candidate species will facilitate development of objectives, standards and guidelines, or conservation measures at the plan/programmatic level which can help streamline future project level conferences/consultations for these species when they acquire formal protection under the Endangered Species Act. In some cases this early coordination may avoid the need to list the species.

Scope

The scope of this MOA includes land and resource management plans prepared by the FS pursuant to the National Forest Management Act of 1976 [16 U.S.C. 1601-1614] and RMPs and MFPs prepared by the BLM pursuant to the Federal Land Policy and Management Act of 1976 [43 U.S.C. 1701-1784]. The MOA may also be applied to other programmatic level proposals. These may include, but are not limited to, a recreation or grazing program, riparian restoration strategy, multi-year forest management activities, recovery strategy or other proposals.

Elements of plans that will undergo section 7 consultation/conference pursuant to this MOA include:

1. Management goals, objectives, standards, and guidelines;
2. Designation of special management areas, management area direction and prescriptions, and designation of allowable resource uses;
3. Broad-scale monitoring and evaluation requirements for listed, proposed, and other species of concern; and
4. Site-specific or forest-wide management decisions included in the plan and/or Record of Decision.

Consultation Procedures

Action and consulting agencies agree to maintain and exchange information on (1) the biology, ecology, distribution, and abundance of threatened, endangered, proposed, and candidate species and proposed and designated critical habitat and (2) planning schedules, status, and priorities for the land management activities. Successful implementation of this MOA depends on full cooperation and coordination. The BLM and FS should have access to FWS and NMFS candidate species lists, proposals to list species as threatened or endangered, proposals to designate critical habitat, and recovery planning documents. Regular exchanges of information examining the status, biology, and ecology of listed species and their habitat needs should occur. Similarly, BLM and FS will coordinate with FWS and/or NMFS on planning schedules and priorities that will require a commitment of FWS and/or NMFS staff resources.

Coordination and consultation early in the planning process will result in the identification of potential impacts to species and critical habitat, allowing resource managers to make appropriate adjustments. This early cooperation will help to ensure that species conservation is achieved with a minimum of adverse impacts on proposed activities. When plans or programs that may affect listed species and/or designated critical habitat involves more than one planning area, it may be more efficient to consult on ecosystem level strategies, species range wide, or species-specific strategies under the jurisdiction of all the agencies rather than on individual plans or site-specific activities. The agencies may agree to address multiple plans as one consultation package.

Action agencies will make a determination of effects through a biological assessment/evaluation of the plan, the adequacy of conservation measures, and the effects of the land-use allocation and management direction on listed, proposed, and, as appropriate, candidate species and proposed or designated critical habitat. This assessment will determine whether consultation is needed, and if needed, whether informal or formal consultation or conference is appropriate.

Action agencies will include appropriate protection and conservation elements for listed, proposed, and candidate species and proposed or designated critical habitat in land use plans, habitat management plans, or in interim standards and guidelines that are consistent with land use plans.

Consideration of these conservation elements will help resource managers improve beneficial effects and avoid and minimize adverse effects at subsequent planning and project levels. Projects that conform to the protection and conservation elements (such as standards and guidelines) developed through programmatic consultation are likely to receive a “not likely to adversely affect” determination and concurrence or, at a minimum, an expedited Biological Opinion from the consulting agency, in the absence of new information that would change the environmental baseline or effects determination, or other changed circumstances.

Action agencies will review all scientific and other information used in the planning process to ensure that it is reliable, credible, and represents the best scientific and commercial data available. Sources of biological data will include, but are not limited to, recovery plans, conservation assessments, conservation strategies, conservation agreements, and scientific documents. This reflects the policy stated in 59 FR 34271 (July 1, 1994).

Action agencies will follow, where appropriate, the conference process for candidate species when standards and guidelines for candidate species conservation are included in programmatic documents. Inclusion of candidate species recognizes that there is tremendous benefit in early coordination between the agencies, saving time, effort and money. If, or when, the species is listed, informal conferencing on candidate species and formal conferencing on proposed species or on proposed critical habitat accomplishes the following objectives: (1) Identifies plan elements or ongoing activities that, if implemented, could adversely affect species when listed or critical habitat when designated; (2) provides the opportunity to modify the plan elements and/or ongoing activities to remove the adverse effects and thus reduce the likelihood that future activities would be in conflict with the Endangered Species Act after a species is listed; (3) identifies plan elements that benefit/promote the conservation of proposed or candidate species or proposed critical habitat; and, (4) if done under formal conference procedures, provides a conference opinion for proposed species that can be confirmed as a biological opinion once the species is listed; and (5) identifies measures to help avoid a jeopardy determination.

Following the procedures and measures prescribed by this MOA will promote the conservation of species, and should result in minimizing incidental take of listed species as a result of implementing a planned activity. Incidental take statements must be issued for any action for which such take is anticipated. When sufficient information is available to anticipate the amount or extent of take incidental to plan or program implementation, the provisions of sections 7(b)(4)

and 7(o)(2) (exemptions from takings) will apply to consultations conducted on a plan or programmatic level proposal. If incidental take is not anticipated for the activities implementing a plan or programmatic level proposal, an incidental take statement will state that conclusion. Subsequent “tiered” consultations performed on individual project activities, groups of similar projects, or annual programs, where specific effects on species can be determined within the context of a local geographic area, will contain incidental take statements identifying the anticipated amount of incidental take from the site-specific action under consultation.

When action agencies formally consult on existing plans they are required to ensure that any ongoing activities, including site-specific activities, resulting from or consistent with plans, do not result in any irreversible or irretrievable commitment of resources that have the effect of foreclosing the formulation or implementation of any reasonable and prudent alternatives that could result from the programmatic consultation. This will be accomplished by conducting early and complete agency collaboration, followed by a timely and coordinated consultation process.

Compliance with section 7(d) of the Endangered Species Act will be assured at the plan level because the agencies agree to conference on a plan as soon as a species is proposed for listing. If the conference opinion adequately addresses plan level effects and the conservation of the species, then the conference opinion should allow for an easy conversion to a biological opinion or concurrence when the species is listed. Absent any change in circumstances, no further consultation would be required. Furthermore, the action agencies will implement a logical and documented process to jointly "screen" site-specific projects prior to reinitiation of plan consultations following a new listing (if conferencing has not been completed). The screening process should identify any projects which could result in an irreversible or irretrievable commitment of resources that might foreclose the formulation or implementation of reasonable and prudent alternatives to avoid jeopardy. These projects will be modified, suspended, or halted during the programmatic consultation. The final determination of section 7(d) compliance will be the action agency's responsibility, but it is expected that close coordination with the consulting agencies will occur.

Procedural Guidance

Attached is implementation guidance for carrying out consultations at the plan and programmatic level. The agencies agree to use this guidance when implementing the terms of this memorandum. From time to time, the agencies may find it necessary or advisable to alter the procedures described in the attachment; if this occurs, a revised procedural guidance reflecting changes agreed to by the agencies may be issued with the approval of the heads of the four agencies.

This MOA and guidance does not supersede or preclude the use of the May 31, 1995, interagency agreement for streamlining section 7 consultation in the Pacific Northwest. Nothing in this MOA constrains the obligations of the agencies in carrying out their authorities under applicable laws. There is no effect on non-Federal interests.

Authority

Endangered Species Act of 1973, as amended (16 U.S.C. 1531-1544)
National Forest Management Act of 1976 (16 U.S.C. 1601-1614)
Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701-1784)
MOU on the conservation of species that are tending towards Federal listing (94-SMU-058),
January 25, 1994

Funding and Resources

Nothing in this MOA shall be construed as obligating any of the parties to the expenditure of funds in excess of appropriations authorized by law. It is understood that the level of resources to be expended under this MOA will be consistent with the level of resources available to the agencies to support such efforts.

Effective Date

This MOA is effective immediately. Its provisions will remain in effect until it is amended, superseded, or revoked, whichever occurs first.

**INTERAGENCY MEMORANDUM OF AGREEMENT FOR
PROGRAMMATIC ENDANGERED SPECIES ACT SECTION 7 CONSULTATIONS**

/s/ Tom Fry, 10/13/99

Director, Bureau of Land Management

/s/ Jamie Rappaport Clark, 10/12/99

Director, U.S. Fish and Wildlife Service

/s/ Mike Dombeck, 9/07/99

Chief, U.S. Forest Service

/s/ Alan Risenhoover, 9/30/00

for Assistant Administrator for Fisheries
National Oceanic and Atmospheric Administration

Implementation Guidance: Streamlining Programmatic Consultation for BLM/FS Land Use Plans and Programs

I. Introduction

This document specifies the level of management commitment, direction, and support, and identifies the critical elements necessary for successful implementation of the streamlined process of Endangered Species Act section 7 consultation on land-use plans and their programs as established in the July 27, 1999, MOA by the BLM, FS, NMFS and FWS. Implementation of the following critical elements should help achieve this goal:

- Introduction of the process through interagency workshops;
- development of consultation outlines to address specific consultation streamlining needs;
- early coordination between the land management and consulting agencies when entering into the consultation process;
- establishment of a dispute resolution process; and
- establishment of procedures to evaluate and refine the process.

