

February 20, 2018

Regular Meeting

Item # 1

Opportunity for

Public Address

Letter from So. Mono

Historical Society

The Mammoth Museum

Southern Mono Historical Society

Robert L. Joki – President of the Board

Board of Directors

Noelle Dienken – Vice President

Marianne O'Connor – Treasurer

Barbara Richter – Secretary

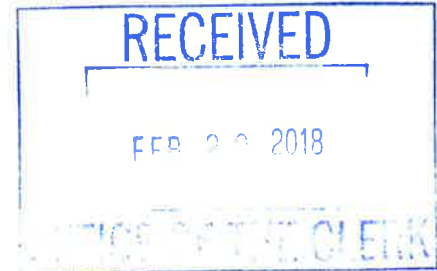
David Harvey

Peter Bernasconi

Dawn Vereuck

Mono County

Attn: Board of Supervisors



February 12, 2018

Dear Board Members,

As you know, The Mammoth Museum (SMHS) has made great strides forward in the last few years to create a facility that not only serves the residents of the Town of Mammoth Lakes, but also to create a destination for visitors by its promotion of cultural tourism which benefits all of Mono County. The efforts of our volunteer Board of Directors, and our small but talented staff, have resulted in:

- * *A daily operation of the Hayden Cabin Museum and the accompanying grounds, which are open to the public from 10:00am – 6:00pm, Memorial Day through September.*
- * *Docents in the cabin during open hours to give presentations and stories on history of the Hayden Cabin and the history of Mono County to area visitors, as well as providing historic photographs and other documentation to the residents and businesses within the region.*
- * *Interpretive Programs – ongoing throughout the season. Onsite at Mammoth Museum and offsite, including the highly acclaimed “History Trolley”, where trained docents in period costumes entertain visitors with stories and songs from our area’s history by riding along on the Trolley system.*
- * *Special Programs for residents and tourist – Fly fishing demonstrations, summer children’s programs, docent tours to our new Casa Diablo*



Interpretive Trail site, docent tours of The Consolidated Mine/Old Mammoth City/Pine City sites. Annual events include the "Story Telling Festival, the "Music & Moonshine" Party, the "Pioneer Party" and our highly successful summer Jazz Festival "Jazz by the Creek".

** The Museum Accession Committee now reviews and considers 20-50 items per week to add to exhibit inventory at the museum, and to properly preserve these important items which document the history and development of the Eastern Sierra. Museum staff performs ongoing digital scanning of our extensive photo and archive collection, as well as digital preservation of our significant collection of taped Oral Histories.*

** Ongoing fundraising events and activities held at the Hayden Cabin in June, July, August and September, which provides for additional funds to help us fulfill our mission and our responsibility to the people of Mono County.*

** In addition to their jobs as docents, our small staff is also responsible for the development of new exhibits. Other critical ongoing work includes the organization of the photo inventory into a searchable electronic format, and the interpretation of that historical information into a true and useable format which is then made available to the public.*

** Grounds maintenance and improvements - the area we manage along Mammoth Creek is one of the most beautiful and easily accessible park areas in Mono County. Our goal is to have this area used by residents and visitors as a viable part of the park system for a stroll along the creek, a picnic on the lawn, and a visit to the Museum. We are working closely with the new permit holders of the adjacent Sierra Meadows Ranch, as well as the Mammoth Lakes Trails Commission, to redefine the entire area east of Mammoth Creek, into an entertaining, educational, and enjoyable part of the overall public park system.*

** Protecting our sensitive cultural assets - Working directly with the Federal and State agencies that are responsible to oversee construction projects and environmental clean-up action such as the current high impact action about to begin on the unrecorded historic Townsite of Mill City which is adjacent to what is known as "Old Mammoth". The Mill City Townsite is just one of the fragile sites in and around the Lakes Basin, which could eventually contribute to a broader understanding of our own human history in the Mammoth Lakes vicinity. The history buried in these sites disappears quickly*

and permanently when we do not insist that the procedures required under Section 106 of the National Historic Preservation Act are not fully implemented by the contractors who perform work for these Federal and State agencies. It is our role, as your Museum, to be the front-line protectors of these cultural and historic assets on your behalf.

** Design and engineering for construction of additional sites to be managed by the Museum including: The move and restoration of the Sartori (Warta) cabin to a site where it can be developed into a historic research library and community space. The development of a six-acre Interpretive Center & Trail at Casa Diablo, which will help promote cultural tourism for the County. The Casa Diablo Interpretive Center will give drivers a reason to pull off Hwy 395 for a rest, and at the same time, learn out our area history and resources - rather than just driving through our county without a stop. A percentage of these travelers will either choose to stay and explore our area, or plan to spend time, and tourist dollars in Mono County on a future trip. Other long-term goals include the eventual management and preservation of the Lakes Basin's Consolidated Mine Site, which we feel is a missed opportunity for the county as a tourist destination. It is the "Bodie" of southern Mono County, and it is quickly disappearing under the neglect of current management. Onsite future projects include replacement of the roof on all three Museum buildings as well as design and construction of a gazebo style stage for Museum events and community use.*

These are just a few of the accomplishments and goals that we, as a viable museum organization, bring to Mono County and the Town of Mammoth Lakes - as we strive to build a bigger and better Museum from its humble roots. We now provide a true area asset, and our civic leaders should be quite proud of these accomplishments and count them among their own.

As you also know, our yearly budget is very small, and we rely heavily on the funding provided by the County and the Town, which are the primary source of our annual operations.

Direct funding from the County, which in the past, contributed 4,000 dollars to our annual operating fund, was cut to zero. We do appreciate the grant funding we receive from the County for specific earmarked events, but we need to ask the county to re-institute it's 4,000-dollar annual contribution to our general operating budget, as

that money allows us to do the important work of maintaining the Museum buildings, and to hire staff which serves the residents of and visitors to Mono County each year.

Despite the severe decrease in our funding, the Museum has continued not only to survive, but to grow into a viable and beloved public institution. Most of that can be credited to our current Board of Directors, whose non-paid volunteer support, both financial, and "hands on" work has been the reason that the Museum has continued to exist and to thrive.

Our current budget has limited our staff to one full-time, and two part-time employees. The recent growth of the museum has brought us to the point that we need to hire a facilities manager to take on tasks like overseeing weddings and events at the cabin and improving the infrastructure. Additional funding to our general operating budget is needed to support this position, which will enhance and protect the museum buildings themselves.

The roof on all three buildings is nearing the end of it's useful life, and this year we will be looking at a variety of ways to generate the funds necessary for this project including volunteers and donations from within the community. We feel that the County and the Town should also participate financially in this project, as these buildings are truly a public asset - and it is all of our responsibility to work together to protect and preserve them.

We would like to ask the County to recognize the value of the Museum to the community, and to reinstate annual funding to the Museum back to its past level of \$4,000 per year. That level of County participation directed to our general budget, along with ongoing funding from the Town will allow our board to go forward with confidence on our current and future projects, and we can continue to provide a high level of service to the community through job creation and cultural tourism, as well as to properly maintain the important historic archives and cultural assets that have been placed under our trust.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert L. Joki". The signature is fluid and cursive, written over a light blue horizontal line.

Robert L. Joki – President of the Board

February 20, 2018

Regular Meeting

Item # 5g

BOS

**Mike Bodine
application**

MONO COUNTY APPLICATION FOR APPOINTMENT TO BOARDS/COMMISSIONS/COMMITTEES

DATE	February 19, 2018
NAME	Mike Bodine
POSITION APPLIED FOR:	
Behavioral Health Advisory Board	

RESIDENCE ADDRESS	6750 Crowley Lake Drive Mammoth Lakes, CA
PHONE	760.920.3746
BUSINESS / MAILING ADDRESS	PO Box 7916 Mammoth Lakes, CA 93546
PHONE	
OCCUPATION	Freelance writer

How did you learn of the opening? Been to meetings

Please state briefly any experience of which you feel will be helpful when you serve in this appointment: I have reported on mental health issues as a newspaper reporter for years. I have personally seen how unchecked mental health issues can affect people are society.

Other information may be submitted by resume if desired.

Summary of background and skills: _____

Professional experience: freelance reporter, professional
interviewer

Mike Bodine _____
February 19, 2018 Signature _____
Date

February 20, 2018

Regular Meeting

Item # 7b

CDD

Turn Key Vacation Rentals

Handout

What Can TurnKey Vacation Rentals Do for You?

TurnKey is a leading local, full-service vacation rental property management company, offering superior service and higher returns.

We make you more money for less commission

Through robust online marketing with advanced rate management, TurnKey delivers up to 69% more bookings than competitors. We create, manage, and distribute your listings online, and then we respond to inquiries almost immediately, earning you more revenue—all for half the cost of traditional property management.

We leverage technology for superior results

TurnKey invests over \$1,000 in your property to implement cutting-edge technology for efficient property management and a superior guest experience. From our comprehensive Owner Dashboard to a mobile platform that tracks maintenance and cleaning visits, we save you time and headache. Guests love features such as digital locks, wireless hotspots, and our easy-to-use app.

We care for your property like it's our own

Through a large network of trusted vendors, we manage all rental cleanings, repairs, and service to your property to keep it in the top condition guests expect. We also conduct proactive guest screening, enforce your individual and local rental policies, and collect a damage waiver fee.

We're local, full-service, and trustworthy

TurnKey's trusted local team provides around-the-clock support to you, your home, and your guests at all times. Our straightforward pricing and quick payments make it easier for you to earn revenue from your rental.

About TurnKey Vacation Rentals

Based in Austin, Texas, TurnKey was founded in 2012 by online travel industry veterans who knew there had to be a better way to manage vacation rentals. We're dedicated to providing the most affordable and convenient vacation rental experience to both owners and their guests.



Superior Home Cleaning

98% of guests rate the housecleaning quality of their rental as successful and give 4 or 5 out of 5 stars.

★★★★★



Best Conversion Rate

TurnKey is the top converting large property manager on HomeAway. For every guest who looked at a property page, TurnKey **booked 2X more guests** than the average and 20% more than the next best large property manager.

Don't just take our word for it

Here's what real property owners and guests have to say about their experiences with TurnKey:



Homeowner testimonials:

"From day one TurnKey took over the management of my house, made me more money and eliminated all the headaches I had managing it myself. TurnKey is a no-brainer. I make more money through them and no longer have to do the work. Best decision I've made."

– Mollie M.

"We used to manage our property on our own. It took an enormous amount of time and effort to do it. We switched to TurnKey last winter and our revenue has been much higher this summer without any of the work."

– William P.

"Thanks for all of your help with our rental. I have had some of the best customer service from TurnKey I've received while dealing with you guys and it doesn't go unnoticed!"

– Kenton L.

"I wish every service company we worked with had the high standards yours does. I reached out to a lot of rental agencies as part of this search and there is no comparison in terms of the service level. The smartphone app is cool too! Thanks again."

– Shannon P.



Guest testimonials:

"I just wanted to email you to personally thank you for bringing TurnKey to the (our) world. In our process of moving to Austin we used numerous TurnKey rentals. We initially used Airbnb, but the back and forth between homeowners was time consuming. We happened upon a TurnKey listing and our numerous short stays became infinitely easier to navigate. We appreciated the consistency of the TurnKey experience as well as the excellent support from your team. Any detail or concern was addressed and handled impressively diligently and with ease. We will definitely recommend to friends and family."

– Jessica R.

"The house was fully equipped with everything we could think of and TurnKey employees were always there whenever we needed anything. Overall, it was a great experience and I would definitely use their services again the next time my parents come to visit."

– Carine S.

"Highly recommend this location and TurnKey in general for their warm, quick, and conscientious replies to questions, requests, and concerns. Will definitely deal with TurnKey in the future, and I hope to stay in this house again!"

– Guest from Louisville, KY

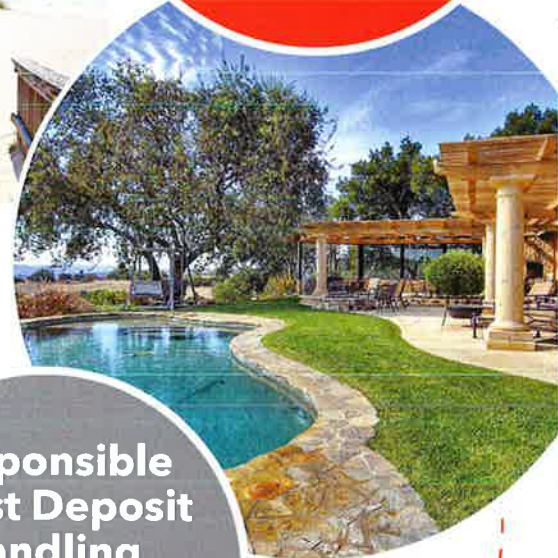


Excellent Guest Reviews

In December 2015, **98%** of all guests rated their experience with TurnKey either 4 or 5 stars out of 5!

Damage Prevention

Our proactive guest screening resulted in less than 0.03% of our bookings incurring material damage or missing items.



Responsible Guest Deposit Handling

100% of all guest deposits are audited and in a separate account.

\$\$\$

We're a top HomeAway partner



TurnKey

For more details, visit TurnKeyVR.com! Questions? Call 888-512-0498 or email info@turnkeyvr.com.

We're Local, Full-Service, and Trustworthy

TurnKey's trustworthy local staff provides support around-the-clock, with true full-service property management for homeowners and their guests.

Local, Full-Time Staff

We only manage vacation properties in markets where we have full-time, local, experienced staff. Our full-time team is available **24/7, 365 days a year** to support you, your guests, and your property. We also have dedicated owner support specialists both locally and at our headquarters who are ready assist you at all times.

True Full-Service

We handle every aspect of managing your vacation rental so you don't have to. This includes everything from taking photos of your property and marketing it online to handling logistics like inquiries, reservations, payments, and check-in/check-out.

We also manage housekeeping and regular maintenance of your property, schedule appointments with local vendors, and frequently inspect your property to ensure everything is clean and in working order. We provide a **truly turnkey experience** that allows you to earn revenue from your rental without all the work.

TurnKey has the **highest booking conversion rate** of the top largest property management companies on HomeAway® and VRBO®.

"Thanks for all of your help with our rental. I have had some of the best customer service from TurnKey I've received while dealing with you guys, and it doesn't go unnoticed."

— Kenton L.,
TurnKey customer

For more details, visit
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or email
info@turnkeyvr.com.

TurnKey

Turn over to learn more about why we're trustworthy ▶

We're Local, Full-Service, and Trustworthy

TurnKey's straightforward pricing and quick payments make it easier for you to earn revenue from your rental.

Straightforward Pricing

TurnKey's pricing structure is straightforward and **easy to understand**. You won't find any hidden costs or fees. We don't require any long-term contracts, so owners can cancel at any time.