The agencies will ensure these critical elements are met. However, this process is designed to recognize the inherent flexibility and adaptive approach necessary to meet the critical elements that will enhance the consultation/conference process while simultaneously meeting area-specific needs.

II. Overall Approach

The specific intent of streamlined consultation procedures and guidance is two fold:

- 1) To further the conservation of listed, proposed, and candidate species by utilizing applicable plans and guidance to provide increased beneficial effects, avoid or minimize adverse effects and reduce levels of incidental take; and
- 2) To enable the section 7 process, including review, analysis and documentation, to proceed as quickly and efficiently as possible.

The streamlined consultation process involves three basic phases:

Phase 1: Interagency participation in early planning, program guidance meetings, and the review of preliminary determinations of effect.

Phase 2: Preparation of biological assessments (BAs) or biological evaluations (BEs) by the action agencies using the working group, technical support group, and if necessary, issue resolution team.

Phase 3: Preparation of biological opinions (BOs) or concurrence letters by the consulting agencies.

III. Workshops

The agencies will provide interagency workshop opportunities to guide streamlining consultation efforts. The workshops will be tailored to each region, highlighting national as well as local issues, and designed to provide guidance and recommendations for improving consultation, coordination, and interagency working relationships.

Workshops will emphasize the benefits and process necessary for implementing improved consultation and enhanced working relationships between the consulting and action agencies. These workshops will be scheduled for biologists/botanists, line officers, and related planning and resources staff who are regularly involved in completing the interagency consultation process. It is expected that within one year of implementation of the MOA all regions will complete workshops.

Workshops will be conducted by cadres of biologists and land managers with expert knowledge in section 7 consultation efforts.

IV. Management Support and Direction: Development of a Consultation Agreement

To accomplish the objectives described in the MOA, the action agencies and consulting agencies agree to develop and apply consultation agreements for programmatic consultations conducted under this guidance that do the following:

- Determine the scope of the planned action, the appropriate level of signature authority (REGION, FOREST, AREA) and scale of analysis necessary to accomplish programmatic consultation.
 - Designate staff and responsibilities
 - Determine the necessary time frames
 - Initiate early interagency staff coordination
 - Establish a dispute resolution process in keeping with that outlined above

An example is attached.

V. Scope

The action agencies will clarify the priority list of activities to be covered in the consultation effort. They should identify, for instance, which actions or plans, which administrative units or geographic areas, and suggest which species or critical habitats must be covered within the designated time frame, as well as any other appropriate issues.

VI. Staffing

The implementation of this process should not require additional staffing. Rather, this approach is designed to utilize staff members that are already interacting with their interagency counterparts, but in a more efficient way to achieve the goals of streamlining programmatic consultation efforts.

VII. Process for Working Groups and Framework for Dispute Resolution

The following working groups will be established in a manner that will facilitate implementing the MOA:

Program Level Endangered Species Act Working Groups: Interagency teams of biologists responsible for Endangered Species Act coordination and oversight of determination of effects at the plan/program level. The working group, which may consist of as few as two individuals (e.g., FWS biologist and FS biologist), is the basic operational unit of the streamlined programmatic consultation process. The group is responsible for ensuring that the best available scientific and commercial information on listed, proposed, and candidate species, or proposed or designated critical habitat, is considered in the decision making process, and facilitating achievement of Endangered Species Act compliance in the shortest time possible. One team member should be identified as a logistical leader to schedule and facilitate meetings, etc. An individual should also be given the responsibility for tracking the consultation process and reporting outcomes to the regional technical support contact (see Regional/State Technical Working Group). Teams will communicate on a regular basis and meet as needed to facilitate the interagency coordination on Endangered Species Act compliance. It is expected that most, if not all, potentially contentious Endangered Species Act issues will be discussed and resolved at this level. Findings made in the Biological Assessment and other group decisions will be made by consensus.

Working group members may include Forest or BLM District/Resource Area wildlife or fisheries biologists and/or botanists, FWS field office wildlife or fisheries biologists and/or botanists, and NMFS biologists. Specific representation may vary by forest or resource area, administrative unit, or species involved, but these teams must have applicable agency representation to ensure that consensus can be achieved among the agencies involved in the MOA. For example, these teams could be established for each Forest or BLM District/Resource Area, or groups of Forests or BLM Districts/Resource Areas based on ecological provinces, watersheds, common issues, species, etc.

These teams will provide input to the design of proposed plans/programmatic activities to incorporate species habitat needs, identify programmatic proposals that may result in adverse impacts to species and critical habitat, and screen ongoing activities to ensure that reasonable and prudent alternatives to avoid jeopardy are not foreclosed.

Local Issue Resolution Working Groups: Interagency teams of decision makers at the Forest, BLM District/Resource Area, or state levels for other agencies, responsible for first level

dispute resolution (Forest Supervisors, BLM District/Area Managers, FWS State Supervisors, and NMFS designated supervisors). These teams would normally meet on an ad hoc basis to resolve issues elevated from the program level working group. Most effective use of these working groups will include early guidance on priorities, expectations, and policy as well as support for staffing. These teams could also be useful for working out coordination issues to help gain efficient use of program level working groups. Specific team representation depends upon the agency administrative units involved in the issue.

Regional/State Issue Resolution Working Group: Interagency teams of regional or state agency heads, i.e., the Regional Forester, BLM state director, FWS Regional Director, and NMFS Regional Director. These teams will meet on an ad hoc basis to resolve issues elevated from the Local Issue Resolution Working Groups. Specific team representation depends upon the agency administrative units involved in the issue.

Regional/State Technical Support Working Group: In addition to the three level teams, interagency regional experts will be available for technical support to the other working groups. These individuals may consist of species biology experts, planners, program management experts, ecologists, etc. and are responsible for the overall technical oversight during the consultation process. This core technical support working group should meet on a regular basis to ensure that the process is functioning as intended. This working group may also have to meet on an ad hoc basis to respond to specific technical issue questions raised by the other working groups or enlist the support of other ad hoc members to provide additional expertise.

National Issue Resolution Working Group: Interagency teams of appropriate representatives of the FS, BLM, FWS, and NMFS responsible for resolution of issues not resolved by the Regional/State Issue Resolution Working Group. These teams will be appointed by the agency heads.

VIII. Time frames

The agencies have agreed to commit to completion of informal consultation within 30 days and formal consultation within 90 days. However, circumstances may dictate that the individual units may establish time frames that are appropriate to a specific action by mutual consent.

IX. Early Coordination

Early interagency coordination is the key to the streamlining consultation process. Coordination with consulting agencies early in the planning process, before initiation of consultation, will result in the identification of potential impacts to species and critical habitat. This will allow resource managers to make appropriate adjustments in proposed activities during the design phase. This early coordination will enable proposed plans/programmatic activities to incorporate species habitat needs, and will facilitate and expedite the consultation process. Issues to be resolved include:

1. Section 7 (d) of the Endangered Species Act

Section 7 (d) of the Endangered Species Act states that Federal agencies “...shall not make any irreversible or irretrievable commitment of resources with respect to the agency action which has the effect of foreclosing the formulation or implementation of any reasonable or prudent alternative measure” after the initiation of consultation. When action agencies formally consult on existing plans the agencies are required to ensure that any ongoing activities, including site-specific activities, resulting from or consistent with plans, do not result in any irreversible or irretrievable commitment of resources that have the effect of foreclosing the formulation or implementation of any reasonable and prudent alternatives that could result from the programmatic consultation.

Compliance with section 7(d) of the Endangered Species Act will be assured at the plan level because the agencies agree to conference on a plan as soon as a species is proposed for listing. If the conference opinion adequately addresses plan level effects and the conservation of the species, then the conference opinion should allow for an easy conversion to a biological opinion or concurrence when the species is listed. Absent any change in circumstances, no further consultation would be required. Furthermore, the action agencies will implement a logical and documented process to jointly "screen" site-specific projects prior to reinitiation of plan consultations following a new listing (if conferencing has not been completed). The screening process should identify any projects which could result in an irreversible or irretrievable commitment of resources that might foreclose the formulation or implementation of reasonable and prudent alternatives to avoid jeopardy. These projects will be modified, suspended, or halted during the programmatic consultation. The final determination of section 7(d) compliance will be the action agencies' responsibility, but it is expected that close coordination with the consulting agencies will occur.

2. Species coverage

Agencies will consult/conference on listed species and designated critical habitat, proposed species, proposed critical habitat, and include candidate species as a part of the analysis of effects.