Faster Payment

You shouldn't have to wait to get paid, so TurnKey makes it quick and easy to access your earnings. **We pay our vacation rental owners faster** than our competitors pay theirs. Your monthly payments are promptly and reliably deposited directly into your bank account within a few days of the end of every month.

Additionally, your deposits are safe with us: **100% of our owner deposits are accounted for and kept in a separate and dedicated account**. Our company is also fully audited by a third-party accounting firm.

"We used to manage our property on our own. It took an enormous amount of time and effort to do it. We switched to TurnKey last winter and our revenue has been much higher this summer without any of the work."

– William P.,
TurnKey customer



TurnKey
converts 40%
of all guest inquiries
into bookings—over
2X the industry
average.

TurnKey

For more details, visit TurnKeyVR.com! Questions? Call 888-512-0498 or email info@turnkeyvr.com.

We Take Care of Your Property Like It's Our Own

Our local team and technology keep your property perfectly maintained while delighting your guests.

Complete Management of Your Rental

Our trusted local staff and licensed vendors clean, repair, and maintain your rental property. Every time a guest checks out or a vendor completes work on-site, we inspect the property and take over 20 pictures that you can view in the TurnKey Owner Portal.

We handle everything from regular housekeeping to emergency repairs to small remodeling projects, and you can view a photo inspection of each visit. If needed, we can set up recurring services, such as lawn care, pool cleanings, and pest control. We use a sophisticated, smartphone-based scheduling system for your convenience.

Proactive Guest Screening

We use numerous tactics to vet every potential guest.

For starters, we require every guest to have a valid credit card, and the name on the card must match the name on the reservation. We require a minimum age of 25 for the guest booking the reservation. We also screen large groups and events like bachelor parties or wedding parties that may abuse the property.

We use a variety of technologies to verify each guest's identity and enforce policies to reduce unnecessary damage to your home. For example, we employ technology like Adobe EchoSign for any necessary written agreements, and we use a knowledge-based authentication service for all bookings that allows guests to verify their age and identity by answering questions as only they could (e.g. previous addresses, makes and models of cars owned, etc.). This industry-leading, bank-level identity verification system helps us prevent fraud and keep your home secure

All of our housekeepers must log in to our app once inside your property, so we know that

99%
of TurnKey property cleanings start on time.



"From day one, TurnKey took over the management of my house and made me more money and eliminated all the headaches I had managing it myself. TurnKey is a no-brainer. I make more money through them and no longer have to do the work. Best decision I've made."

– Molly M.,
TurnKey customer

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or email
info@turnkeyvr.com.

TurnKey

Turn over to learn more about how we take care of your property ►

We Take Care of Your Property Like It's Our Own

TurnKey's policies and procedures help avoid problem renters and prevent damage to your property.

Guest Monitoring & Code Enforcement

We want TurnKey guests to be good guests and good neighbors, so we strictly enforce local rules and ordinances. We have a strict policy of evicting guests upon signs of partying or over-occupancy, and we'll charge additional fees if needed.

We also **leverage technology to detect excessive noise**, and we employ independent security personnel in most markets to keep an eye on our properties. These tactics enable us to quickly contact renters and proactively work with them to reduce noise or resolve other issues before neighbors complain or law enforcement gets involved. If we receive multiple noise complaints, we'll send private security and, in some cases, the police to either correct the problem or evict the guests from your property before any damage may occur.



"TurnKey manages a ranch property for us. We had all the normal 'management' issues in the past and couldn't use our property. We now have the same income, or better, AND we get to use the property for ourselves. They've already handled a repair, several rentals, and have provided great access and communication throughout. It's all the upside and none of the hassle."

– Corey B.
TurnKey customer

No-Hassle Damage Policy

Thanks to TurnKey's guest screening and monitoring, TurnKey properties had only 1 damage claim reported for every 283 stays in 2015. Most properties never have a single item damaged by guests. However, guest damage may occur, so TurnKey collects a damage waiver from every guest to protect you. If damage happens, there's no headache for you: **TurnKey pays 100% of guest damages** to the homeowner and manages the full repair or replacement process.

The waiver is not a guarantee that nothing will ever break or wear out, but any time well-maintained items such as furniture, appliances, rugs, electronics, or even things like wood floors or walls are clearly damaged by a guest's negligence, you're protected for a minimum of \$3,000. Owners should always maintain homeowner's insurance to protect against substantial damages.

We ask guests to rate the quality of housekeeping upon arrival, and **98%** rate TurnKey's property cleanliness at 4 or 5 stars!



For more details, visit TurnKeyVR.com! Questions? Call 888-512-0498 or email info@turnkeyvr.com.

We Leverage Technology for Superior Results

TurnKey's proprietary technology provides a smoother, more efficient experience for both travelers and vacation rental owners.



Digital Support for Your Guests

TurnKey's smartphone app for guests conveniently provides travelers with all of the **key information** they need to know 24/7, including directions to the property, an unlock code for the door used for their reservation only, and instructions on how to enjoy the specific features of each property.

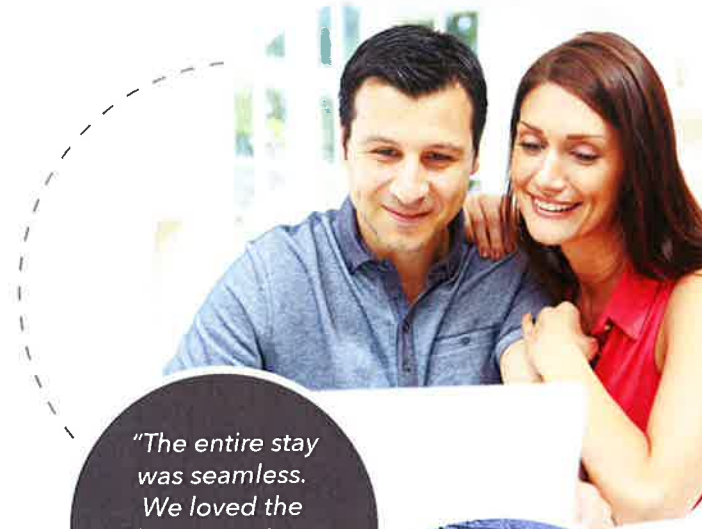
We also provide guests extensive information via email and SMS (text) like a clickable address for their navigation systems and automatic reminders of their unlock codes.



Owner Dashboard for Your Convenience

TurnKey's comprehensive Owner Dashboard is a one-stop shop for accessing **real-time information on your property**. It has all of your financial information, including your past and future revenue, payments, taxes, and expenses.

The dashboard allows you to make your own reservations easily, read every housekeeping and guest review, and see every maintenance visit. You can also quickly view your property listings on sites like HomeAway® and VRBO® as well as see every housekeeping photo from each cleaning job and inspection!



"The entire stay was seamless. We loved the iPhone app, it was so easy to use!"
– TurnKey guest



Our inspectors take **20+** photos



of your property after each stay.

We Leverage Technology for Superior Results

TurnKey invests in cutting-edge technology for efficient and effective property management and a superior guest experience.

Technology Investments in Your Property

We spend **over \$1,000** on your property before earning any commission in order to provide you with better service and **increased efficiency**. Our service includes installing a secure digital lock to keep you, your guests, and your property safe—we don't allow keys to be shared around town.

TurnKey also pays for and installs an in-home Samsung Galaxy® tablet that's utilized by our housekeepers, inspectors, vendors, and guests. Housekeepers must sign in so we know they arrive on time, and inspectors take over 20 detailed photos of your property after each visit to show you it's clean and orderly. Every photo is reviewed by our staff to confirm your property is always in perfect condition.


Mobile-Savvy Property Management

Our mobile field operations platform ensures our staff and vendors **attend to issues quickly**, enabling us to visit your property more frequently. Our extensive mobile guest feedback system also monitors the quality of home cleanliness and the overall guest experience.

Additionally, we utilize noise detection monitors to help us handle noise-related issues with guests before neighbors complain.



99%
of all photo
inspections are
double-checked by
TurnKey staff within
one minute of
being taken!



"I've got a property with TurnKey that is renting out really well and recently got together with another TurnKey owner who owns three properties with you guys. We were swapping stories and talking about what a great job you guys do—I thought you guys would like to know! We just wish we owned more properties for you to manage!"

— TurnKey customer



For more details, visit
TurnKeyVR.com!
Questions?
Call **888-512-0498**
or email
info@turnkeyvr.com.

We Make You More Money for Less Commission

TurnKey distributes and markets your rental listing on more than 20 prominent vacation rental websites, delivering more bookings at industry-low commission rates.

Professional Listings and Extensive Marketing

TurnKey creates a professional listing, which includes paying for a full professional real estate photoshoot and a professional editorial team to write compelling descriptions for every single property we manage. We then list each property on more than 20 websites, including HomeAway®, VRBO®, VacationRentals.com, Airbnb, TripAdvisor, Booking.com, and Tripping.com, in addition to the TurnKey website. Our goal is to make sure your property is seen by the most potential travelers possible.

Once your property listing is live on those sites, we leverage our technology and industry experience to make sure it performs. All of our listings are fully bookable online with **real-time pricing and up-to-the-minute availability updates**. In 2015, TurnKey was the top-booking large property manager on HomeAway®, converting more than twice as many vacation rental shoppers into paying guests than the industry average!

Lower Commissions and Fees

TurnKey was started by vacation rental owners who were tired of paying exorbitant commission and high maintenance fees. TurnKey delivers full, local service at a commission that is half the price of the industry average. On commission alone, we save the average homeowner almost \$8,000 per year versus our largest competitors, turning good investments into great ones and putting more money into the pockets of our homeowners. Several **owners have saved well over \$20,000 per year** with TurnKey.

We provide such service at industry-low costs without hidden fees or sacrificing quality. In fact, TurnKey proves to owners every day that our properties are better maintained and guests are happier; see the latest photos, reviews, and revenue of your property live on your TurnKey Owner Dashboard.



"We switched to TurnKey from another property management company and the difference has been amazing. We've seen more revenue, happier guests, and our home has been very well maintained."

– Michael M.,
TurnKey customer



Save
as much as
50%
on commissions
and fees.

For more details, visit
TurnKeyVR.com!
Questions?
Call **888-512-0498**
or email
info@turnkeyvr.com.

We Make You More Money for Less Commission

TurnKey's advanced rate management maximizes your revenue while our industry-leading guest experience results in better reviews.

Sophisticated Rate Management

Hotels and airlines change prices several times per day, every day of the year to make sure their prices are optimized. We believe vacation rental owners should benefit from this same type of sophisticated rate management, so we've built proprietary revenue management strategies to ensure your property is priced right at all times. Our average property has over 30 different pricing categories in any given year, including peak season pricing, event pricing, weekend and midweek pricing, off-season specials, and last-minute discounts.

We monitor both the consumer demand for every market and each individual property to constantly adjust those pricing categories. Owners report higher pricing in the peak seasons as well as better occupancy and revenue during off-peak times. Having the optimal price brings more bookings and annual revenue to our owners. Many vacation rental owners don't have time to update their rates, but our pricing management tactics **increase your bookings throughout every season**, with no effort on your part. This revenue-maximizing service is provided at no extra charge to our owners.

Industry's Best Guest Experience

We're able to generate extra revenue for owners at a lower cost because of our superior guest experience. We provide the fastest response time and best customer service in the industry to guests. In 2015, our 24/7 guest experience team answered 94% of inbound phone calls to our dedicated guest line without putting guests on hold, and our response time to online inquiries averaged five minutes. These speedy, friendly responses convert twice as many vacation rental shoppers into guests as that of the average property manager.

We also create a smooth, efficient guest experience by making it very easy for guests to enter our properties using secure, single-use digital unlock codes, providing a free iPhone and Android app with all of their important information, and ensuring all properties are stocked with the standard amenities they expect. TurnKey guests are so satisfied that over twice as many leave guest reviews on sites like HomeAway® compared to guests of other property managers. Additionally, 98% of all guest reviews of TurnKey properties in 2016 result in a successful rating, receiving 4 or 5 out of 5 stars; most rental properties average 80% 4 and 5 star reviews, according to TripAdvisor.



TurnKey listings get **2X** more guest reviews than the industry average.



"TurnKey has booked our luxury vacation home so much that we now have to plan our own trips much further out than we originally thought. We've been truly impressed not only with the revenue they've generated for us, but also their professionalism and customer support"

– Vicki,
TurnKey customer

February 20, 2018
Regular Meeting
Item # 11a

CDD

PowerPoint Presentation



MONO COUNTY HOUSING

HOUSING PLAN STRATEGY TO GO TO RPAC'S

- 1) Incentivize the creation of ADUs
- 2) Housing Mitigation Ordinance revision and adoption
- 3) Engage employers in housing
- 4) Incentivize conversion of short term rentals to long term rentals
- 5) Develop new housing opportunities
- 6) Support creation of fund for housing outside of HMO
- 7) Vacation home market regulation
- 8) Housing rehabilitation (owners and renters) funding
- 9) Acquisition of homes offered for deed restricted sale

HMO: NON-RESIDENTIAL PROJECTS

- Visitor accommodations
- Commercial
- Industrial or Service Commercial
- Storage & Warehouse
- **Ag/cultivation not included

HMO: RESIDENTIAL PROJECTS

- Single –family subdivisions: inclusionary housing
- Multi-family subdivisions/projects/condos
- Single-family residential units over 2,399 sf

MITIGATION REQUIREMENTS

Formula:

Fair share x cost of construction x location factor

- **Location Factor:** A factor that represents the cost of housing and need for affordable housing within a specific geographic region within Mono County that will be used in the calculation of housing mitigation requirements.
- **Rationale:** This factor accounts for the real estate market and land value

HOUSING MITIGATION ORDINANCE

Concerns with current ordinance:

February 20, 2018
Regular Meeting
Item # 12

Sup. Corless Board
Report

Public Lands Steering Committee

[Developments on PILT and SRS](#)

Congress is currently operating under a continuing resolution set to expire on March 23rd. During the debate over the budget caps increase, there was a possible deal to ensure two years of SRS funding along with forest management reform and a fire-funding fix. [Unfortunately, Congress couldn't agree on the details of a final deal on fire and forestry, leaving SRS out of the final budget deal.](#) NACo worked closely with other organizations to support a deal throughout the entire negotiating process. Leaders in the House and Senate are negotiating a final spending package for FY 2018, and NACo is strongly advocating that full-funding of PILT and reauthorization of SRS are included in an omnibus appropriations bill.

On May 3, Senators Orrin Hatch (UT) and Ron Wyden (OR) introduced S. 1027, legislation to reauthorize SRS for two years, and ensure payments for FY2016 and FY2017. Representatives Cathy McMorris Rodgers (WA) and Suzanne Bonamici (OR) introduced a House version of the same bill, H.R. 2340. [NACo supports these efforts to reauthorize SRS.](#)

H.R. 2340 currently has [57 cosponsors](#), and S. 1027 has [32 cosponsors](#). NACo urges you to contact your elected officials, and ask them to cosponsor and support SRS reauthorization. We're urging our champions in Congress to speak to leadership in both parties and both chambers about supporting SRS reauthorization by the end of this year.

Congress Raises Budget Caps, Avoids Long Government Shutdown

[In the early hours of February 9th](#), after a brief government shutdown lasting a few hours, lawmakers passed and the President signed an agreement to keep the government funded through March 23rd and increase spending by some \$300 billion over the next two years. With the budget caps in place, the appropriations committees in each house of Congress will now begin drafting legislation to fund the government for the remainder of FY 2018.

President Nominates Former Astronaut to Head of U.S. Geological Survey

[On January 29](#), President Trump nominated Dr. James F. Reilly, a former Space Shuttle astronaut, to become Director of the U.S. Geological Survey. Dr. Reilly currently serves United States and allied militaries as a subject matter expert on space operations, and he is a technical advisor supporting the National Security Space Institute of the U.S. Air Force. Previously, Dr. Reilly held management positions in academia, as well as at TAEUS Corp., and PhotoStencil, Corp. in Colorado Springs. During his 13 year career at NASA, he flew 3 spaceflight missions conducting 5 spacewalks for a total of over 856 hours in space. Prior to NASA, he was chief geologist at Enserch Exploration, Inc., working projects around the world including in Antarctica and on the continental slope of the Gulf of Mexico. He earned his B.S., M.S., and Ph.D. in geosciences from the University of Texas at Dallas.

[New Tools to Fight Tree Mortality](#)

From 2006 through 2016, more than 100 million trees died in California due to the combined impacts of drought and bark beetles. Although tree mortality is part of a natural life cycle, at a massive level it can lead to adverse economic and social effects. So many dead and dying trees increase the risk of wildfire and threaten lives and property. The U.S. Forest Service has played an important role in helping land managers anticipate the risk of tree mortality through the 2017 Bark Beetle Forecast for California ([link is external](#)). This tool, which analyzes historical aerial survey data and variables such as precipitation and stand density, can determine the most likely location of bark beetles causing tree mortality.

Dept of the Interior Reorganization Forum w/ Chairman Rob Bishop
Feb. 2, 2018
Salt Lake City

Panel I: Transformation Challenges and Opportunities

- **David Lang, Goldman-Sachs**
 - Discussed the ability to get projects done by taking advantage of employees in different time zones, especially during Hurricane Sandy when New York and New Jersey locations were out of commission.
 - Moving a certain number of staff from New York to Salt Lake when opening the Salt Lake office—instead of hiring all new people in Utah—gave the staff in the West a sense that of connection the main headquarters and helped bring the company culture to the new office immediately.

- **Kristen Cox, Executive Director, Utah Governor's Office of Management and Budget**
 - Focus on your constraint/bottleneck.
 - The heartbeat of your organization is the pace of those making the decisions.
 - Create a culture of completion, not initiation.

- **Dave Mader, Civilian Sector Chief Strategy Officer, Deloitte**
 - Helped to streamline processes within the New York Metropolitan Transit Authority. Worked with 8 different human resources and procurement offices in different boroughs/towns within the NYC area. They had to fundamentally rethink the organization.
 - Had to recognize what could and should be done together first, then start implementing.

NOTES:

- Don't reorganize for the sake of reorganizing, target the problem and identify your bottleneck.
- If you can only make 4 decisions a day, then getting more finished projects on the table only creates more work—it doesn't solve the problem of increasing the amount of decisions you can make in a day.
- Massive reorganizations require buy-in and support of the workforce.

Panel II: Driving Meaningful Change in Government

- **James Cason, Associate Deputy Secretary, U.S. Department of the Interior**

- **James Ogsbury, Executive Director, Western Governors' Association (WGA)**

- **Spencer J. Cox, Lieutenant Governor of Utah**

James Cason

- Agencies within Interior are following different processes and procedures, which forces decision making up to D.C.
- This means decisions are not coordinated or timely.
- The Department wants common boundaries so that agencies within specific regions are working together—boundaries are different now (i.e.: BLM is state-based, while Fish and Wildlife Service is based on multi-state regions).

- Also looking to move staff from Washington to western locales to be closer to the people most effected.
- Secretary Zinke refers to this as a “Service First model” that would consolidate Interior agencies together. Farmington, New Mexico has seen some success with housing all Interior agencies in one office building.
- Secretary Zinke favors the ecoregion model mapped out by Interior in January, but he is not wedded to this model. Encouraged states, counties and others to comment in support or opposition to the plan.

James Ogsbury

- States are not stakeholders, and have recognized legal and constitutional authorities. States also serve as coregulators with the federal government.
- States have substantial authority over water and wildlife issues.
- Consultation is a requirement, and should be meaningful and substantial. Governors were not consulted during the drafting of this plan.
- WGA supports the objectives of driving decision-making from Washington to the state/local level.
- As some states are divided into as many as 3 regions in the proposal, governors’ powers will be diluted.

Spencer Cox

- State boundaries matter in this debate, and Interior needs to take governors’ views into account.
- Elected officials, including county officials, are sovereign and have a voice with the federal agencies.

Question 1: Who makes a decision for RMPs (such as greater sage grouse) that cross regional boundaries?

- **Jim Cason:** RMPs will stay the same, then when a new RMP is needed, it will be split by regional boundaries.

Question 2: How will this expedite coordination and consultation, and ensure local officials have a say?

- **Jim Cason:** There will be a common region staff with cross training between agencies (including NEPA and permitting). This will ensure the federal staff within a region all have the same training and are expected to meet the same standards across the entire region. Reorganization will force agencies to work together as a team.
- **James Ogsbury:** States are not stakeholders. Dividing states will force a governor to work with 2-3 different regions, where they might get conflicting answers or have their influence within Interior diminished.
- **Spencer Cox:** County officials are not just stakeholders either. People show their voices through elections, and the federal government must pay attention.

Question 3: How were these regions drafted?

- **Jim Cason:** Discussions with OMB, then talked to Interior employees. The Secretary wants to use watersheds as the basis for boundaries, but there was an interest in state boundaries too. If you prefer state boundaries, feel free to send in a letter in support for state boundaries.

Question 3: What is the timeline for implementation?

- **Jim Cason:** Planning to launch a pilot implementation in Alaska in second half of FY 2018. This proposal will be built into President Trump's proposed budget for FY 2019, including beginning to move staff from DC into the field. Interior has asked U.S. Forest Service, NMFS, Army Corps of Engineers, and EPA to join in this regional standard, but those agencies are not ready to make the change.

Question 4: How did you draw the boundaries on the map, and how will counties be affected?

- **Jim Cason:** Used county boundaries to define perimeters, but the map itself and ecoregional approach are not sacrosanct.

Question 5: How would states interact with regional leadership if divided?

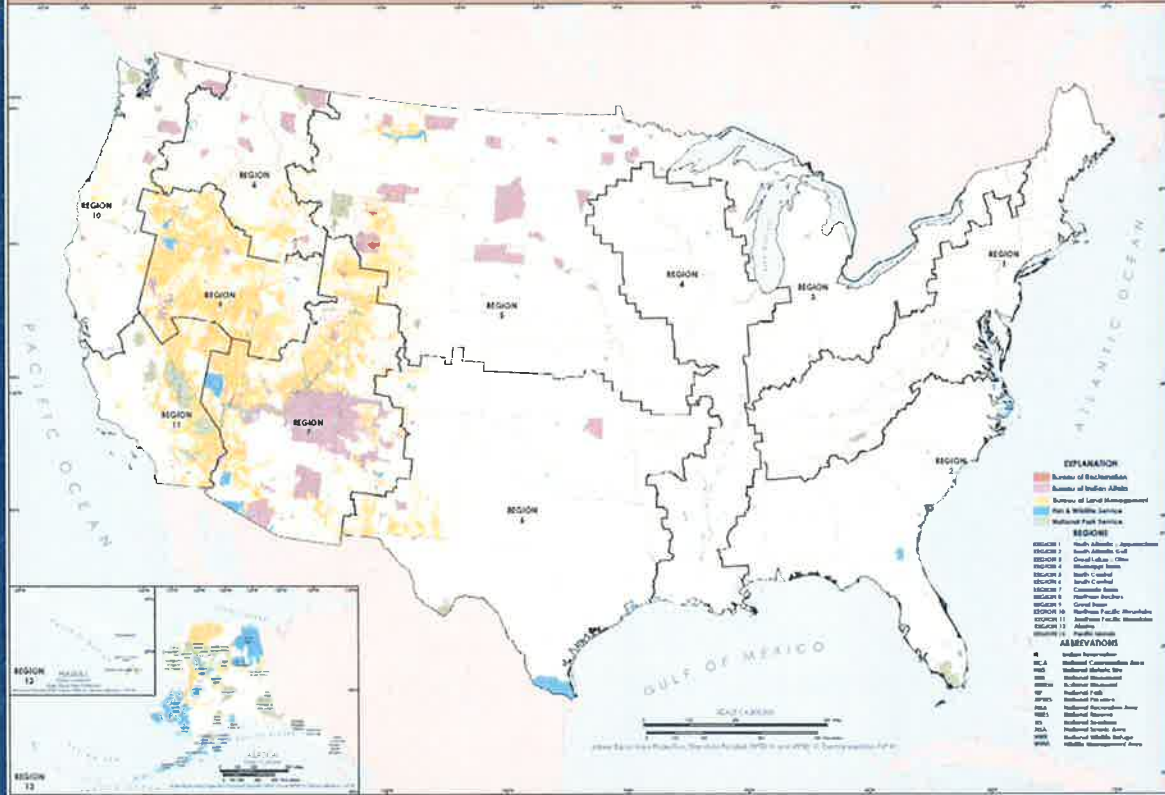
- **Jim Cason:** Interior does not think it's insurmountable to have 3 people for a governor to talk to. We have to do consultation anyway. If you feel strongly that stage-based common regions are a better way to go then send a letter to the Secretary that says while it may be admirable to go ecosystem approach, there are greater advantages to state-based approach. Please address requests to Secretary Zinke or Jim Cason.
- **James Ogsbury:** WGA supports the concept of moving staff out West, and ensuring greater local-level decision making. States and governors need to be recognized for their legal and constitutional authorities in this process, however, and they were not in the drafting of this plan.



Department of the Interior Common Regions

As of January 3, 2018

DRAFT



Common Regional Boundaries

Frequently Asked Questions

1. Why is Interior changing long standing regional boundaries?

A. We want to provide better management on an ecosystem basis to include critical components such as wildlife corridors, watersheds, and trail systems. The USGS has provided draft regional boundaries based on watersheds as a template. By having common regional boundaries based on natural features like ecosystems and watersheds we can improve interagency coordination and citizen service, since all of our executives within a given region will have a shared frame of geographic reference. We also believe common regions will make us more efficient, which would be helpful given our continuing budget pressures. With more decisions made at the regional level and fewer in Washington DC, we hope the public will conclude that we are making better decisions.

2. Will all bureaus be affected by the new boundaries?

A. Generally yes, but since Bureau of Ocean Energy Management (BOEM) and Bureau of Safety and Environmental Enforcement (BSEE) are focused on activity in the marine environment, they will be the least affected.

3. When will the new boundaries take effect?

A. We expect the boundaries for the thirteen new common regions will take effect in the second half of FY 2018.

4. Will there be a pilot of the new common region concept? If so, where, when, and what will be its scope?

A. The current idea is to launch the concept in Alaska first, since it is a large geographic area, most bureaus are active there, all existing regional offices are already in the same city, and there is only one state government with which to interact.

5. When will the common regions be fully implemented?

A. It will take several years, because there are lots of details that will need to be worked out over time.

6. Will DOI break existing leases for office space?

A. Generally not, since we want to avoid any extra financial costs that may be associated with breaking existing leases.

7. When will the new regional hub cities be identified?

A. Perhaps as soon as the second half of FY 2018.

8. Has DOI spoken to General Services Administration (GSA) about what the new regional hub cities will be?

A. We have had a few very preliminary discussions, simply to get an idea about the range of available space costs and space availability in a few western cities. We don't plan any moves in FY 18.

9. Who will be in charge of each common region?

A. There will be a regional leader who will have lead responsibility for each common region.

10. What will be the scope of responsibilities for each regional leader?

A. The responsibilities will be to coordinate a specified set of mission and administrative functions that are common to more than one bureau within the region.

11. Will the regional leader control all decisions of all bureaus in the common region?

A. No, only matters involving more than one bureau.

12. Will the common regions lead to closing of any national parks, national wildlife refuges, national fish hatcheries, or BIA agency offices?

A. No. There will be little to no impact on these types of local offices that are tied to specific natural or cultural resources or Indian tribes.

13. How will the new DOI common regional boundaries affect other agencies like USFS, NMFS, EPA, and the Army Corps of Engineers?

A. We will invite other agencies to co-locate with us or designate liaison officers to each of our common regions.

14. What will be the role of bureau directors and assistant secretaries after the reorganization?

A. Bureau directors and assistant secretaries will continue to have authority over national policy, budget, personnel, training, uniforms, workforce planning and related functions, as well as line authority over mission areas that are unique to particular bureaus.

15. How will the new regional boundaries affect relationships with States and Counties?

A. We expect these relationships will be improved since more decisions will be made at the regional level and not elevated to Washington DC for resolution.

16. How will the new regional boundaries affect relationships with Indian tribes?

A. We expect these relationships will be improved since more decisions will be made at the regional level and not elevated to Washington DC for resolution.

17. Will there be tribal consultations before the new boundaries are finalized?

A. Yes.

18. Isn't it a problem if a single state is split into more than one common region?

A. No, since there is ample evidence that this works fine in practice, based on decades of experience with the current regional boundaries of the Bureau of Reclamation and the Army Corps of Engineers.

19. Will front line supervisors in bureau field offices report to a different boss as a result of the new regional boundaries?

A. No, however the regional leader for the common region will be the ultimate regional decision maker for many bureau employees.

20. How will the new regional boundaries affect how employees do their jobs every day in the field?

A. The new boundaries should have very little impact on field operations, except that field level employees can expect more leadership support for taking steps to coordinate more closely with employees in their sister bureaus or other federal agencies that affect our mission in the field.

21. If the regional leader is not from my bureau, how can he or she make responsible decisions affecting my program?

A. The regional leader will be able to consider the advice of each bureau's chain of command within the common region.

22. Has the Department established standard operating procedures, MOAs, chains of command or organization charts on how the current structure will work within the new regional map?

A. We plan to work with current regional directors and bureau leadership to determine the most effective and reasonable ways to operationalize the new approach. Any changes will need to be carefully identified and thoughtfully implemented.