3. Agreement on the information needs for the development of the BA/BE

The program level working groups will review and make available current information on candidate, proposed and listed species and proposed or designated critical habitat within the planning areas. This should include information on status, population trends, response to management, disturbance regimes needed, interagency and state coordination measures required, and conservation opportunities.

Land management plan standards and guidelines (S&G's); programmatic recovery or conservation strategies (such as the Northwest Forest Plan, PACFISH, INFISH and the long-term red-cockaded woodpecker strategy); recovery plans; or applicable biological opinions from other consultations can serve as the basic foundation for programmatic consultations using the streamlined process. Land management plans/programs incorporating conservation S&G's will

be more likely to provide beneficial effects to species. The basic goal is that land management plans/programs offering the protection of these S&Gs would not jeopardize listed or proposed species, or move candidate species closer to listing. Furthermore, to achieve the most conservation benefits from the planning process, the program level working group should identify programmatic conservation strategies helpful in formulating plan alternatives to minimize or avoid adverse effects to listed, proposed, or candidate species and, where possible, to assist in the conservation and recovery of these species per the Interagency MOU of 1994. These alternatives should be evaluated and reformulated into a consensus description of the proposed Federal action (the land management plan or program plus any additional agreed upon measures needed to work toward conservation of these species). For existing plans or programs, these conservation measures may be within the scope of the plan or program or may require plan amendment or modifications of the program. This process will comply with applicable laws and regulations for all agencies.

Agencies must agree on the level of information necessary in the BA/BE to be able to render a BO of sufficient detail. An agreed upon BA/BE is critical to ensure that the streamlined consultation process works and that the identified time frames are met. The beginning date for consultation is the day a BA/BE that is agreed upon by all members of the team is received by the consulting agency, accompanied by a written request for consultation or conference. It is imperative that the action agency submit only final BAs/BEs that all cooperating agencies deem adequate.

4. Agreement on the effects analysis and determination

The Program level working groups will identify parameters, or criteria that normally would result in "no effect", "not likely to adversely affect", "likely to adversely affect" and "likely to jeopardize" determinations on plan level effects analysis. This will be extremely useful in sorting, screening and reaching consensus on the BA/BE "determination of effects". This process will allow the team to reach rapid agreement on many aspects of the plan. More problematic elements (certain Standards and Guidelines (S&Gs), etc.) will then become the team's focus. If these problem areas need additional modification in the plan, these changes may be outlined in the description of action and the BA/BE. For example, if an additional objective or S&G is needed in an existing plan, the action to be consulted on would consist of the proposed new measure, in the context of the current S&Gs, and the actions needed to amend the plan and adopt the new measure. If the team cannot agree on the adequacy of the BA/BE, on the determination of effects, or information needed to complete the BA/BE, etc., the issue resolution process will be initiated.

5. Biological Assessment preparation

All anticipated environmental effects and mitigation and monitoring requirements will be disclosed in the BA/BE. This includes analysis of effects on listed, proposed, or candidate species or designated or proposed critical habitat from the plan/program analyzed.

Endangered Species Act compliance is required regardless of the level of NEPA documentation required for a plan or program. A BA/BE for a plan or program that has an EA rather than an

EIS, could be very short and simple, but the Program Level Endangered Species Act Working Group should be used to help identify the level of documentation needed and appropriateness of the determination for all plan/program BA/BEs. Coordination requirements and conservation recommendations must be identified early in the decision making process so they can be incorporated into the plan/program under consultation, incorporated later as a plan amendment, or clarified as program direction.

The agreed upon elements of a BA/BE are:

- A. description of the action: reference the description of the proposed action section of the plan/program (do not duplicate it in the BE/BA, but incorporate by reference any needed documents and include them in the consultation package);
- B. description of the area that may be directly or indirectly affected by the action: if possible, refer to the appropriate action(s) of the plan/program rather than duplicating it in the BE/BA;
- C. description of any listed, proposed or candidate species, or designated or proposed critical habitat that may be affected;
- D. description of the manner in which the action may affect listed, proposed or candidate species; or proposed or designated critical habitat (direct effects);
- E. analysis of indirect and cumulative effects;
- F. analysis of effects of interrelated and interdependent actions;
- G. analysis of effects of interrelated and interdependent actions;
- H. determination of effects statement; and
- I. may include any measures to minimize incidental take, as well as specifying measures to handle or dispose of any individuals actually taken.

The action agency will prepare a BA/BE based on the above agreements in the cooperative spirit of the MOA and will submit it to the consulting agency (a joint meeting between the action agencies and the consulting agencies may be the most efficient way to develop these BA/BEs). The consulting agency will then review the BA/BE for adequacy within two weeks of receipt. Because of the early interagency coordination described above, this is not likely to result in the identification of substantial issues. However, if the BA/BE is deemed inadequate, the consulting agency will notify the action agency in writing detailing specific issues and indicating that the time frame for the formal consultation or concurrence letter has not started.

6. Biological Opinion Preparation

The consulting agency will provide a draft of their consultation response for action agency review no later than two weeks before the end of the agreed upon consultation period. Any reasonable and prudent measures and terms and conditions for incidental take should be discussed and agreed to by the interagency consultation team prior to issuance of a final BO or conference opinion.

X. Dispute Resolution Process

The use of interagency working groups and a National Issue Resolution working group are designed to ensure that any disagreements on completeness of the BA/BE, determination of effects, or contents of a draft BO or conference opinion are resolved in a coordinated and timely manner.

If the Program Level Endangered Species Act Working Group cannot reach consensus on what information is needed to complete consultation/conference on a plan/program, determination of effects, the adequacy of the plan standards and guides, compliance with existing guidance, conservation strategies, etc., a review will be conducted by the Local Issue Resolution Working Group. The employment of regional section 7 consultation specialists may be useful in resolving such disputes. If the Local Issue Resolution Working Group cannot resolve the issue or if there is disagreement between one of the agencies and the consensus findings of the Program Level Endangered Species Act Working Group (team is in agreement) a Regional/State Issue Resolution Working Group review will be initiated. If this group cannot resolve the issue, it will be elevated to the National Issue Resolution Working Group.

All issue resolution working group (or panel) reviews should be initiated by request of the applicable working group, or a specific agency. The request should include: (1) A concise summary of issues in dispute and decisions that need to be made; (2) agency position statements on each of the issues; (3) all supporting rationale and documentation for consideration; and (4) a brief chronology of key actions taken to resolve the dispute. Resolution should be pursued as quickly as possible. The National Issue Resolution Working Group decisions are the final and binding resolution of disputes. Issue resolution working groups are encouraged to use the assistance of the Regional/State Technical Support Working Group in the resolution process.

Each stage of the issue resolution process will not exceed 15 days.

XI. Evaluation and Refinement

To facilitate a process of the utmost utility to the agencies, The Regional/State Technical Support Working Group should implement measures to track the progress of the process described above and propose any refinements necessary to further the goals of the MOA to agency heads.

Appendix G: Standard Formats for Land Use Plan Documents

Appendix G-1: Recommended Format for Preparation Plans

Preparation plans should contain the following information and discrete sections:

1. Introduction and background

2. Anticipated planning issues and management concerns

Issues are identified by BLM staff and managers based on their knowledge of the planning area and its users. Planning issues may be based on:

- a) Contacts or correspondence with users, adjoining Districts or field offices, and interested public (including other agencies).
- b) Ongoing consultation, advisory council meetings, interagency and intergovernmental coordination, and informal sessions with users and interested public. Preplanning does not involve public notices or public participation activities since they are specifically provided for in the RMP and NEPA processes and key preplanning results are publicly reviewed during scoping.
- c) Staff and management knowledge of resource uses, users, conditions, needs, and trends.

Management concerns are generally of a program-specific nature and, while they may not be externally generated or controversial, deserve the appropriate level of consideration in the planning process.

3. Preliminary planning criteria

Planning criteria are the constraints or ground rules that guide and direct the development of the plan. They ensure that plans are tailored to the identified issues and ensure that unnecessary data collection and analyses are avoided. They focus on the decisions to be made in the plan and achieve the following:

- a) Provide an early, tentative basis for inventory and data collection needs.
- b) Enable the manager and staff to develop a preliminary planning base map delineating geographic analysis units.
- c) Stimulate the development of planning criteria during public participation.