23. Would regional changes affect any statutory responsibilities?

A. We do not anticipate the need to change any bureau's statutory authorizations as a result of implementing common regions.

24. Does the Department expect each bureau to be represented in each region? How will this work for bureaus that have limited or no responsibilities in a region (e.g. OSM in the insular region)?

A. We do not expect that every bureau will have a regional director in each new region; we will let existing programmatic responsibilities be the determining factor in that regard.

25. What authority will the new common regions have versus the existing structure? Will the new regional leader be the responsible officer for construction projects, records, procurement, and other activities conducted by staff currently located in another regional office? How will this work? For example, if a current project or program is in the NPS Midwest Region, managed out of Omaha, and the project now is in the DOI Great Lakes-Ohio region, where would the management happen?

A. In general, activities or functions common to more than one bureau will be under the direction of the regional leader in that region. For major projects that are already underway it may be prudent to make exceptions on a case-by-case basis. As existing office space leases expire, staff associated with a regional office function will gradually migrate to the identified regional hub city in each newly designated region.

26. What if the project, agreement or plan was previously within one region, but is now split between two or more regions?

A. In these situations, the region that is designated the lead region will be the one whose staff and expertise is best positioned to bring the project, agreement, or plan to a successful completion.

27. How will the Department manage existing MOAs and MOUs with other agencies at existing regions?

A. Decisions to transfer the lead responsibility for a MOU or MOA with another agency will be made on a case-by-case basis. Considerations will include whether the agreement is geographic or programmatic in scope, and which of the new regions has the personnel or expertise in the best position to effectively implement the agreement.

28. Considering most DOI bureaus have less than 13 regions, this would increase the number of managers. Would this require hiring more managers?

A. During the first year or so transition period it is more likely that a single manager might have responsibilities in more than one region. Over time, it is likely that the total number of bureau regional directors will increase so that all regions where a bureau has a significant presence have a senior manager located in that region. However, some of the new regional directors might be GS-15s as opposed to SESers, if their bureau's presence in the new region is relatively minor.

29. Do you expect an official in a current regional office to be responsible for more than one region? How would the chain of command work for this?

A. It is possible that during the transition period a single senior executive might have more than one supervisor. However, field offices of bureaus will only report to one individual.

30. Does this initiative require the reassignment of any personnel (e.g., will current Regional Director positions be changed)?

A. Generally no. We will want to make sure that there is eventually one regional leader in place in each region, and more broadly, that there is at least one SESer in each region. In one or two instances, that may involve the near-term change in duty station of someone now in the SES.

31. Who will serve as regional leaders for these new regions? Will this affect their position description? If there are multiple virtual RDs within a new Region, to whom will existing staff report?

A. Regional leaders will be career or non-career members of the SES. They will have position descriptions created that describe their responsibilities within the new region. Their particular responsibilities and therefore their position description may vary a bit from region to region as a function of the DOI work that is taking place within each region. Bureaus will continue to have Regional Directors and their bureau chains of command will report to them. The difference will be for mission areas or administrative functions that are common to more than one bureau within the same region, the Regional Directors for those bureaus will take direction from the regional leader. Supervisors in individual bureaus will continue to report to a Regional Director from that bureau. The Regional Directors will report to the regional leader for certain specified programmatic and administrative activity, and to their bureau director in headquarters on those matters not within the scope of responsibilities of the regional leader.

32. How will the bureau Regional Directors coordinate with counterparts in other bureaus in the same region?

A. Bureau Regional Directors will have their traditional authorities and upward reporting relationships for programs and functions not specified as being within the purview of the regional leader. For those programs and functions that they share with other bureaus within that region, they can and should coordinate with each other, but they will be ultimately responsible to the regional leader within that region.

33. How will the bureau Regional Directors coordinate with other Regional Directors within their same bureau?

A. Bureaus will continue to have routine meeting of headquarters and regional leadership, and coordinate with each other routinely in order to accomplish their missions.

34. How will a bureau deal with stakeholders (including state and tribal governments) that were previously within one region, but now are split between two or more virtual regions?

A. Tribal governments will have one BIA Regional Director and one regional leader with whom they might interact, depending on the issue. In some cases a state may find itself in more than one of the new regions. While at first blush that might seem problematic, decades of experience in the Bureau of Reclamation and Army Corps of Engineers indicates that the arrangement works.

35. The new regional boundaries map appears to split-up reservations (Uintah and Ouray, Colville, Yakama, etc.) How does DOI plan on working with tribes that span two regions?

A. We believe we have made successfully adjusted the new regional boundaries so that no Indian reservation, national park, or similar land management unit is in more than one of the new regions. If we have somehow failed to accomplish that goal in a particular place, we would like to know about it so we can address the situation.

36. As this is a policy decision affecting tribes, will DOI consult with tribes on this under EO 13175?

A. Yes, DOI plans to consult with tribes before BIA and BIE are incorporated into the new regional management concept and the new regional boundaries.

37. As these regions were designed to address ecosystem-based management, how would this reorganization address tribal needs and help DOI fulfill trust responsibilities?

A. Indian reservations exist in unique geographic areas, and while the topography within large reservations may span more than one ecosystem, a management perspective that is based on natural features and regional control rather than administrative boundaries with primary reporting relationships to Washington DC should result in better decisions for everyone, Indian and non-Indian, living in a geographic area.

38. What administrative simplicity would be achieved by using county-line based boundaries? Do the administrative benefits of using county lines apply equally to all agencies?

A. The basic idea behind the new regional boundaries was to try to draw them based on ecosystem and physiographic features. Watersheds are well-defined and well-recognized natural features that serve as a reasonable approximation for ecosystems, hence the new regional boundaries closely approximate watershed boundaries. However, human beings are much more accustomed to dealing with county boundaries than watershed boundaries as they lead their daily lives, so for convenience the new regional watershed-based boundaries are adjusted to line up with county boundaries.

39. **Do any bureaus currently draw regional boundaries along county lines?**

A. Most DOI's bureaus have historically drawn regional boundaries along state lines.

**BLM REPORT IN RESPONSE TO
SECRETARIAL MEMORANDUM ON IMPROVING PLANNING AND NEPA
PROCESSES AND SECRETARIAL ORDER 3355**

September 27, 2017

The Bureau of Land Management (BLM) has developed this Report in response to the March 27, 2017 Memorandum from the Secretary of the Interior on improving the BLM's resource management planning and *National Environmental Policy Act* (NEPA) review processes. This Report also implements the direction in Secretarial Order 3355, "Streamlining National Environmental Policy Act Reviews and Implementation of Executive Order 13807, 'Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects.'" (August 31, 2017)

This Report and its accompanying recommendations were developed by a team of BLM subject matter experts. The Report incorporates significant input received from a variety of stakeholders and subject matter experts from other federal agencies, state and local governments, American Indian tribes, and the general public. The recommendations cover a spectrum of approaches to improve the BLM's resource management planning and NEPA processes, including compliance with other statutes (e.g., the *Endangered Species Act* and the *National Historic Preservation Act*) that are often addressed concurrently and discussed in resource management plans and NEPA documents. The goals of the recommendations are to demonstrate greater responsiveness to local needs, achieve cost and time savings, and reduce litigation risk, while continuing to fulfill the BLM's resource stewardship responsibilities.

While many of the recommendations in this Report can be implemented through changes in policy and internal business practices, other recommendations would require regulatory or legislative changes. The BLM believes that, in whole or in part, the recommendations contained in this Report will:

- Expedite the NEPA process by exploring opportunities to establish new categorical exclusions, and modify or clarify the scope of existing Categorical Exclusions (CX);
- Improve coordination with our state, local, and tribal governmental partners by updating and clarifying guidance on the BLM's coordination and consistency requirements under the *Federal Land Policy and Management Act* (FLPMA);
- Improve NEPA compliance by revising BLM policies and guidance to promote: tiering to related NEPA analyses that have already been prepared; conducting analyses that focus predominantly on the resource issues central to making a decision; and engaging external stakeholders earlier in the process.

- Request that the Council on Environmental Quality (CEQ) revise its NEPA procedures to facilitate increased use of State and Tribal documents that followed a process that parallels the requirements of NEPA;
- Promote effective use of analog and spatial data and technology through such measures as: developing robust data standards; strengthening the Bureau's ability to use and share data; modernizing the Bureau's infrastructure and geospatial platform; and improving the internal and external collaborative capabilities of BLM systems of record such as ePlanning;
- Enhance coordination and cooperation with other federal agencies through outreach early and often throughout the planning process;
- Improve land use planning by revising policies and guidance related to processes such as resource inventories, administrative designations, plan monitoring, and plan evaluation and
- Streamline internal business processes through such mechanisms as alternative staffing models, enhanced use of contracting (including improved NEPA contract evaluation protocols and guidance), and training.

The BLM will continue to engage with other federal agencies, state, local, and tribal government partners, and the public during the implementation of recommendations in this Report as appropriate and in compliance with FLPMA and NEPA.

I. Background/Need for Report

The BLM manages approximately 245 million acres of public land and 700 million acres of subsurface federal mineral estate. These public lands and minerals are integral to the lives and livelihoods of communities and families across the nation. The BLM plans for a wide variety of activities on the public lands in compliance with FLPMA and other applicable laws. More than 160 Resource Management Plans (RMPs) establish desired outcomes for and guide the use of the public lands. These RMPs serve as foundational documents with which all authorized uses must conform.

The BLM authorizes uses for: mineral development such as coal leases, and oil and gas leases and drilling permits; for infrastructure projects, such as rights-of-way for renewable energy generation and transmission, and for transportation; livestock grazing permits; special recreation permits; and other uses. These authorizations are supported by the annual completion of more than 5,000 NEPA documents. The BLM's success in managing the public lands depends on utilizing timely resource management planning and environmental review processes that result in well-informed RMP and project authorization decisions.¹

¹ Other environmental review processes that may be required prior to a project authorization include, Section 7 of the *Endangered Species Act*, Section 106 of the *National Historic Preservation Act*, and Section 404 of the *Clean Water Act*.

For many years, local and state governments, American Indian tribes and the general public have raised concerns about the significant costs and delays that can be associated with project and resource management planning decisions, with such delays potentially taking away from BLM's ability to complete important work on the ground. On March 27, 2017 as a result of the President signing H.J. Resolution 44, which nullified the December 12, 2016 revisions to the regulations governing BLM land use planning (43 CFR 1601 and 43 CFR 1610) , the Secretary of the Interior directed the BLM to identify and recommend results-oriented improvements to its land use planning and NEPA processes². The Secretary specifically highlighted the need for effective, efficient and transparent planning and NEPA processes that take less time, cost less money, and are more responsive to local needs. To achieve these objectives, the Secretary directed the BLM to identify solutions that meet the following criteria:

1. Finding better ways to incorporate and partner with state planning efforts;
2. Reducing duplicative and disproportionate analyses;
3. Considering more user-friendly representation of the planning process so stakeholders can easily determine status;
4. Fostering greater transparency in the NEPA process, including proper accounting of timeframes, delays, and financial costs of NEPA analyses;
5. Seeking opportunities to avoid delays caused by appeals and litigation;
6. Building trust with our neighbors through better integration of the needs of state and local governments, tribal partners, and other stakeholders; and
7. Developing and implementing efforts to “right-size” environmental documents instead of defaulting to preparing an Environmental Impact Statement (EIS) in circumstances when such a document is not absolutely needed.

On August 31, 2017, the Deputy Secretary issued Secretarial Order 3355, which provides direction to improve and streamline the Department's NEPA and infrastructure permitting processes.³ In addition to requiring DOI agencies to consider general ways to expedite NEPA compliance, this Order sets specific time and page limits for EISs and asks agencies to propose similar limits for Environmental Assessments (EA). The Order also requires agencies to consider integrating into its NEPA processes the best management practices established through the *Fixing America's Surface Transportation Act* (FAST Act) and measures outlined in E.O. 13807. This Report responds to both the March 27, 2017 Secretarial memo and Secretarial Order 3355; with Appendix C providing specific recommendations to address the directives in Secretarial Order 3355.

² Secretarial Memorandum, Improving the Bureau of Land Management's Planning and National Environmental Policy Act Processes (March 27, 2017) (the Secretarial Memo).

³ Secretarial Order 3355, Streamlining National Environmental Policy Act Reviews and Implementation of Executive Order 13807, “Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects” (August 31, 2017).

The BLM used criteria from the above referenced Secretarial Memo and Secretarial Order to prepare this Report, which provides recommendations to improve the planning and NEPA processes. The Report also addresses recommendations being developed concurrently by the BLM and the Office of Surface Mining Reclamation and Enforcement (OSMRE) assigned to review solid and fluid mineral development in the context of NEPA analysis and planning. Given that BLM's resource management planning and NEPA processes can be impacted by compliance with other applicable laws and many other program-driven processes, BLM considered recommendations to a broad set of agency policies, programs and statutes involved in the planning and NEPA processes.

External Stakeholder Input on Streamlining

Process for Collecting External Input

To help identify opportunities to streamline the land use planning and NEPA processes, the BLM sought individual input from state, local and tribal entities and the general public. This outreach effort was crucial to ensure that the BLM considered the information, views and values of those groups, which helped inform our recommendations.

The BLM received information from numerous state and local governmental officials, as well as the Western Governors Association (WGA), the National Association of Counties (NACo) and the National Association of Conservation Districts (NACD). BLM State Directors and local authorized officers conducted outreach and engagement with tribal governments, and each BLM State reviewed, summarized and submitted to the project team all tribal input regarding this effort. In addition, the BLM solicited public input over a 21-day period to collect information from all members of the public.

Summary of Local and State governments and Tribal Input

The BLM received input from dozens of state and local governments and tribes. Reaction has generally been positive to the BLM's effort to identify opportunities to improve its planning and NEPA processes. These governmental partners have expressed particular interest in ensuring effective coordination in the planning and NEPA processes in line with the requirement under section 202 of FLPMA, 43 U.S.C. 1712(c)(9) to coordinate during the planning process with other Federal agencies, State, local and Tribal governments. This includes a desire to see state and local plans and tribal concerns prioritized when the BLM establishes its preferred alternative(s). Throughout this process State, local, and Tribal governments have expressed a desire to leverage their unique expertise in the NEPA process and also suggested that the BLM establish liaison positions within their organizations in order to ensure effective coordination. Other recommendations from governmental partners are summarized in detail in Appendix B.

Summary of Public Input

The BLM also received over 1,000 recommendations from the public. Public input varied greatly in terms of themes, interests, and positions. Common ideas on reducing disproportionate and duplicative analyses included promoting plan flexibility to allow the incorporation of new data and findings, and using data from local and other federal agencies to determine baselines. Many individuals recommended focusing on identifying and involving stakeholders before planning begins, and effectively educating the general public on the NEPA process. With regard to creating transparency in the planning and NEPA processes, recommendations included making better use of social media, making meetings with stakeholders open to the public, sharing data sets that underlie any BLM decisions, writing public outreach material in plain English, and making documents easily searchable online. A summary of key public input received can be found in Appendix B.