4. Data and GIS needs, including data inventory

Managers of planning efforts are encouraged to use existing data compiled by other Federal agencies; state, local, and tribal governments; and private organizations, if applicable, to address assessment questions. Data compiled by other agencies which are used in BLM land use plans, should be consistent across administrative boundaries and landscapes, where available. Regardless of its source, sufficient metadata (data about data) should be provided to clearly determine the quality of the data, along with any limitations associated with its use. To define the information required to support each individual planning effort, each preparation plan should:

- a) Create a list of currently available data (list by theme, data elements, and explain how that data will support the plan in dealing with anticipated issues and planning requirements).
- b) Identify the anticipated data gaps in available data required to deal with the anticipated issues, as well as the planning and analysis requirements.
- c) Create a realistic data inventory and collection strategy (including work months, personnel involved, costs and time frames involved) for acquiring critically needed data and information.

See Appendix H for more information on managing data and information throughout the planning process.

5. Participants in the process

- a) Describe and list roles, responsibilities and authorities.
- b) Provide team lists (including management team, core team, interdisciplinary and support teams).

6. Process for the plan

- a) General steps and format.
- b) Alternative formulation: Identify preliminary plan alternative themes that focus on resolving anticipated issues and reflect the preliminary planning criteria.
- c) Internal review of the plan.
- d) Form of input from the interdisciplinary team and reviewers.

7. Plan preparation schedule

The schedule provides estimated time frames for the completion of the required plan components. It identifies:

- a) All planning actions (43 CFR 1610.4) and support actions expected to be done either consecutively or concurrently.
- b) Target completion dates for each action.
- c) Time periods needed for preparation and award of contracts, if any, and preparation costs required for use in the budget process.

8. Public participation plan

To be prepared as a part of the preparation plan. Every effort should be made to assure meaningful public involvement throughout the planning process. This includes:

- a) Goals and objectives of public participation.
- b) A description of the public known to be interested or affected and any contributions they may make or information they may need during the planning process and the involvement techniques most appropriate.
- c) Target dates and other pertinent details for public participation activities, notices, and availability of printed information.
- d) Provisions for updating the plan, as necessary, during plan preparation.
- e) A description of how the results of public participation activities will be summarized, analyzed, documented, and used by the line manager in making decisions in the plan.
- f) Internet technology that will be used to provide information to the public and/or solicit comments.

9. Budget

The budget includes all costs associated with development of the plan including, data needs collection, contracting costs, BLM staff work months, *Federal Register* notices, vehicle, travel, and support costs. It should address the level of program sources funding provided by the field or state office, as well as increased funding needs.

Appendix G-2: Recommended Format for Scoping Reports

The following is a suggested format for field offices to use in preparing scoping reports following the completion of scoping to achieve a common and consistent approach meeting minimum requirements. It is recognized that some situations (for example scoping reports dealing with an unusually large number of comments) may require additional content and detail. Documents should be as brief, concise, and “user-friendly” as possible. Authority for the scoping report can be found at 43 CFR 1610.2(d).

1. Cover Letter

Optional; signed by field office manager.

2. Introduction

- a) Overview/purpose and need for the plan (tie to planning evaluation)
- b) Brief description of the planning area (including a map)
- c) Brief description of the scoping process (NOI history, meetings, contacts, etc.)
- d) Cooperating agencies/invitees
- e) Collaboration and consultation with tribes

3. Issue Summary

- a) Summary of public comments
- b) Issues and identified during scoping
- c) Anticipated decisions to be made
- d) Issues raised that will not be addressed (including rationale)
- e) Valid existing management to be carried forward
- f) Special designations, including nominations

4. Draft Planning Criteria

Include if not previously published in initial notice; otherwise incorporate by reference.

5. Data Summary/Data Gaps

Include if not previously published in initial notice; otherwise incorporate by reference.

- a) Refer to more detailed lists in prep plan or elsewhere (state that these are available upon request)
- b) Identify any relevant data provided or identified as available during scoping
- c) List data gaps identified during scoping

6. Summary of Future Steps in the Planning Process

Identify planning process time lines and opportunities for public participation (including webpage address, key contact address and information, etc.)

Appendix G-3: Annotated Outline of the Analysis of the Management Situation

The analysis should describe the current conditions and trends of the resources and the uses/activities in the planning area sufficient to create a framework from which to resolve the planning issues through the development of alternatives.

Chapter 1. Introduction

A. Purpose and Need: Describe the purpose and need for the plan.

B. Purpose of Analysis of the Management Situation: Describe the role of the Analysis of the Management Situation (AMS) in the planning process.

C. General Description of Planning Area, Geographic Scope, and Resources/Programs

D. Key Findings: Summary of the most important conclusions drawn from the AMS.

Chapter 2. Area Profile: Condition and trend of resources and resource uses

This chapter will describe the area profile, which is the existing condition of the resources, resource uses, and other features of the Planning Area. It will also describe the large-scale ecosystems associated with the planning area. The information will become the basis for the Affected Environment chapter of the RMP/EIS. The table below shows the resources, resource uses, special designations and social and economic features that comprise the area profile (not necessarily a comprehensive list):

Table G-1. Area Profile

Resources	Resource uses	Special designations	Social and economic
<ul style="list-style-type: none"> • Air quality • Geology • Soil Resources • Water Resources (surface and groundwater) • Vegetative communities* • Fish and wildlife • Special status species • Wild horse & burros • Wildland Fire Ecology & Management • Cultural resources • Paleontological Resources • Visual resources • Naturalness, solitude, and primitive recreation 	<ul style="list-style-type: none"> • Facilities • Forestry & woodland products • Livestock grazing • Minerals (leasable, locatable, salable) • Recreation • Renewable energy • Transportation & access • Utility corridors & communication sites • Land tenure 	<ul style="list-style-type: none"> • Areas of Critical Environmental Concern • Back Country Byways • National Recreation Areas • National Trails • Wild and Scenic Rivers • Wilderness • Wilderness Study Areas 	<ul style="list-style-type: none"> • Tribal interests • Public safety (abandoned mines, debris flows, and hazardous materials) • Social & economic conditions

* Vegetative communities can be identified at a variety of scales and include forests, woodlands, rangelands, riparian areas, and wetlands.

When discussing the area profile, use the following three terms: Planning Area, Decision Area, and Analysis Area. The **Planning Area** encompasses the entirety of the area regardless of ownership. The **Decision Area** for the majority of resources or resource uses refers to public land within the Planning Area for which BLM has authority and makes decisions. BLM’s Decision Area includes minerals of split estate (areas where BLM administers Federal subsurface minerals, but the surface is owned by a non-Federal entity; e.g., State Trust Land, private land). The term **Analysis Area** is appropriate for describing certain resources within the Planning Area in the context of the larger landscape (such as air quality, water resources, wide-ranging species, and socioeconomics).

A. Using large-scale ecosystem(s) to provide context for the Planning Area.

Different agencies and organizations have compiled datasets for large-scale ecoregions such as the Wyoming Basin and the Colorado Plateau. Ecoregions of this scale range in size from 3.5 million acres to 88 million acres, averaging 23 million acres^{2,3}. Most planning areas will not fall into more than one or two ecoregions, depending on the scale at which the ecosystems were developed. Planning boundaries may overlap ecoregional boundaries, so it will be important to collect and share information between planning areas.

Using existing datasets from various sources (external sources, BLM-led assessments such as Land Health Assessments, etc.), gather information to complete the table below. The BLM-led assessments should contain information on upland, riparian and stream channel conditions which can be used to refine ecosystem health conditions gleaned from larger datasets.

Table G-2. Ecoregion/Planning Area Information

Information about the ecoregion	Information about the planning area as it relates to the ecoregion
Size and general geographic location.	<ul style="list-style-type: none"> • Orientation of the planning area within the ecoregion. • Percent of the ecosystem that (1) all lands in the planning area cover and (2) BLM lands in the planning area cover.
Overall ecosystem health and major issues affecting it (i.e., fire suppression, habitat fragmentation, and invasive species).	<ul style="list-style-type: none"> • The overall condition of the BLM lands relative to the condition of the ecosystem. • How current land use allocations and management on BLM lands are contributing to or helping to alleviate the major ecological issues of the ecosystem.
Features of the ecosystem that are unique or are particularly important to ecological health.	<ul style="list-style-type: none"> • The extent to which the planning area as a whole or areas within it may have been designated as ecologically important or priority areas to ecosystem function (this information may not be available depending on the source of ecosystem information used.)

2 U.S. Environmental Protection Agency. 2003. Level III ecoregions of the continental United States (revision of Omernik 1987). U.S. Environmental Protection Agency, National Health and Environmental Effects Research Laboratory, Western Ecology Division, Corvallis, Oregon.

3 Omernik, J.M. 1987. Ecoregions of the conterminous United States. *Annals of the Association of American Geographers* 77:118-125.

B. Resources.

Describe the following about each resource:

- a. Indicators. Identify factors that describe resource condition such as levels of criteria pollutants, visibility, etc. for air quality. Indicators should be quantitative whenever possible.
- b. Current Condition. Describe the location, extent, and current condition of the resource in the Planning Area. Condition can be determined by comparing the value of indicator(s) to an established standard (current plan goal or objective) and/or benchmark. Relate the condition assessment to Land Health Standards as appropriate. The scale of the analysis should look beyond the immediate Planning Area boundary and to a logical landscape boundary (the Analysis Area).
- c. Trends. Describe the degree and direction of change between the present and some point in the past. Explain whether the trend is moving toward or away from the current desired condition based on the indicators. Also describe the drivers or agents of change. Note that for some resources, a desired condition has not been established or there will not be enough information to describe trends. When describing trends, note whether the trend is based on quantitative or qualitative information. For example, the trend for levels of criteria pollutant most likely can be described from a quantitative standpoint; that is, based on changes in levels of criteria pollutants over time as recorded in published data. For other resources where data are not available, a qualitative approach would be used.
- d. Forecast. Predict changes in the condition of resources given current management. Describe the drivers or agents of the anticipated change.
- e. Key features. Describe specific areas or types of resource features that should guide land use allocation or management decisions. For example, certain areas may be particularly important to special status species habitat, or some soil types may be better able to support certain land uses than others.

Specific information to include for each resource is listed below: **[NOTE TO REVIEWERS:** Please comment on the utility of the information in this next section. Would it be helpful in developing the AMS? Too detailed? Not detailed enough? Other suggestions? Thanks for your input.]

- Air Quality: In the current condition section, describe climate and meteorology.
- Geology: In the current condition section, describe the major geologic features of the planning area.
- Soil Resources: In the key features section, describe the area and percent of soils with or potential for diminished, unstable, or eroded qualities. Also describe the geographic location and distribution of these features.
- Water Resources (surface and groundwater):
 - In the current conditions section, describe the following:

- Surface water bodies with significant variance of biological diversity and/or water quality from historic range of variability.
 - Water quality impaired streams (303d of the Clean Water Act).
 - Current condition of known aquifers and groundwater quality.
 - In the key features section, identify high priority watersheds from the standpoint of human health concerns, aquatic ecosystem health, or other public uses. Also identify streams that are meeting or exceeding proper functioning condition.
- **Vegetative Communities**
 - In the current condition section, list each community type and describe the following information about each: Location, extent, successional stage, and primary threats (invasive species, etc.)
 - In the key features section, identify the communities or areas within communities that are relatively intact (unfragmented) and those that have been fragmented or otherwise degraded but have restoration potential. Also identify old growth forest stands.
- **Fish and Wildlife**
 - In the current condition section, identify the priority game and non-game fish and wildlife species in the planning area (not necessarily special status species that would be described below).
 - In the key features section, identify priority habitat areas for individual and/or groups of priority fish and wildlife species for maintenance or restoration.
- **Special Status Species (special status and other).**
 - In the current condition section, provide the following information:
 - List of special status species
 - Distribution of species and habitats
 - The importance of the planning area to each of the special status species from a regional perspective. For example, state whether a species is present only within the planning area and nowhere else, or whether a planning area contains a small percentage of a particular species. Also describe the relative quality of the habitat for special status species in the planning area.
 - The relationship of special status species habitat to the different community types. Document the community(ies) within which each special status species is located.
 - In the key features section, identify the areas of high concentration of special status and other species. Also identify priority habitat areas for maintaining and/or restoring based on special status species needs.
- **Wild Horse & Burros:** Indicators can be found in the Wild Horse and Burro Act.
- **Wildland Fire Ecology & Management:**
 - In the current conditions section, describe historic and current fire regimes.
 - In the key features section, identify areas of particular importance for fire management, such as urban/wildland interface areas and areas for which prescribed fire would greatly benefit land health.
- **Cultural resources:**

- In the current conditions section, include a summary of cultural history, history of archaeological work, area surveyed, settlement distributions.
- In the key features section, identify areas of sensitivity, high priority cultural areas needing inventory, and high priority “at risk” sites needing protection.
- **Paleontological Resources:**
 - In the current conditions section, include a summary of geological and paleontological history, history of paleontological work, identify fossil areas and locality sites.
 - In the key features section, rank geological formations by sensitivity according to the 8270 Handbook for paleontological resources.
- **Visual Resources:** In the current conditions section, identify existing Visual Resource Management (VRM) areas/classes.
- **Naturalness, solitude, and primitive recreation:** In the current conditions section, identify areas with wilderness characteristics and which of the characteristics are present.

C. Special designations.

For each special designation, identify the locations of existing designations. Also identify potential special designations (such as areas meeting relevance/importance criteria for ACECs or potentially eligible river segments).

D. Resource uses.

For each resource use, describe the following:

- a. Level (including potential) and locations of current use (map each use)
- b. Forecast - Anticipated demand for use (levels and locations); reasonable foreseeable development.
- c. Key features – Areas of high priority for the use. These areas do not necessarily have to be currently managed for the use.

Specific information to include for each resource use is listed below: [**NOTE TO REVIEWERS:** Like Section B above, please comment on the utility of the information in this next section.]

- **Facilities** – Identify locations of existing facilities.
- **Forestry & woodland products** – Identify uses and areas with potential for biomass harvesting or other products.
- **Livestock grazing** – Identify areas that are currently available for livestock grazing (or not available) and associated forage allocations.
- **Minerals** - Identify uses and areas of low, moderate, and high potential for leasable, locatable, and salable minerals.
- **Recreation** – Identify current recreation uses, use areas, use levels, and recreation setting character conditions.
- **Renewable energy** - Identify existing locations and potential for renewable energy development such as solar, wind, and geothermal.

- Transportation and access - Identify existing transportation (road and trail) networks.
- Utility corridors and communication sites – Identify existing utility corridors and communication sites and associated uses.
- Land tenure – Discuss current land tenure patterns.

E. Social and economic features

Listed below are the topics to describe for each of the social and economic features.

- Tribal interests - Identify the tribes with interests in the planning area. Describe features not otherwise described in the cultural resources section, such as treaty-based subsistence uses, traditional use areas, and rights of access.
- Public safety (abandoned mines, debris flows, and hazardous materials) – Identify areas where public safety is an issue.
- Social and economic conditions - See Appendix D.

Chapter 3. Current Management Direction

This chapter describes current management direction based on existing land use plans and amendments by program (and later becomes the basis for the No Action alternative). Provide a list of management decisions and their sources for each resource or resource use. Identify management decisions from all applicable BLM plans (RMPs, MFPs, and Amendments for Planning Level Decisions). Note that some resources will not have any management decisions established.

A. Relevant plans and amendments

The list of management decisions should be drawn from all applicable BLM plans (RMPs and amendments). List all plans and amendments that influence current management. This list can be displayed in a table such as the one below:

Table G-3. *Sample format for list of relevant plans and amendments*

Document Title	Year	Other Relevant Information	Admin Record Document Number
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B. Management decisions

Describe all management decisions that will become the “no action” alternative in the Draft Resource Management Plan. The table below is a recommended format.

Table G-4. Current management for resources, resource uses, and social and economic features

Current Management Decision	Planning Decision Number	Decision Source	Status
Insert decision title and/or description.	Insert decision number or other identifier if known.	Insert source document for the decision, such as: Lower Gila South RMP	Insert the status of the decision: whether it was completed and when, progress if not completed, etc.

To the extent possible, document decisions by logical management units or zones. Special management areas (special designations) would be included in this manner. Types of special management areas include Areas of Critical Environmental Concern, Back Country Byways, National Recreation Areas, National Trails, Wild and Scenic Rivers, Wilderness, and Wilderness Study Areas.

Chapter 4. Management Opportunities

Identifying management opportunities is a process of considering changes in management that respond to the issues and concerns identified through scoping. It should result in a list that can be used to formulate alternatives. If done properly, this will allow alternative formulation to be largely a task of sorting and refining management opportunities into a framework of compatible alternatives. When identifying management opportunities, consult Appendix C as a guide to the program-specific land use plan decisions to be made as part of the planning process.

A. Analyze the ability of current management direction to achieve desired conditions and address resource demands.

Based on the current condition and trends of the resources and the current and trends of demands on those resources, analyze the ability of current management direction to achieve desired conditions and address resources and demands for use of the resources. Discuss field office(s) capability in terms of staff, annual budget, summary of workload ranked by subactivity and/or program elements.

While discussing the management adequacy of each decision, also discuss options for changing the management if the decision does not adequately respond to current issues, changes in circumstances, new information, etc.

Fill out the table below for each resource, resource use, special management area and social and economic features. Notice that the table is similar to the table in Chapter 3B, which describes the management decisions.

Table G-5.—Adequacy of current management direction and options for change

Planning Decision	Is Decision Responsive to current issues?	Remarks (rationale)	Options for Change
<i>Insert decision title and/or description.</i>	(Y/N)	Describe why the decision is/is not adequate.	Insert options for changing management. As appropriate, include decisions from other jurisdictions that warrant consideration.