II. Recommendations

Related Streamlining Efforts

Multiple efforts are currently underway that would provide direction to the BLM to improve its resource management planning and NEPA processes. Specifically, the BLM and the Office of Surface Mining Reclamation and Enforcement (OSMRE) are jointly engaged in an effort to identify inefficiencies and establish a plan of action for streamlining the Federal coal leasing and permitting processes, including associated NEPA analyses. The groups working on these internal efforts are collaborating to ensure any strategies for improvements specifically identified through the coal effort that impact the planning or NEPA process are consistent with or will be incorporated into this effort.

The Administration has also prioritized the streamlining of environmental review and permitting processes for infrastructure projects. Both Title 41 of the 2015 *Fixing America's Surface Transportation Act* (FAST Act) and E.O. 13807, "Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure", set forth requirements that will allow for more efficient and effective Federal infrastructure project decisions. Certain BLM infrastructure project authorizations (e.g. rights-of-way for transmission, energy generation, and pipelines) may be subject to these statutory and policy requirements recognized in the Administration's infrastructure efforts, including those related to early engagement with cooperating agencies; coordination to allow for the issuance of a single federal decision; and making timely decisions, with the goal of issuing authorization decisions within two years. The BLM has therefore developed its land use planning and NEPA recommendations to be consistent with and support the initiative to expedite infrastructure permitting decisions.

Development and Review of Recommendations

In developing this Report, the BLM utilized a group of interagency subject matter experts from within the BLM itself, the Department of the Interior, and other federal agencies, and a team of select senior BLM leaders to provide oversight and direction.

These groups considered a broad set of agency policies, programs and statutes involved in the planning and NEPA processes, which resulted in the development and consideration of hundreds of unique ideas. The BLM applied the criteria outlined in the Secretarial Memorandum and organized ideas into six areas: 1) Improving the NEPA Process, 2) Leveraging Data and Technology, 3) Expanding Coordination and External Engagement, 4) Effective Integration with Other Laws, 5) Aligning Internal Business Processes, and 6) Improving Land Use Planning. A short description of each area is below:

- 1. Improving the NEPA Process:** NEPA requires Federal Agencies to assess the environmental effects of their proposed actions prior to making decisions. Therefore, NEPA compliance is required for all resource management planning decisions and subsequent implementation actions. See Figure 1 for the NEPA process.
- 2. Leveraging Data and Technology:** Resource management and the underlying NEPA analysis both require utilization of readily available environmental information.
- 3. Expanding Coordination and External Engagement:** BLM is required to engage in meaningful coordination with state, local and tribal governments in its resource management planning process and cooperate, as appropriate, with federal, state, local and tribal governments in its NEPA process.
- 4. Effective Integration with Other Laws:** Resource management planning and other project level decisions must also comply with other environmental and cultural review requirements.
- 5. Aligning Internal Business Processes:** Multiple program offices are often involved either directly or indirectly, as subject matter experts, in the resource management planning and NEPA processes. In addition, many levels of review within the BLM can sometimes be associated with decisions .
- 6. Improving Land Use Planning:** Resource management planning governs actions undertaken by the BLM with regards to managing public lands. See Figure 2 and Figure 3 for the BLM planning and associated NEPA processes..

The BLM further reviewed the proposed recommendations with a focus on input supplied by local and State governments and American Indian tribes, as well as the general public. The section below provides an overview of the issues identified and recommendations to address those issues. Actions are noted as either Legislative (**L**) (requiring new legislation), Regulatory (**R**) (requiring the agency to revise its existing regulations) or Policy (**P**) (potentially requiring issuance of, or revision to internal policy documents). Appendix A provides a table with more details on the recommended actions, including the inefficiency or constraint that would be addressed, who has the authority to implement the action, and a timeframe for implementation of the action.

Recommendations (see Appendix A for more detail)

Improving the NEPA Process

BLM's NEPA program is essential to ensure compliance with NEPA's statutory and regulatory requirements, as well as to help promote and improve informed decision-making and to involve the public and other stakeholders in the decision-making process. However, current NEPA compliance practice within the BLM does not consistently take advantage of opportunities to reduce the size and scale of NEPA documents. This is most notably due to underuse of existing CX and the need for new CXs to accommodate changing laws and resource conditions. CXs represent categories of actions that have been determined not to have a significant effect on the human environment and do not, absent extraordinary circumstances, require preparation of an EIS or EA. Reliance on a CX is a form of NEPA compliance, and can often expedite the issuance of a use authorization decision by a BLM line officer. In addition, the CEQ NEPA regulations, which provide for implementation of NEPA for all of the federal government, could be updated to provide more direction on the development of EAs and CXs.

As currently implemented, the NEPA process is perceived as cumbersome, lengthy, difficult to understand⁴. While recognizing that compliance with NEPA is required prior to BLM planning and project level decisions, it is important to minimize redundancies to ensure that projects are completed on time without incurring unnecessary costs and adding burdens that unnecessarily encumber multiple-use, constrain economic growth, and prevent job creation. Accordingly, the BLM should evaluate and disclose environmental effects in NEPA documents that are "concise, clear, and to the point" (40 CFR 1500.2(b)), while eliminating redundancy and concentrating on important issues rather than amassing needless detail. This can be accomplished most effectively by ensuring the BLM uses its NEPA compliance tools tactically as well as strategically.

The following specific action items are recommended to improve the NEPA process, with the legislative (**L**), regulatory (**R**), or policy (**P**) mechanism noted in parentheses for implementation of the recommendation:

- Clarify that certain "transactional" actions that are categorically excluded from NEPA (e.g. transfer of oil and gas leases between operators, transfers of livestock grazing permits between operators, and transfers of equipment between agencies) do not necessarily require formal NEPA documentation. (**P**)
- Consider whether CXs can be used for the following types of routine actions, either through establishment of a new CX or modification of an existing CX: (**L or P**)⁵

⁴ Recently completed EISs and related costs include: Spring Creek Lease by Application (LBA) EIS (\$320,000), and Greater Sage Grouse Mineral Withdrawal EIS (\$10M, though this number does not reflect the full cost as the EIS is not completed).

⁵ The establishment of any categorical exclusions through policy would be in accordance with CEQ Guidance, including appropriately documenting how the class of actions described by the categorical exclusions is not expected to have significant individual or cumulative environmental effects.

- Vegetation restoration treatments for wildlife habitat, noxious weeds and invasives, post wildfire treatments, targeted livestock grazing, and hazardous fuels treatments (e.g.; implemented through stewardship contracts);
- CXs established for use by other Federal agencies would apply to parallel similar BLM actions such as:
 - 1) implementation of forest resiliency treatments on up to 3,000 acres;⁶
 - 2) certain fuels management activities that do not exceed 10,000 acres;⁷
 - 3) aquatic and riparian habitat restoration activities.
- Wild horse and burro gather operations;
- Sales of excess wild horses and burros;
- Application of population growth suppression techniques to wild horses and burros, including contraception and sterilization;
- Euthanasia of excess wild horses and burros for which an adoption or sale demand does not exist;
- Reclamation of older oil and gas well sites;
- Actions related to maintaining existing and approved range improvements not currently covered by a CX;
- Temporary continuation of current grazing management activities (e.g.; extending a grazing season by two weeks);
- Certain types of land use plan revisions and land use plan amendments, such as small scale land disposals or acquisitions of inholdings within a monument;
- Issuance of special recreation permits in "Special Areas"⁸ designated for recreational use when surface disturbance would be minimal;
- Oil and gas leasing and development actions that are categorically excluded from further NEPA consideration under the Energy Policy Act of 2005 through development of a legislative proposal;
- Actions where federal involvement or control is minimal compared to the non-federal involvement or control such as oil and gas wells that run horizontally from private wells into adjacent federal minerals, or wells drilled into mixed ownership minerals where the federal share constitutes 50 percent or less of total minerals; and
- Actions involving small coal actions (e.g. Exploration Licenses, certain Lease Modification Applications (LMA), Research, Development, and Demonstration (RD&D) Leases) and BLM's action of leasing federal coal.
- Require that NEPA documents supporting RMP decisions relating to oil and gas development evaluate impacts projected by the Reasonably Foreseeable Development

⁶acre limit established in Agricultural Act of 2014 (Farm Bill).

⁷ acre limit defined in HR 2936 - Resilient Federal Forests Act, HR 2613 - Fostering Opportunities for Resources and Education Spending through Timber Sales Act of 2017, and S 1731 - Forest Management Improvement Act.

⁸ See 43 CFR 2932.5.

Scenario (RFD). Clarify that this NEPA review should be in enough detail to support the use of a subsequent Determination of NEPA Adequacy (DNA) to cover certain implementation level decisions, such as leasing decisions. **(P)**

- Clarify that reinstatement of a mineral lease for which NEPA analysis was previously conducted can often be supported by a DNA. **(P)**
- Update the NEPA handbook or otherwise provide guidance to:
 - 1) maximize opportunities for adopting other agencies' NEPA analysis, tiering from higher order NEPA analyses, and using DNAs;
 - 2) utilize joint-lead NEPA documents, consistent with SO 3355 and E.O. 13807;
 - 3) consider adaptive management in NEPA analysis to enable flexibility in implementing subsequent decisions;
 - 4) establish best practices to create a user-friendly, searchable PDF document;
 - 5) provide clarification regarding the scope of “connected actions”⁹ under NEPA;
 - 6) provide guidance on documentation of issues considered but not further analyzed; and
 - 7) utilize an issue-based¹⁰ approach to NEPA in order to appropriately eliminate issues from detailed analysis. **(P)**
- Provide guidance to address implementation of required page and time limits associated with EISs, in line with SO 3355, for which BLM is the lead agency and have not reached the drafting stage. **(P)**
- Develop a proposal to establish targeted page and time limits for the preparation of EAs. Submit proposal to the Deputy Secretary as required in SO 3355. **(P)**
- Establish guidance to implement recording all agency decisions in one combined Record of Decision (referred to in E.O. 13807 as “One Federal Decision,”) and issuance of all Federal authorization decisions for the construction of an EIS-level project within 90 days of the issuance of a ROD in accordance with SO 3355. **(P)**
- Provide mandatory training for BLM employees that focusses on tools to expedite NEPA compliance, including the appropriate use of CXs and DNAs; right-sizing analyses to develop more EAs (including those that result in mitigated Findings of No Significant Impact) rather than defaulting to EISs; and using programmatic analyses to effectively cover many similar actions in one analysis to support site-specific decision-making. **(P)**
- Explore codifying the concept of including DNA processes in Departmental NEPA regulations to allow for their use across bureaus. **(R)**
- Formalize in CEQ’s NEPA regulations the criteria for issue-based approach for the preparation of all EAs and EISs, which is currently outlined in BLM’s NEPA handbook,. Issue-based NEPA concentrates analysis on issues that are most germane to the decision-maker, namely those that are of interest to the public or otherwise central to the proposed decision, and deemphasizes analysis on secondary resources and issues. **(R)**

⁹ As defined in 40 CFR 1508.21 (a)(1)(i-iii).

¹⁰ The term “issue-based approach” refers to the process by which BLM identifies and eliminates issues from detailed analysis in a NEPA document based on their significance/importance to the decision to appropriately narrow the discussion of these issues in the statement.

- Refine the criteria used to determine significant effects to facilitate clear identification of why impacts are/are not significant in a Finding of No Significant Impact (FONSI).¹¹ **(P)**
- Rewrite and/or clarify extraordinary circumstances.¹² **(R)**
- Request that CEQ modify its NEPA regulations to facilitate the use of state and tribal environmental documents, where adequate, to reduce duplication of analyses for partners and stakeholders. This is supported by SO 3355. **(R)**
- Request CEQ provide guidance on further defining "reasonably foreseeable future actions"¹³ to address the scope of a cumulative impacts¹⁴ analysis and clarifying the effects non-federal actions when determining whether federal actions have a significant impact. **(P)**
- Promote greater transparency and accountability by publishing total costs and associated contractor support at the conclusion of the NEPA process..

The BLM utilizes high quality information in its resource management planning and NEPA processes. While individual successes exist, widespread use of the agency's corporate document, data management, and decision support systems such as ePlanning¹⁵ and eGIS¹⁶ is not complete, which results in inefficiencies due to use of parallel and potentially incompatible locally-operated systems. Some of these challenges are a result of limitations to the current bandwidth of existing internal IT infrastructure. This lack of a corporate approach to document and data management across the BLM creates challenges for field staff trying to gain access to core data needed to make expedited decisions. In addition, data provided by other federal, state and local partners is not always in a format that can be easily integrated into existing systems to readily

¹¹ "Finding of no significant impact" is defined by 40 CFR 1508.13 to mean a document by a federal agency briefly presenting the reasons why an action, not otherwise excluded, will not have a significant effect on the human environment and for which an environmental impact statement therefore will not be prepared.

¹² Extraordinary circumstances include criteria in which a normally excluded action may have a significant environmental effect and therefore may not utilize a categorical exclusion to comply with NEPA. See 40 CFR 1508.4.

¹³ As included in 40 CFR 1508.7.

¹⁴ Cumulative Impacts is defined in the CEQ NEPA Implementing Regulations as the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (federal or non-federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time. See 40 CFR 1508.7.

¹⁵ ePlanning is a web-based software application that helps BLM users to create, write, manage, and publish National Environmental Policy Act (NEPA) documents and planning documents. It also allows for the public to easily search and view these types of documents and provide comments electronically. The application includes functionality to manage the content in documents, publish the content for printing or create web formats, create and enable documents for comments, and analyze comments. See ePlanning public website:

https://eplanning.blm.gov/epl-front-office/eplanning/nepa/nepa_register.do

¹⁶ eGIS provides a framework for the management of content and promotes collaboration among staff across all Programs and Offices in the Bureau of Land Management. It leverages existing geospatial investments in Desktop, Citrix, Web GIS Apps, Mobile GIS and Location Analytics by making them discoverable, accessible and integrated and provides access to a common set of base maps, including one customized from BLM National Data, simple tools, web GIS services, and geospatial data from both the Bureau and from outside sources.

inform decisions. Lastly, BLM's ability to engage and receive feedback with the public and other agencies is limited due to lack of a nimble and modern public facing website and access to tools focused on internal and external collaboration. As bandwidth constraints are addressed, opportunities exist to expand potential efficiencies of ePlanning and eGIS.

The following specific action items are recommended to better leverage data and technology with the legislative (**L**), regulatory (**R**), or policy (**P**) mechanism noted in parentheses for implementation of the recommendation:

- Collect, store, catalogue, and provide sufficient bandwidth to access core data sets common to BLM offices within a single portal to access all Bureau data. Such data sets could include, e.g., transportation networks, wetland location, and soils classifications. (**P**)
- Prioritize development of consistent data standards and implement data stewardship requirements for nationwide datasets used to inform planning decisions. (**P**)
- Prioritize inter-agency efforts now underway to identify a standard set of land health indicators¹⁷. Such indicators would support multiple uses in planning and decision-making, including development of the RMP-required “analysis of the management situation,” setting RMP goals and objectives, local-level decision-making (e.g., issuance of a grazing permit), RMP monitoring, and RMP evaluation. (**P**)
- Establish template data sharing agreements between other federal state, local and tribal government and BLM managed data to ensure seamless access to critical data sets for planning decisions. Utilize and incorporate more relevant local and state and tribal data such as state-generated datasets associated with state-delegated *Clean Water Act* and *Clean Air Act* activities and locally generated socio-economic data that meet established data quality standards in accordance with SO 3355.
- Improve the internal and external collaborative capabilities of ePlanning; specifically including templates for web-based RMPs and a web-based commenting tool to evaluate alternatives. In addition, enhance the system to schedule and track permit processing and other required authorizations with other Federal agencies; allow the public to receive notifications of upcoming projects; track progress of existing ones; and establish a performance accountability system for EIS-level projects in accordance with SO 3355. (**P**)
- Update the regulations relating to the *Mining Law of 1872* and the *Mineral Leasing Act of 1920*, and other program specific regulations to require the submission of geospatial data as part of the baseline information submitted by applicants. (**R, L**)

¹⁷ Land health standards describe the minimum requirements for land health and are used to develop objectives in land use plans. The regulations in 43 CFR subpart 4180 require State Directors, in consultation with Resource Advisory Councils (RACs), to develop Land Health Standards for lands within their jurisdiction. A standard set of land health indicators across BLM lands would allow for the efficient evaluation of land health and determination of current progress toward achievement of the land health standards.

- Continue the establishment of a geographic information and mapping system in accordance with the Energy Policy Act of 2005, in line with e-GIS, for oil and gas leasing geospatial data to support land use plan decisions. **(P)**
- Prioritize implementing best practices for minimizing redundancies in application development. **(P)**
- Prioritize development and use of standardized (where appropriate) integrated spatial analyses. **(P)**
- Prioritize development and use of standard decision support tools. **(P)**
- Modernize BLM web sites to be easier to access, both internally and externally. **(P)**

Consistent and effective coordination with governmental partners, particularly with state, local and tribal governments, is necessary to ensure that the BLM makes informed land use planning decisions that reflect input from impacted partners. Opportunities exist to strengthen the BLM's relationships with state, local and tribal governments through improving our coordination responsibilities mandated by FLPMA. These improvements include the development of clear policies regarding coordination with Cooperating Agencies that will ensure transparency, commitment, and sincerity and a process that balances consideration of relevant local knowledge with all available information. In addition, having the review for consistency and engagement early in the NEPA and planning processes with those most likely to be impacted by the project will minimize delays.

The following specific action items are recommended to more effectively coordinate and engage with external partners with the legislative **(L)**, regulatory **(R)**, or policy **(P)** mechanism noted in parentheses for implementation of the recommendation:

- Strengthen and integrate BLM's coordination with State and local governments and their planning efforts, pursuant to Section 202(c)(9) of FLPMA. **(R), (P)**
- Clarify that the Governor's consistency review of the land use planning processes should be inclusive of a consistency review of local land use plans, programs, and policies. **(R), (P)**
- Establish procedures for conducting outreach prior to publication of a Notice of Intent (NOI) to develop an EIS to identify and address issues early in the NEPA process, with a particular focus on outreach to impacted regulatory agencies that may affect the project outcomes. In addition, initiate cooperating agency status with State agencies no later than 60 days after receiving a complete project application package in accordance with SO 3355. **(P)**
- Develop national-level Memorandums of Understandings (MOUs) between the BLM and state and local partner organizations to formalize regular coordination outside of an individual planning or project's NEPA processes, address a process for consistency reviews of state and local plans, and consideration of local policies and programs. **(P)**

- Prioritize the completion of training related to BLM Manual 1780 and Handbook H-1780-1 on Improving and Sustaining BLM-Tribal Relations. **(P)**
- Establish guidance to make preliminary EIS alternatives available for public review, prior to formal publication of preferred alternatives in a notice of availability of the EIS. **(P)**
- Provide BLM with expanded exemptions under the *Freedom of Information Act* (FOIA) to protect the confidentiality of sensitive information shared by State, Local and Tribal governments, such as reburial information. These expanded exemptions would bring BLM in line with exemptions currently available to the U.S. Forest Service. **(L)**
- Develop a common template for RMPs in ePlanning, host RMPs electronically on the web, and ensure RMPs make ready use of GIS information to make plans easier to read and understand. **(P)**
- Review current *Federal Advisory Committee Act* (FACA) guidance and training, including how it addresses maximizing utilization of Resource Advisory Committees/Councils. Make changes or create new training, if necessary, to address what you can and cannot do and best practices for engaging RACs under FACA. **(P)**

Resource management planning and other project level decisions must also comply with other statutes that are often addressed concurrently and discussed in resource management plans and NEPA documents (e.g., the *Endangered Species Act* and the *National Historic Preservation Act*). Barriers to effective integration of the resource management planning and NEPA processes with other statutory requirements currently exist. This can result in redundant, multi-agency reviews which impact the timeline and budget of a project. For example, a multi-agency review of the same fish habitat may result in contradictory findings and guidance from regulatory agencies with jurisdiction for fish and wildlife resources, resulting in delays to RMP completion, or project-level implementation. In addition, requirements of statutes that must be followed contemporaneously with the resource management planning and NEPA processes can impact important agency resources (both budget and time) by resulting in the creation of overly lengthy documents designed more to forestall litigation than to promote informed decision-making.

The following specific action items are recommended to minimize redundancies through integration of other laws with planning and NEPA processes with the legislative **(L)**, regulatory **(R)**, or policy **(P)** mechanism noted in parentheses for implementation of the recommendation:

- With respect to the direction in section 201 of FLPMA, 43 U.S.C. 1711(a), to prepare and maintain an inventory of resources and their values and clarify any ongoing need to inventory for lands with wilderness characteristics. If inventories are continued, utilize a simplified GIS-based process wherever possible. **(L), (R), (P)**
- Ask Congress to revise the *Equal Access to Justice Act* (EAJA) to reduce or eliminate the attorney fees that can be recovered in litigation¹⁸, or provide a mechanism for agencies to

¹⁸ For Fiscal Years (FY) 2011 through 2016, BLM paid an average of \$999,663 per year in EAJA fees.

recover the costs and fees they incur for successfully defending a land use planning document, NEPA analysis and/or implementation decisions. **(L), (P)**

- Limit the number of FOIA requests from any one group, requiring more stringent justification for fee waivers, and increased search and redaction fees so agency can recover all of its direct costs¹⁹. **(L), (R)**
- Revise the 2000 MOA among USFWS, BLM, National Marine Fisheries Service (NMFS), and U.S. Forest Service (USFS), which established a general framework for a streamlined process for interagency cooperation associated with ESA consultations. This will include more effective use of conference opinions and synchronous consultation procedures and mirrored determinations between NMFS and USFWS, in such cases that a federal agency is required to consult with both Services on the same species. **(P)**
- Explore the potential to cease formal consultation under the ESA with the FWS or the NMFS for the adoption, revision, or amendment of a RMP based on a “no effect” determination made by the BLM. **(L), (R), (P)**
- Work with Congress on legislation or seek changes to the regulations implementing Section 7 of the ESA to provide discretion to the Federal action agency to determine whether to reinstate ESA consultation on an existing land use plan when a new species is listed or critical habitat is designated, or other reinstatement triggers currently in the regulations are tripped. **(L), (R)**
- Work with Congress to clarify the direction for BLM lands in Western Oregon that are currently managed under the Oregon and California Lands Act of 1937. Additionally, explore the ability of the Fish and Wildlife Service to utilize BLM modeling in recovery plans developed and implemented under the ESA for ESA listed species. **(L)**
- Address issues that arise with split estate mineral actions, including the establishment of an MOU with affected agencies identifying BLM as the lead for NEPA analyses for lease reinstatements and providing templates and clarity in regulation and various guidance and policy documents to focus the scope of analyses under NEPA for split estate activities. **(R), (P)**
- Evaluate the potential to harmonize the protest and appeal processes across all BLM programs, including the role of the Interior Board of Land Appeals (IBLA) and the Office of Hearings and Appeals (OHA). **(L), (R)**
- Exempt wildfire management decisions from stay during appeals. **(R)**
- Update the regulations for protest of a forest management decision to streamline the protest process and exempt forest management activities from the IBLA appeal process. **(R)**
- Amend IBLA regulations for wild horse and burro activities to shorten the appeals period from 30 days to 15 days and the time to respond to an appeal from 45 days to 30 days. **(R)**

¹⁹ Nearly 1,000 FOIA requests were filed with the BLM during fiscal year (FY) 2017. In FY 2016, the BLM spent approximately \$2.8M on FOIA-related costs, of which <1% (\$15,151) were collected to offset those costs.

- Explore potential options to expedite grazing administrative remedies such as:
 - 1) shorten the IBLA timeframes to appeal period to 15 days and the time to respond to an appeal to 30 days
 - 2) eliminate the Hearings Division stage and send appeals directly to IBLA, or
 - 3) eliminate the protest period for a proposed grazing decision. **(L), (R)**
- Amend the *Wild and Free-Roaming Horse and Burro Act of 1971* regulations to allow for decisions that are effective immediately upon issuance for operations such as remote darting for fertility control. **(R)**
- Broaden the current federal interagency Oil and Gas Air Quality MOU, which establishes a consistent, repeatable and mutually agreed upon process to analyze impacts to air quality from oil and gas activities on BLM lands, to cover additional BLM activities and more formally involve the states. Ensure the MOU clarifies the roles and responsibilities of the various federal and states agencies in administering the Clean Air Act. **(P)**
- Coordinate with the FWS to develop consistent national Migratory Bird Treaty Act (MBTA) policy to establish a consistent definition of take and application of mitigation measures for restoration, fire resiliency and timber sale activities. **(P)**
- Identify opportunities to modify the existing nationwide programmatic agreement under Section 106 of the National Historic Preservation Act (NHPA) and State-level protocols to identify additional smaller actions that warrant an expedited Section 106 process, especially for those actions that are categorically excluded from more detailed NEPA analysis. **(P)**
- Establish that activities categorically excluded from more detailed NEPA analysis are not considered federal undertakings pursuant to the NHPA. **(L)**

Aligning Internal Business Processes

Opportunities exist to better align work processes and staffing to more nimbly address Administration priorities and expedite resource management planning and NEPA processes. For example, current redundancies exist regarding the review and analysis of certain threatened and endangered species, causing confusion and differing determinations regarding a path forward. Additionally, inefficiencies exist where RMPs must undergo multiple Washington Office (WO) reviews and briefings. Both of the previously described challenges to the way BLM currently conducts internal business can contribute to increased project cost and create delays.

The following specific action items are recommended to better align BLM and DOI business processes with the legislative **(L)**, regulatory **(R)**, or policy **(P)** mechanism noted in parentheses for implementation of the recommendation:

- Combine the responsibilities for implementing Section 7 of the ESA by the NMFS and the FWS into a single regulatory agency in order to avoid reaching inconsistent conclusions regarding habitat impacts during consultation. In lieu of a merger of the organizations, require participation of FWS and NMFS at all significant milestones of

plan development, including development of alternatives, and require one of the agencies to be the lead in reviewing and responding to Biological Assessments, and in preparing a single Biological Opinion when one is necessary under Section 7. **(L)**

- Utilize alternate staffing models (e.g., “strike teams”) to regionalize or nationalize certain work processes focused on completing priority projects (e.g., infrastructure projects) or expeditiously addressing the need for scarce skills. Such regionalized teams could address actions such as the development or review of RMPs, fluid mineral lease applications, and geographic information systems (GIS) for all programs. **(P)**
- Develop guidance to better integrate BLM and BIA work processes to support Indian mineral development. **(P)**
- Eliminate redundancies and streamline both the Federal Register Notice (FRN) processes and Washington Office (WO) reviews associated with resource management planning decisions. **(P)**
- Develop and maintain an easily understandable process flowchart for the field for preparing, reviewing, and routing Federal Register Notices accurately and efficiently. **(P)**
- Establish clear communication from the WO to the State Offices (SO) and further to the District/Field Office (DO/FO) on current litigation and policy issues to consider in documents. **(P)**
- Conduct issue-based briefings on an as needed basis (e.g., alternatives development, grazing) versus briefings at set milestones during the planning process (Draft RMP, Proposed RMP). **(P)**
- Establish national-level contracts to utilize third parties to reduce time and costs associated with resource management plan development and/or environmental analyses. **(P)**
- Establish mechanisms to utilize other agencies' existing contracting vehicles. **(P)**
- Bolster BLM contracting mechanisms to ensure that 1) NEPA / planning scopes of work accurately reflect the work that is needed to inform related decisions and 2) ensure that contractor performance throughout and after the contract is executed are properly evaluated by the BLM contracting officer representative and, 3) and these evaluations are used when securing subsequent projects. **(P)**
- Institute an annual or periodic training requirement and employee accountability mechanism for developing associated NEPA and planning competencies. **(P)**
- Institute a NEPA training curriculum based on roles in the NEPA process, with consideration of specialized legislation that impacts NEPA reviews (e.g., line officer, NEPA practitioner, ID Team member, project manager, Alaska National Interest Lands Conservation Act (ANILCA)). **(P)**
- Amend current protest and appeals regulations to require a standardized template for submission of protest/appeal that emphasizes summarization of each protest point followed by supporting rationale. **(R)**

- Eliminate IBLA's hard-copy requirement for delivery of case files and administrative records and require electronic recordkeeping processes. **(R)**
- Develop consistent procedures and leverage the use of modern technologies and capabilities for electronic recordkeeping and record delivery to readily store, sort and track documents to facilitate records management and development of administrative records. **(P)**

Improving Land Use Planning

As part of a 2012 strategic assessment²⁰, the BLM determined that its resource management planning process was costly²¹, both in terms of budget and time, and often resulted in cumbersome decisions to implement on public lands. As a result of that assessment and similar reviews, BLM has determined that its resource management planning process needs to be proactive and nimble, while focusing on working collaboratively with partners at different scales to produce highly useful decisions that readily address the rapidly changing environment and conditions. In addition, opportunities exist to strengthen the relationships with state and local governments on planning decisions through improving our coordination responsibilities mandated by FLPMA.