B. Prioritize areas of ecological importance to guide land uses and management

Identifying the areas of relatively high ecological value for maintenance or restoration enables planners to understand tradeoffs when identifying land use allocations and management. This is fundamental to developing a range of alternatives and analyzing the effects of the alternatives to help sustain “the health, diversity, and productivity of the public lands.” This section provides greater detail and a suggested process for identifying management opportunities that respond to habitat conservation issues.

Identifying areas of high ecological importance should guide land use allocations and management, rather than precluding uses. Note also that relative priority of areas may change over time with new information and with changes in land uses and condition.

Focus on habitat extent, habitat condition, species connectivity requirements and biodiversity when developing a map of the areas of high ecological importance. There are many ways to create such a map using information and datasets collected during the preparation of the AMS or Step 1 of this chapter. A recommended method is described below, and can be applied using a Geographic Information System or transparencies.

1. Develop individual maps of features that are important to ecological health

Consider many factors when identifying areas of high ecological value, not just the presence of a special status species or an individual stream corridor. Determine what elements or features contribute to ecological health and map each one individually within your planning area. Consider identifying the variance across the planning area for each feature by labeling priority or value as high, medium or low. Landscape condition considerations can be incorporated as part of this activity or as part of activity 3 below.

Examples of features to map include those listed below. Planning teams may identify additional or different features to map depending on available information and local considerations.

- Large and intact (unfragmented) areas. This is the single most important feature to map. In general, relatively large unfragmented areas provide better habitat for more species than small, fragmented areas. One way to create this map is to define “fragmentors” (i.e., paved

roads, two-track roads, pipelines) and identify the blocks remaining inside the fragmented areas.

- Portions of the planning area that have been identified as particularly important to large-scale ecosystem health. Step 1 of this chapter asked for the identification of areas of ecological importance within the planning area based on large-scale ecoregional considerations. Consider mapping these areas as one of the inputs to overall ecological health.
- High-priority watersheds. Identify watersheds or sub-watersheds that are high-priority for conservation or restoration.
- Fragile soils. Slope and soil type should influence allocations and conditions attached to uses. Consider mapping areas where relative fragility and erodibility of soils will influence land use allocations.
- Habitat of special status species. Consider mapping the locations of known habitat for special status species. This map should include critical habitat for threatened and endangered species as designated by the U.S. Fish and Wildlife Service.
- Areas of high concentration for special status species. Information may be available about the locations of individual occurrences of special status species. Consider mapping the density of these species. Label high, medium or low population density when possible. Areas with the greatest number of occurrences may be viewed as having relatively high ecological importance and may inform the priority habitat decisions in the alternatives.
- Buffer around streams and other important surface water features. Natural surface water features (ponds, lakes, streams) are critical to ecological health. Lands closer to surface water features have a greater influence on them than do lands that are farther away. Therefore, consider mapping a buffer around surface water features based on physiographic features (i.e., buffer could include first and second bottoms) or a specified distance (i.e., 50 meters) around surface water features.

2. Overlay the maps to identify initial priority areas

Once the individual maps are complete, the planning team can overlay them to identify initial priority areas. Areas with greater overlap of individual features may become priority areas for maintenance and/or restoration within the alternatives, and may guide development of actions and use restrictions and authorizations.

3. Adjust initial priority areas based on landscape condition

The final map of priority areas should incorporate information about landscape condition. The maps of individual features may or may not have incorporated landscape condition, depending on how the team developed them. For example, a map of large and intact areas would incorporate existing linear uses such as roads and pipelines, but may not take into account overall condition.

One way to incorporate condition considerations is to create a map that identifies different conditions of the planning area (i.e., degrees of departure from desired conditions) and then overlay this map with the initial priority areas. This will illustrate necessary adjustments to the priority areas. For example, if an area of initial high priority for ecological health is also an area that is at or near desired condition, this area may remain a high priority area. By contrast, if an

area of initial high priority for ecological health was identified as departing significantly from desired condition, this area may be downgraded to a lower priority for maintenance, or may be upgraded to a higher priority for restoration.

4. Finalize the map: Adjust priorities based on other factors as needed

After integrating landscape condition, the planning team should make final adjustments to the priority areas for ecological health as needed. Consider factors such as those listed below:

- Size of the areas – The priority areas should be large enough so as to contribute significantly to ecological health, without being so large as to be meaningless during alternative development. For example, if a high priority area is half the size of the planning area, it will be difficult if not impossible to incorporate this information into alternative development.
- Connectivity of the areas – In general, it is desirable to connect areas to allow for wildlife movement and maintain overall ecological function.
- Diversity of the areas – Biodiversity is one of the foundations of ecological health. Consider whether the areas selected for high priority represent a variety of vegetation types and ecosystems.

Chapter 6. Consistency/Coordination with Other Plans

Identify plans in areas surrounding the planning area and discuss the implications for the planning area from these plans. Identify resources that are in common, dependent, or interdependent.

- 1) County/city plans
- 2) State lands plans
- 3) Other Federal agency plans (including Fire Planning Units)

Identify significant opportunities for enhancing coordination or gaining expertise through cooperating agency relationships.

Chapter 7. Specific Mandates and Authority

All resource specialists should provide a description of laws, regulations, and policy applicable to their resources. Information on Federal, state, local, as well as BLM policy should be included.

- 1) Laws
- 2) Regulations
- 3) Policy
- 4) Other

Chapter 8. Scoping Report or Summary of Scoping Report

Chapter 9. Glossary

Chapter 10. List of Preparers

Provide the following information for each person working on the project: Name, responsibility, qualifications, participation.

Chapter 11. References

Provide references for each resource section according to the format noted in the project work plan. All references should be included and complete reference information should be submitted with each resource section.

Appendix G-4: Annotated Outline for a Draft and Final RMP (Amendment)/EIS

1. **Abstract** (*Inside front cover*)
2. **Cover Sheet** or Title Page
3. **Dear Reader Letter** (*include privacy statement*)
4. **Protest Procedures** (*Final EIS*)
5. **Table of Contents**
6. **Summary** (*approximately 15 pages*)

(Optional Reader’s Guide to help explain chapter format and contents)

7. **Chapter 1. Introduction** (*approximately 5–10 pages*)

A. Purpose and Need for the Plan

B. Planning Area and Map

C. Scoping/Issues

1. Issues Addressed

- a. Issues used to develop alternatives⁴
- b. Issues addressed in other parts of the EIS

2. Issues Considered but Not Further Analyzed

- a. Issues beyond the scope of the plan
- b. Issues addressed through administrative or policy action

D. Planning Criteria/Legislative Constraints

E. Planning Process

1. Relationship to BLM Policies, Plans, and Programs

2. Collaboration

- a. Intergovernmental, inter-agency, and tribal relationships
- b. Other stakeholder relationships

F. Related Plans: *Discuss consideration of state, local, and tribal land use plans that “are germane in the development of land use plans for public lands.”*⁵

⁴ Italics here show optional categories for issues.

G. Policy: *Discuss policies and decisions that existed prior to the plan being written that are outside the scope of the plan but may influence the decisions, constrain the alternatives, or are needed to understand management of the area. Examples include: proclamations, legislative designations, and court settlements.*

H. Overall Vision:⁶ *Identify the overall vision for management of the planning area. This vision should reflect the goals that are common to all alternatives. This can serve to help integrate programs.*

8. Chapter 2. Alternatives⁷

A. General Description of each Alternative: *Highlight the characteristics that distinguish each alternative.*

B. Management Common to All Alternatives: *Primarily goals for resource conditions and resource uses).*

C. No-Action Alternative: *Description of existing management direction including current decisions from relevant plans and reasonable, foreseeable, management scenarios.*

D. Action Alternatives:⁸ *Detailed description of each of the alternatives, by alternative, needed to display a reasonable range of options to meet the stated Purpose and Need and address issues. Each alternative description should address the issues or programmatic areas. The decisions in the alternatives should follow the format for land use plan “Management Decisions” provided in Appendix G-5.*

E. Alternatives Considered but Not Analyzed in Detail

F. Comparison of Alternatives (table)

G. Comparison of Impacts (table)

9. Chapter 3. Affected Environment (keep as short and concise as possible): *Limit discussion to what is needed to understand issues and environmental consequences and provide*

⁵ Federal Land Policy Act, section 202(2)(9).

⁶ Optional.

⁷ There has been some discussion of reversing the order of the Alternatives and Affected Environment chapters of the EIS. However, the Office of Environmental Policy and Compliance in the Department of the Interior has issued guidance stating that we must follow the recommended format in the CEQ regulations (40 CFR 1502.10) or obtain approval from OEPC to deviate from it.