The following specific action items are recommended to improve the planning process with the legislative **(L)**, regulatory **(R)**, or policy **(P)** mechanism noted in parentheses for implementation of the recommendation:

- Using standardized datasets, provide comprehensive geospatially-enabled inventory of all planning designations (e.g. Areas of Critical Environmental Concern, Lands with Wilderness Characteristics, Special Recreation Management Areas) and resource allocations / allowable uses (e.g. leasing stipulations, right-of-way restrictions, and lands potentially suitable for disposal). **(P)**
- Explore the following options regarding the designation of Areas of Critical Environmental Concern (ACECs), as described in section 202 of FLPMA, 43 U.S.C. 1712(c)(3): **(L), (R), (P)**
 - 1) Separating ACEC designations from the RMP process through an amendment to FLPMA and regulatory changes.

²⁰ Winning the Challenges of the Future: A Road Map for Success in 2016, BLM (October 2011).

²¹ RMP revision and amendment costs vary greatly depending on the complexity of issues addressed. A recent review estimated that, since 2009, the average RMP revision requires approximately \$3.2 million in land use planning program subactivity funds. Average total costs are predicted to be in the range of \$5-\$7 million when including other program funding subactivities. Since 2009, the average RMP amendment has cost approximately \$357,000 in land use planning program subactivity funds. Average total costs for RMP amendments are estimated to be in the range of \$500,000 and \$1.2 million when including other program subactivities. Specific examples of recently-completed RMP revisions and amendments include: Eastern Interior Alaska RMP Revision and EIS (\$1.985M); National Petroleum Reserve Integrated Activity Plan and EIS (\$2.042M); TransWest Express RMP Amendment and EIS (\$3.7M); Rangeland Greater Sage Grouse RMPs/Amendments and EISs (\$66M).

- 2) Update guidance for establishing ACECs and how they interact with other protective designations under laws other than FLPMA and other administrative designations.
- Update the guidance for resource management planning to address the following: **(P)**
 - 1) For RMPs, include an alternative developed and/or preferred by the local Resource Advisory Committee/Council (RAC).
 - 2) establish outcomes-based goals and measureable objectives;
 - 3) exclude or restrict making implementation-level decisions in land use plans;
 - 4) institutionalize the concept of issue-based planning;
 - 5) develop more focused purpose and need statements and a standardized plan evaluation template for more targeted plan amendments or revisions.
- Define and clarify plan maintenance opportunities to accommodate small shifts in resource conditions and allocations through plan maintenance. **(P)**
- Establish a CX for RMP revisions and or amendments to expedite the development of RMP revisions and or amendments for which subsequent, site-specific NEPA analysis would be required **(L, R, P)**.
- Expedite the RMP amendment process by reducing Federal Register publication requirements for noticing EA-level amendments. **(R, P)**.
-
- Develop and deliver a core curriculum of RMP training, which is focused on establishing skills for the development of appropriate planning products at key stages in the RMP process. **(P)**
- Establish a publicly available database or dashboard to track important milestones associated with planning and NEPA documents. **(P)**

III. Next Steps

The executive summary section of this Report identifies next steps with regards to the recommendations outlined in this Report. Many of the recommendations that can be addressed through changes in policy or internal business practices may be implemented over a short time frame while the larger issues and actions are discussed and considered internally. However, the implementation timeframes for all of the recommended actions assume that each action is implemented individually. Depending on the number of actions that are ultimately directed to be implemented by the Secretary, these timeframes could lengthen considerably without additional resources.

Any action taken on recommended items identified in this Report may require additional outreach and input from stakeholders; most notably affected state, local and tribal governmental partners. In addition, any promulgation of regulations would require public notice and comment.

V. Figures and Appendices

Figure 1: NEPA Process flowchart

Figure 2: EIS –level planning efforts flowchart: Required steps for new plans, revisions, and amendments.

Figure 3: EA level planning efforts flowchart: Required and optional planning steps

Appendix A: Detailed Summary Table of all recommendations categorized by themes:

- 1) Improving the NEPA Process,
- 2) Leveraging Data and Technology,
- 3) Expanding Coordination and External Engagement,
- 4) Effective Integration with Other Laws,
- 5) Aligning Internal Business Processes, and
- 6) Improving Land Use Planning

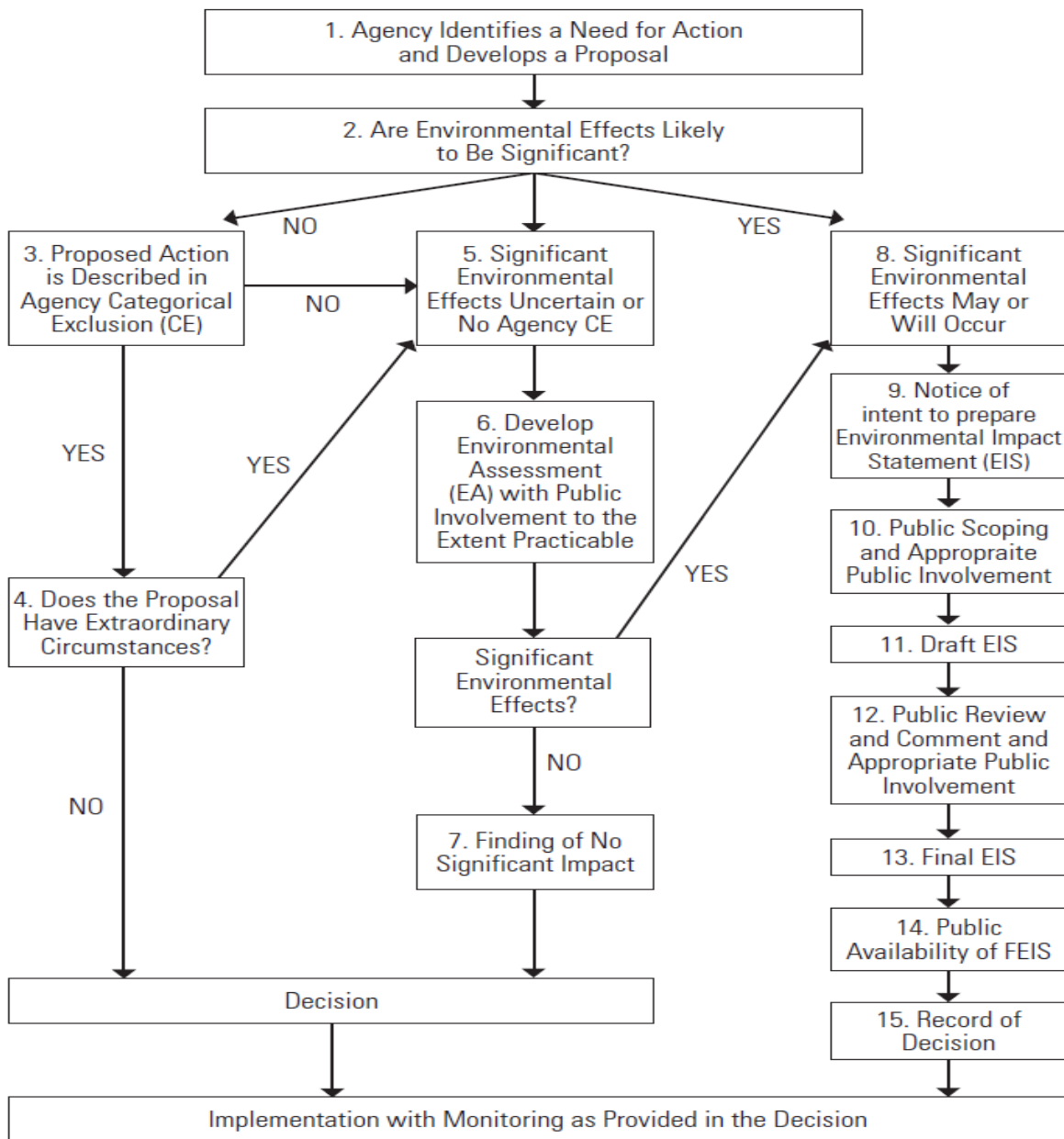
Appendix B: Report on State/Local/Tribal Government and Public Input

Appendix C: Specific Action Items Addressing Secretarial Order 3355

Appendix D: Secretarial Memorandum: Improving the Bureau of Land Management’s Planning and National Environmental Policy Act Process (March 27, 2017)

Appendix E: Secretarial Order 3355: Streamlining National Environmental Policy Act Reviews and Implementation of Executive Order 13807, “Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects.” (August 31, 2017)

The NEPA Process



**Significant new circumstances or information relevant to environmental concerns or substantial changes in the proposed action that are relevant to environmental concerns may necessitate preparation of a supplemental EIS following either the draft or final EIS or the Record of Decision (CEQ NEPA Regulations, 40 C.F.R. § 1502.9(c)).*

Figure 1: NEPA Process Flowchart. (Source: Council on Environmental Quality Citizens Guide to NEPA, December 2007).

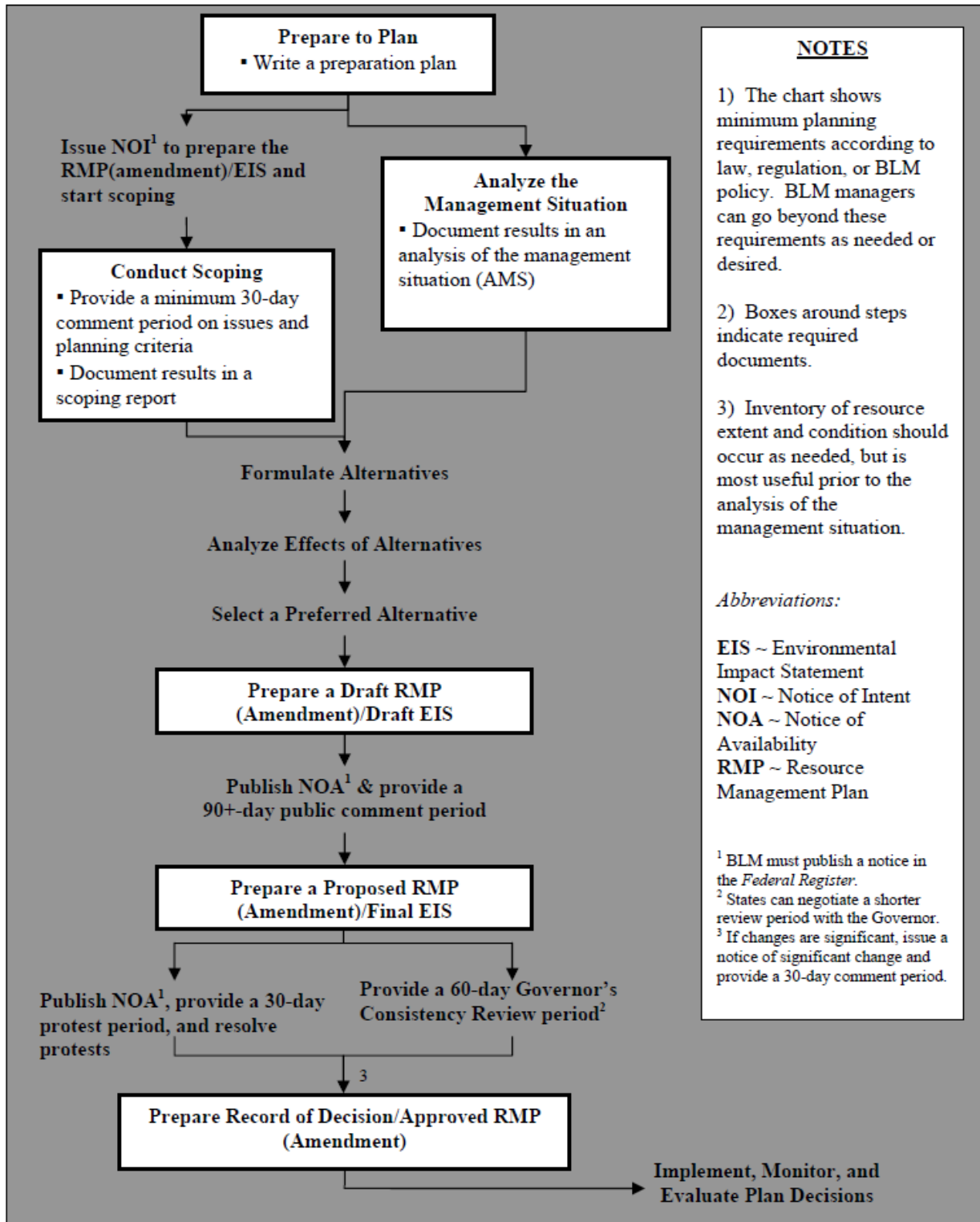


Figure 2: FIGURE 2: EIS –level planning efforts: Required steps for new plans, revisions, and amendments. (Source: BLM Land Use Planning Handbook H-1601-1).

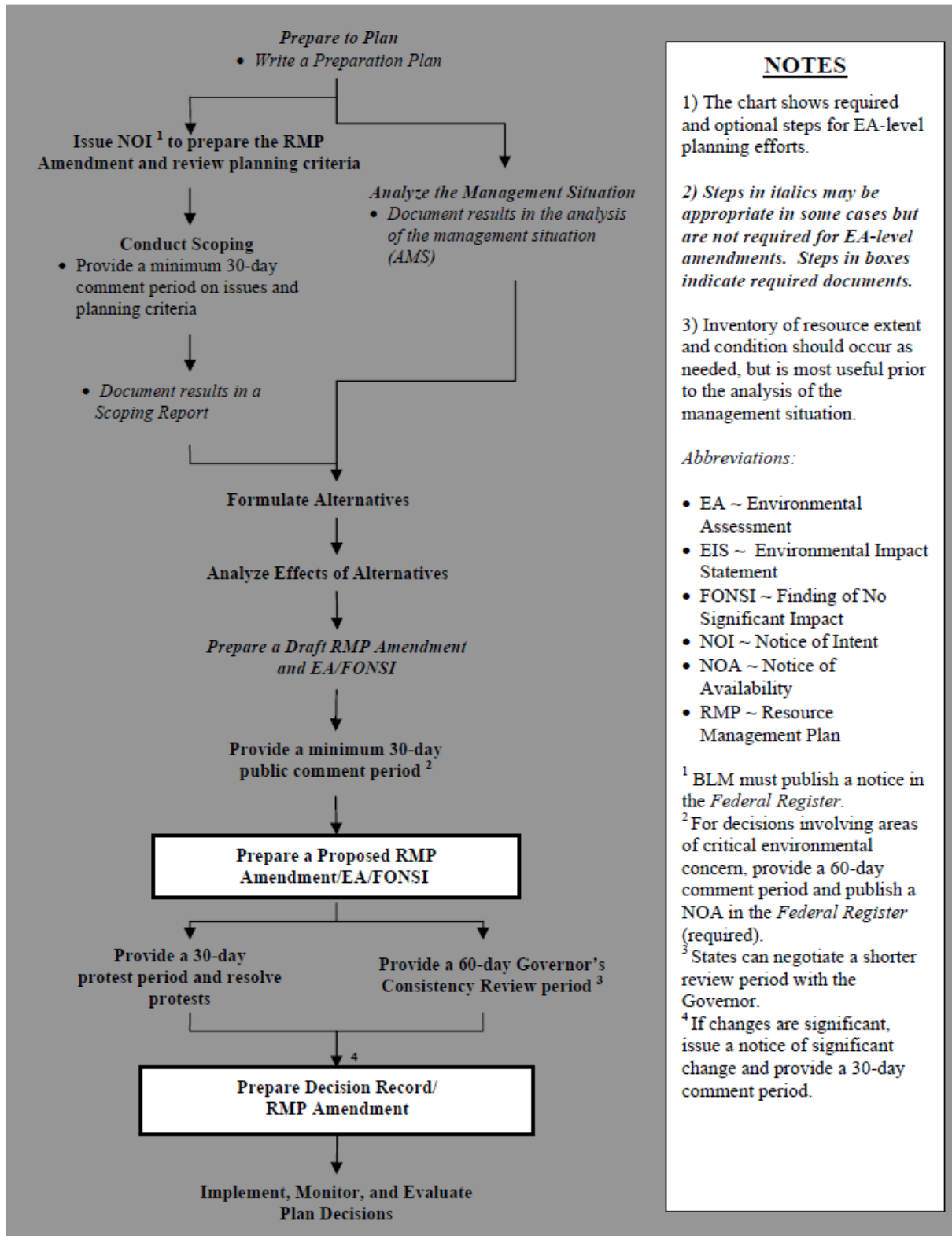


Figure 3: Figure 3: EA level planning efforts flowchart: Required and optional planning steps (Source: BLM Land Use Planning Handbook H-1601-1).