⁸ At the draft stage in the preparation of an EIS, the Preferred Alternative is identified in Chapter 2 of the Draft EIS. At the final EIS stage, the proposed plan is presented with the alternatives. The proposed plan should be in a clearly delineated section to make it easily identifiable and may also be pulled out as a separate document.

context for the Goals and Objectives. This chapter may also be formatted in the same way as the Area Profile section of the Analysis of the Management Situation (See Appendix G-3).

A. Resources: Physical, biological, and cultural resources (current conditions and trends). This is not necessarily a comprehensive list.

1. Air Quality
2. Geology
3. Soil Resources
4. Water Resources
5. Vegetative Communities
 - a. Forests and Woodlands
 - b. Rangelands
 - c. Riparian and Wetlands
6. Fish and Wildlife
7. Special Status Species
8. Wild Horses and Burros
9. Wildland Fire Ecology and Management
10. Cultural Resources
11. Paleontological Resources
12. Visual Resources
13. Naturalness, solitude, and primitive recreation

B. Resource Uses: Resource uses (current conditions and trends). This is not necessarily a comprehensive list.

1. Facilities
2. Forestry and Woodland Products
3. Livestock Grazing
4. Minerals
 - a. Leasable Minerals
 - b. Locatable Minerals
 - c. Salable Minerals
5. Recreation
6. Renewable Energy
7. Transportation and Access
8. Utility Sites and Communication Corridors
9. Land Tenure

C. Special Designations

1. Areas of Critical Environmental Concern
2. Back Country Byways
3. National Recreation Areas
4. National Trails
5. Wild and Scenic Rivers

6. Wilderness
7. Wilderness Study Areas

D. Social and Economic

1. Tribal Interests
2. Public Safety
 - a. Abandoned Mines
 - b. Debris Flows
 - c. Hazardous Materials
3. Social and Economic Conditions (including Environmental Justice and other considerations)

10. Chapter 4. Environmental Consequences. *Document sufficient analysis to support all conclusions. This chapter may also be formatted in the same way as the Area Profile section of the Analysis of the Management Situation (See Appendix G-3.)*

A. Introduction

1. Analytical assumptions (reasonably foreseeable development scenarios, etc.)
2. Types of effects to be addressed (direct, indirect and cumulative)
3. Summarize critical elements that are addressed, not affected, or not present
4. Incomplete or unavailable information

For program areas, include discussions as outlined in 40 CFR 1502.16 for the alternatives by program area listed below.

B. Resources: *Physical and biological resources addressed in alphabetical order. This is not necessarily a comprehensive list.*

1. Air Quality
2. Geology
3. Soil Resources
4. Water Resources
5. Vegetative Communities
 - a. Forests and Woodlands
 - b. Rangelands
 - c. Riparian and Wetlands
6. Fish and Wildlife
7. Special Status Species
8. Wild Horses and Burros
9. Wildland Fire Ecology and Management
10. Cultural Resources
11. Paleontological Resources
12. Visual Resources

13. Naturalness, solitude, and primitive recreation

C. Resource Uses: *Resource uses addressed in alphabetical order. This is not necessarily a comprehensive list.*

1. Facilities
2. Forestry and Woodland Products
3. Livestock Grazing
4. Minerals
 - a. Leasable Minerals
 - b. Locatable Minerals
 - c. Salable Minerals
5. Recreation
6. Renewable Energy
7. Transportation and Access
8. Utility Sites and Communication Corridors
9. Land Tenure

D. Special Designations

1. Areas of Critical Environmental Concern
2. Back Country Byways
3. National Recreation Areas
4. National Trails
5. Wild and Scenic Rivers
6. Wilderness
7. Wilderness Study Areas

E. Social and Economic

1. Tribal Interests
2. Public Safety
 - a. Abandoned Mines
 - b. Debris Flows
 - c. Hazardous Materials
3. Social and Economic Conditions (including Environmental Justice and other considerations)

11. Chapter 5. Consultation and Coordination

A. Description of specific actions taken to consult and coordinate with:

1. Tribes
2. Intergovernmental (State, Local, County, and City)
3. Federal Agency

4. Interest Groups
5. National Mailing List

B. Describe additional collaboration

C. Responses to comments by issue area (FEIS only)

D. List of Preparers

12. **Appendices**

13. **Glossary**

14. **References**

15. **Index**

16. **Abbreviations/Acronyms** (Inside Back Cover): *Placement can also occur with the Reader's Guide, Summary, or in the Glossary.*

Appendix G-5: Annotated Outline for Record of Decision (ROD)/Approved RMP (Amendment)

At the end of the protest period on the Final EIS (FEIS) and Proposed Plan and after protests are resolved, the Record of Decision (ROD)⁹ is issued. The ROD must be published in the same booklet with and reference the land use plan (proposed plan from the FEIS as modified in response to protests or other considerations between the FEIS and issuance of the ROD). The ROD/RMP serves as a more concise and useful tool to land managers and stakeholders than a cumbersome EIS. Separation of the Approved RMP from the Final EIS and attaching it to the ROD clarifies the different roles served by a plan and the supporting NEPA analysis. Additionally a stand alone ROD/RMP will improve internal agency and partner understanding of the plan and improve our long-term ability to implement the plan.

I. Record of Decision (ROD)

A. Introductory Material *(on a cover sheet or at the top of the first page)*

- 1) Title
- 2) Preparing office and office location
- 3) Cooperating agencies (if any)
- 4) Signature and title of responsible official and concurring officials (if any)¹⁰
- 5) Date of signature(s)

B. Summary *(if ROD exceeds 10 pages)*

C. Decision: *The primary decision is to approve the attached land use plan.*¹¹

D. Alternatives: *Briefly discuss the alternative or alternatives that were considered to be “environmentally preferable.”*

E. Management Considerations: *Provide the rationale for the decision.*

F. Mitigation Measures: *In addition to identifying approved mitigation measures, state whether all practicable means to avoid or minimize environmental harm from the alternative selected have been adopted, and if not, why they were not. Summarize any monitoring and enforcement program being adopted for mitigation measures.*

⁹ The format for the ROD can be found in the NEPA handbook (H-1790-1), Chapter V, C (Documentation), 6 (Record of Decision); pp. V-22 to V-23.

¹⁰ Signatures and date of signatures can occur at end of ROD.

¹¹ Example: “The decision is hereby made to approve the attached plan as the Resource management Plan (Plan) for [insert title]. This plan was prepared under the regulations implementing the Federal Land Policy and management Act of 1976 (43 CFR 1600). An environmental impact statement was prepared for this Plan in compliance with the National Environmental Policy Act (NEPA) of 1969. The Plan is nearly identical to the one set forth in the [insert title] Proposed Resource Management Plan and Final Environmental Impact Statement published [insert here]. Specific management decision for public lands under the jurisdiction of the [insert here] Field Office are presented in Chapter [insert] of the plan. Major Decisions include: [insert here].

G. Plan Monitoring

H. Public Involvement: *Briefly describe public participation in planning process.*

II. Approved Resource Management Plan

A. Introduction¹²

1. Purpose and Need for the Plan

2. Planning Area and Map

3. Scoping / Issues

a. Issues Addressed

i) Issues used to develop alternatives¹³

ii) Issues addressed in other parts of the EIS

b. Issues Considered but Not Further Analyzed

i) Issues beyond the scope of the plan

ii) Issues addressed through administrative or policy action

4. Planning Criteria/Legislative Constraints

5. Planning Process

a. Relationship to BLM Policies, Plans, and Programs

b. Collaboration

i) Intergovernmental, inter-agency, and tribal relationships

ii) Other stakeholder relationships

6. Related Plans: *Discuss consideration of state, local, and tribal land use plans that “are germane in the development of land use plans for public lands.”*¹⁴

7. Policy: *Discuss policies and decisions that existed prior to the plan being written that are outside the scope of the plan but may influence the decisions, constrain the alternatives, or are needed to understand management of the area. Examples include: proclamations, legislative designations, and court settlements.*

8. Overall Vision:¹⁵ *Identify the overall vision for management of the planning area. This vision should reflect the goals that are common to all alternatives. This can serve to help integrate programs.*

¹² This introduction section is optional material for the land use plan document.

¹³ Italics here show optional categories for issues.

¹⁴ Federal Land policy management Act, section 202(c)(9).

B. Management Decisions.¹⁶ *List management decisions by issue or programmatic area, making clear how decisions in one issue or programmatic area may affect others.*

1. **Goals:**¹⁷ *Identify goals for resource conditions, resource uses, and other goals as appropriate.*

2. **Objectives:**¹⁸ *Identify objectives with their rationale (include associated goal[s]). Reference which goals are advanced by the objective.*

3. **Management Actions:** *Make these adaptive as appropriate and practical. Relate each decision to all goals and objectives impacted. This section should address special designations and land tenure decisions.*

a. *Allowable uses:* This should include allowable uses, restricted uses, and prohibited uses. Incorporate maps where appropriate.

b. *Actions:* Management measures that will guide future and day-to-day activities. Project design features, stipulations, best management practices, standard operating procedures, and guidelines should be included in this section as well.

c. *Implementation decisions:* Include any implementation decisions (see appropriate guidance for distinction) related to particular land use planning decisions.

4. **Monitoring (and Adaptive Management if applicable):** *Describe plans for monitoring to assess progress toward meeting goals and objectives. If appropriate, discuss plans of action if monitoring indicates actions are not meeting goals and objectives or if actions are no longer needed.*

C. Public Involvement. *Describe how the public and partners can be involved in implementation.*

D. Management Plan Implementation. *To the extent practical and appropriate, identify priorities and costs of the management program. Costs should be estimated at a scale that is useful for budgeting (thousands of dollars and whole work months). It may be useful to identify priorities into two groups: one time projects and ongoing tasks.*

E. Plan Evaluation/Adaptive Management. *Identify a tentative schedule for land use plan evaluations and the management actions that could be taken after an evaluation.*

¹⁵ Optional.

¹⁶ The format of this section is designed to (a) clarify the distinction between goals, objectives, and management actions; (b) move toward (or demonstrate) objectives and management decisions that will work toward meeting multiple goals; (c) demonstrate the connectivity between programs; and (d) reduce conflicts internal to the document.

¹⁷ Goals are broad statements of desired outcomes; and usually not quantifiable.

¹⁸ Objectives are specific desired conditions; usually quantifiable and measurable and may have timeframes for achievement.

F. Appendices

Appendix G-6: Recommended Administrative Record File Plan for Land Use Planning Projects

For Draft Environmental Impact Statements (DEIS), Final EISs (FEIS), and Records of Decision (ROD)

A. General Information

- 1) Federal Register Notices
- 2) Issues, Concerns, Opportunities
- 3) Planning Criteria
- 4) Interdisciplinary Team (IDT) Membership
- 5) Project Schedules
- 6) Preparation Plan

B. Public Information and Involvement

- 1) Public Involvement Plans
- 2) Public Information Documents, Letters, Notices
- 3) Mailing Lists
- 4) News Reports and Clippings
- 5) General Correspondence
- 6) Meetings/Workshops
- 7) Public Comments: *Scoping*
- 8) Public Comments: *prior to DEIS*
- 9) Public Comments: *DEIS*
- 10) Protests and FEIS Comment Letters Received
- 11) Protest Responses
- 12) Governor's Consistency Review Comments/Response (if any)

C. External Communications

- 1) Other Federal Agencies
- 2) Cooperating Agencies
- 3) Tribes
- 4) State Agencies
- 5) Local Agencies
- 6) Elected Officials
- 7) Organizations
- 8) Individuals
- 9) Freedom of Information Act (FOIA) Requests and Responses (FOIA officer is responsible for maintaining these files)

D. Internal Communications

- 1) Project Management Correspondence

- 2) IDT Correspondence
- 3) IDT Meeting Agendas and Notes
- 4) FOIA Exempt Documents
- 5) Quality Assurance Determination

E. Materials (background/supporting) used to develop planning documents (DEIS, FEIS, ROD)

- 1) Introduction
- 2) Alternatives
- 3) Affected Environment
- 4) Environmental Consequences
- 5) Appendices

F. Data used in support of planning decisions

- 1) Planning Data
- 2) Data Standards
- 3) Metadata

G. References

H. Planning Documents

- 1) Scoping Report
- 2) AMS
- 3) DEIS
- 4) FEIS
- 5) ROD/Approved RMP

Appendix H: Managing and Applying Data and Information

A successful land use planning effort always employs rigorous standards for maintaining, managing, and applying data and derived information. Standardized, accurate, and reliable data and information are critical to the development of plan assessments, alternatives, impact analyses, and planning decisions. All data used in supporting planning decisions are considered corporate data. Corporate data are those data and applications that are exchanged across administrative units, shared with the public, used repetitively through time, and applied in decision-making.

The data and resultant information for a land use plan must be carefully managed, documented, and applied to withstand public, scientific, and legal scrutiny, and at the same time, facilitate the efficient development and operation of the Bureau's mapping and data management systems such as GIS. For these reasons, the corporate data used in plans require a high level of consistency, standardization, and established quality control procedures.

I. Metadata Standards and Requirements

Metadata is the term used to describe the content, quality, condition, and other characteristics of data. By Executive order, geospatial data used by the Bureau must be: (1) accompanied by metadata in the format set forth by the Federal Geographic Data Committee (FGDC) and (2) be accessible to all interested parties. The BLM also requires that non-spatial planning data must be accompanied by FGDC-compliant metadata.

In developing a plan, a distinction must be made between new data and existing data. New data includes both raw data and derived information or products such as new GIS themes, or applying new analyses or modeling methods. New data may be collected by BLM or contractors, or it may be acquired from external sources. (For additional information on metadata requirements, metadata fields, and standards, refer to the BLM Data Administration Handbook (H-1283) and the BLM Intranet through the IRM Data Management website. The site contains information on: project contacts and assistance; frequently asked questions; guidelines and directives; a data standards reference library; data quality; and a data management toolkit.)

II. Identifying Data Needs for a Land Use Plan

Data collection and management are significant costs when developing a land use plan. Data needs are collectively determined by planning criteria, management concerns, and issues. It is important to start identifying data needs at the inception of a planning project through the development of the preparation plan. The BLM planning project manager must identify existing data and information sources, and determine what additional data must be collected. A table of information should be prepared by the planning project manager and planning team which describes the specific data required to answer planning questions associated with the plan, along with the availability and status of the data. The table will reveal data deficiencies and identify strategies to obtain missing or incomplete data or information.

III. Data Sources

Managers of planning efforts are encouraged to use existing data compiled by tribes, Federal, state, and local government agencies, and other entities where appropriate to fulfill planning data needs. Data partnerships are also encouraged to reduce costs and to achieve data standardization across jurisdictional boundaries.

Regardless of the sources used, all metadata should be documented to identify the quality of the data, along with its limitations for application. When data or information is extracted from an outside source, the development and maintenance of the material is the responsibility of the outside entity. However, the data or information that is actually used by BLM in a plan must be treated as BLM corporate data. Project planners and planning teams also should always judiciously validate all data sources for accuracy, reliability, and limitations. At the very least, outside data and information sources will usually require reformatting, which should be taken into account in terms of project costs and time.

IV. Managing Data During Land Use Plan Development

Planning data should be stored and maintained for easy access to planning team members and to ensure that the team is using the same data and information. At a minimum, data should be updated and archived at the stages of the management situation analysis, issuance of the draft plan or amendment, issuance of the proposed plan, and the final product approved through the Record of Decision. Throughout the duration of a planning project, it is also important for the project planner, planning team, and GIS-data management staff to routinely check on the quality, consistency, and accuracy of the data that is being managed, analyzed, and displayed.

With the increased emphasis on collaborative planning, there is an additional need to make data available to interested publics, both during and upon completion of a plan or plan amendment. Under the Bureau-wide e-Planning Initiative, continued efforts will help bring the BLM land use planning process into an electronic business climate, reduce planning costs, and allow better public access to decision making. In the interim, access to planning data may be made available through BLM's state websites or through distribution by CDs or hard copies of a planning document.

Although individual land use plans will have their own specific data requirements, some base mapping themes are common to all planning efforts. For example, the Public Land Survey System (PLSS) landnet, land status, and administrative/jurisdictional boundaries are base themes needed to define the geographic extent of a given planning area. Other themes such as topography, transportation, vegetation, soils, hydrography, and cultural features are also common to most analyses.

Maintaining high-quality geospatial data supports the planning process as well as a variety of other needs. With regular updating and maintenance, the same geospatial data that supports the development of plans can be instrumental for plan implementation, monitoring, and periodic assessments.

V. Integrating Data Application and Display

The availability of appropriate analytical models and tools to apply and display data is important. Quality data that is inappropriately applied has the same disastrous effect as using poor or erroneous data. A geographic information system (GIS) provides the essential tools to bring data together at various scales and formats for spatial analysis and display, usually through maps and accompanying charts and tables. Spatial models, such as those used to predict erosion loss or to determine areas suitable or unsuitable for various uses, also allow data to be applied in addressing planning and management issues.

At the beginning of a land use planning project, it is important for the project planner to work with the GIS support staff, and identify and agree on how data and information will be integrated into the development of different displays. This includes for example, determining the desired sets of map products that will be used in a hard copy version of a plan, public exhibits, website postings, press releases, and public notices. This avoids unnecessary production costs by planning ahead, identifies potential data-display technical problems at the inception of a project, and streamlines and ensures the development of standardized data sets and the display of data.