APPENDIX A: Summary Tables by Topic

September 27, 2017

The following tables provide all the recommendations to improve the resource management planning and NEPA processes categorized by the following themes: 1) Improving the NEPA Process, 2) Leveraging Data and Technology, 3) Expanding Coordination and External Engagement, 4) Effective Integration with Other Laws, 5) Aligning Internal Business Processes, and 6) Improving Land Use Planning. The tables provide more details on the recommended actions, including the inefficiency or constraint that would be addressed, who has the authority to implement the action, and a timeframe for implementation of the action.

The implementation timeframes for all of the recommended actions assume that each action is implemented individually. Depending on the number of actions that are ultimately directed to be implemented by the Secretary, these timeframes could lengthen considerably without additional resources.

Section 1 – Improving the NEPA Process

Issues	Actions/Options	Required Remedy	Who Would Implement	Timeline
The "Determination of NEPA Adequacy" (DNA) tool is underutilized and supported by BLM policy only (e.g., NEPA Handbook).	Require that NEPA documents supporting Resource Management Plan (RMP) decisions related to oil and gas development evaluate impacts projected by the Reasonably Foreseeable Development Scenario (RFD). Clarify that this NEPA review should be in enough detail to support the use of a subsequent Documentation of NEPA Adequacy (DNA) to cover certain implementation level decisions, such as leasing decisions.	Policy	BLM	6-12 Months
	Explore codifying the concept of DNA processes in Departmental NEPA regulations to improve consistency of use across bureaus.	Regulation	DOI, BLM	1-2 Years

APPENDIX A: SUMMARY RECOMMENDATION TABLES BY TOPIC

	Clarify that reinstatement of a mineral lease for which NEPA analysis was previously conducted can often be supported by a DNA.	Policy	BLM	1-2 Years
NEPA documents are often unfocused, exceedingly lengthy, and cumbersome for the action being analyzed.	Formalize the criteria for issue-based approach, currently outlined in BLM’s NEPA handbook, in DOI’s NEPA regulations, and CEQ’s NEPA regulations for the preparation of all EAs and EISs.	Regulation	DOI, SOL, BLM	1-2 Years
Existing Departmental and BLM CXs that require no additional documentation are underutilized for certain transactional actions. This leads to unnecessary development of EA level NEPA documents.	Clarify that certain “transactional” actions that are categorically excluded from NEPA (e.g. transfer of oil and gas leases between operators, transfers of livestock grazing permits between operators, and transfers of equipment between agencies) do not require formal NEPA documentation.	Policy	BLM, DOI	6-12 Months
	Develop new CXs for the Wild Horse and Burro program that include: 1) gather operations; 2) sales of excess Wild Horses and Burros; 3) application of population growth suppression techniques to wild horses and burros, including contraception and sterilization; and 4) euthanasia of excess wild horses and burros for which an adoption or sale demand does not exist.	Legislation or Policy	Congress, DOI, BLM, CEQ	1-2 Years or 6-12 Months
BLM does not fully take advantage of the use of existing CXs that do not require documentation for certain actions	Clarify that certain “transactional” actions that are categorically excluded from NEPA (e.g. transfer of oil and gas leases between operators, transfers of livestock grazing permits between operators, and transfers of equipment between agencies) do not necessarily require formal NEPA documentation.	Policy	BLM	6-12 Months
The current list of available BLM Categorical Exclusions (CXs) places unnecessary restrictions on their use, which significantly	Develop the following CXs for the Wild Horse and Burro program: 1) Wild horse and burro gather operations; 2) Sales of excess wild horses and burros; 3) Application of population growth suppression	Legislation or Policy	BLM, CEQ	1-2 Years

APPENDIX A: SUMMARY RECOMMENDATION TABLES BY TOPIC

<p>reduces the BLM’s capacity to address certain routine actions causing delays and unnecessary analysis.</p>	<p>techniques to wild horses and burros, including contraception and sterilization; 4) Euthanasia of excess wild horses and burros for which an adoption or sale demand does not exist;</p>			
	<p>Develop the following new CXs for oil and gas leasing and development: 1) permitting of FEE/FEE/ FED wells; 2) reclamation of older oil and gas well sites.</p>	<p>Legislation or Policy</p>	<p>BLM, CEQ</p>	<p>1-2 Years</p>
	<p>Develop the following new CXs or modification of existing and approved CXs for range management activities: 1) maintaining existing range improvements not currently covered by a CX (clarify 43 CFR 46.210 (f)); 2) enhance and clarify flexibility in the use of the CX for "current grazing management activities" (FLPMA 402(h)(1)).</p>	<p>Legislation or Policy</p>	<p>BLM, CEQ</p>	<p>1-2 Years</p>
	<p>Amend the Healthy Forests Restoration Act (2003) to establish the following CXs: The following fuels management activities on public lands are categorically excluded from NEPA (42 USC 4331): (1) Vegetation treatment to reduce hazardous fuels; (2) Vegetation treatment to protect wildlife habitat from wildfire impacts; (3) Vegetation treatment to create fuel breaks; (4) Vegetation treatments prioritized in a Community Wildfire Protection Plan. A vegetation management activity covered by the categorical exclusion established under this section may not exceed 10,000 acres.</p>	<p>Legislation</p>	<p>DOI, BLM</p>	<p>1-2 Years</p>
	<p>Modify the existing CX addressing Issuance of Special Recreation Permits to include the ability to utilize the CX in "Special Areas" (43 CFR 2932.5) designated for recreational use when surface disturbance would be minimal.</p>	<p>Legislation or Policy</p>	<p>DOI, BLM, CEQ</p>	<p>1-2 Years</p>

APPENDIX A: SUMMARY RECOMMENDATION TABLES BY TOPIC

<p>Simple plan revisions and amendments are subject to many of the same time-consuming and costly regulatory and policy obligations as either an EA or EIS-level efforts.</p>	<p>Modify the planning regulations to eliminate the need to prepare a NEPA document for all planning decisions and establish a new CX for certain types of land use plan revisions and land use plan amendments; such as small-scale land disposals or acquisitions of inholdings within a monument.</p>	<p>CX: Legislation or Policy Planning: Regulation</p>	<p>Congress, BLM, CEQ</p>	<p>1-2 Years</p>
<p>The inability to use other Federal Land Management Agencies existing CXs for similar actions taken in aquatic and riparian habitats by BLM result in excessive environmental review and analyses.</p>	<p>Establish a mechanism to use USFS CXs for aquatic and riparian habitat restoration activities taken by BLM</p>	<p>Legislation or Policy</p>	<p>DOI, BLM, USFS, CEQ</p>	<p>1-2 Years</p>
<p>Legislation which includes CXs for land management activities does not always cover BLM activities and can lead to excessive analysis.</p>	<p>Modify the 2014 Farm Bill to provide BLM the same authority as the USFS for a CX to authorize implementation of forest resiliency treatments on up to 3,000 acres on lands identified by the Governors or designated by the Secretary to be high risk. Additionally, propose expanding the 2018 Farm Bill CXs to include other program restoration treatments to address: (1) sagebrush restoration; (2) noxious weeds and invasives; (3) expediting emergency stabilization and rehabilitate post wildfires treatments; (4) hazardous fuel reduction; (5) targeted livestock grazing; (6) hazardous vegetation removal adjacent to powerline rights-of-ways, and (7) facilitation of oil and gas development (e.g., implemented through stewardship contracting)..</p>	<p>Legislation</p>	<p>Congress, DOI, BLM</p>	<p>1-2 Years</p>
<p>Current legislative oil and gas Categorical Exclusions (CXs) places unnecessary restrictions on</p>	<p>Develop a proposal to update and replace the oil and gas leasing and development actions under the Energy</p>	<p>Legislation</p>	<p>Congress, DOI, BLM</p>	<p>1-2 Years</p>

APPENDIX A: SUMMARY RECOMMENDATION TABLES BY TOPIC

their use which significantly reduces the BLM’s capacity to increase the pace and scale of oil and gas development.	Policy Act of 2005 that are categorically excluded from further NEPA consideration.			
Additional CXs are needed for coal to alleviate delays for actions with small or no ground disturbing impacts. Examples may include small coal actions and BLM’s action of leasing federal coal.	Consider establishing a CX for actions involving small coal actions (e.g. Exploration Licenses, certain Lease Modification Applications (LMA), Research, Development, and Demonstration (RD&D) Leases) and BLM’s action of leasing federal coal.	Legislation or Policy	Congress, DOI, BLM, CEQ	1-2 Years
Ineffective and/or infrequent use of NEPA adoption, tiering and DNA practices result in duplicative analysis.	Update the BLM NEPA handbook to provide guidance to maximize opportunities for adopting other agencies’ NEPA documents, tiering from higher order NEPA analyses, and using DNAs.	Policy	BLM	6-12 Months
Issues are identified too late in the NEPA process.	Update the BLM NEPA handbook to provide guidance on identifying issues for analysis as well as appropriately eliminating issues from detailed analysis. This includes providing clarification on the scope of “connected actions” ¹ under NEPA.	Policy	BLM	6-12 Months
A lack of internal guidance on incorporation of adaptive management in the NEPA process limits the effectiveness of developing and implementing successful and flexible adaptive management strategies.	Develop an adaptive management chapter in the NEPA handbook to enable flexibility in implementing subsequent decisions (e.g. to provide clear guidance on how to accommodate outcome-based grazing).	Policy	BLM	6-12 Months
Sharing large and cumbersome planning documents, which are	Provide best practices in the NEPA handbook for how to create a user-friendly, searchable PDF document	Policy	BLM	6-12 Months

¹ As defined in 40 CFR 1508.21 (a)(1)(i-iii).

APPENDIX A: SUMMARY RECOMMENDATION TABLES BY TOPIC

hard for the public to review, increase the risk of issues being identified late in the process causing delays.				
Lack of knowledge of joint lead options can result in agencies preparing individual and duplicative NEPA analyses.	Develop guidance focused on recognition and awareness of the benefits of two or more agencies sharing joint lead status on NEPA documents, consistent with SO 3355 and E.O. 13807.	Policy	BLM	6-12 Months
	Establish guidance to implement recording all agency decisions in one combined Record of Decision (referred to in E.O. 13807 as “One Federal Decision,”) and issuance of all Federal authorization decisions for the construction of an EIS-level project within 90 days of the issuance of a ROD in accordance with SO 3355.	Policy	BLM	6-12 Months
EA and EIS documents do not have prescribed page or time limits which often result in lengthy documents that taking too long to develop.	Provide guidance, through an Instruction Memorandum, to address implementation of required page and time limits associated with EISs, in line with SO 3355, for which BLM is the lead agency and have not reached the drafting stage. See Appendix C.	Policy	BLM	3-6 Months
	Develop a proposal to establish targeted page and time limits for the preparation of EAs. Submit proposal to Deputy Secretary as required in SO 3353. Following subsequent approval, implement approved proposal. See Appendix C.	Policy	BLM	1 Month
Inability to adopt state level environmental documents for similar or related actions results in duplicative analyses, additional delays and costs.	Request CEQ modify its NEPA regulations to facilitate increased use of state and tribal environmental documents. This is supported by SO 3355.	Regulation	CEQ	1-2 Years

APPENDIX A: SUMMARY RECOMMENDATION TABLES BY TOPIC

Lack of effective guidance from CEQ on cumulative effects analyses and non-federal connected actions results in analyses that encompass more than what is necessary, meaningful to analysis, or truly reasonably foreseeable.	Request CEQ provide guidance on further defining "reasonably foreseeable future actions" ² to address the scope of a cumulative impacts ³ analysis and clarifying the effects of non-federal actions when determining whether on the determination of significance for federal actions have a significant impact.	Policy	CEQ	6-12 Months
Lack of effective programmatic NEPA documents and adoption procedures leads to duplicative analyses.	Provide mandatory training for BLM employees focused on tools to expedite the NEPA process including the appropriate use of CXs and DNAs, right-sizing analyses to develop more EAs (including those that result in mitigated Findings of No Significant Impact) rather than defaulting to EISs, and using programmatic analyses to effectively cover many similar actions in one analysis to support site-specific decision making.	Policy	BLM	6-12 Months
Findings of No Significant Impact (FONSI) are often written vaguely and do not clearly explain why impacts are not significant.	Refine the criteria used to determine significant effects to facilitate clear identification of why impacts are/are not significant in FONSI.	Policy	CEQ, BLM	1-2 Years
Several extraordinary circumstances are overly broad and vague; findings are difficult to support without analysis, increasing litigation risk.	Rewrite and/or clarify extraordinary circumstances.	Regulation	DOI, CEQ	1-2 Years

² As included in 40 CFR 1508.7

³ Cumulative Impacts is defined in the CEQ NEPA Implementing Regulations as the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (federal or non-federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time. See 40 CFR 1508.7

APPENDIX A: SUMMARY RECOMMENDATION TABLES BY TOPIC

<p>The cost and amount of time, including contractor support, spent on the NEPA process is not known.</p>	<p>Promote greater transparency and accountability by publishing total costs and associated contractor support at the conclusion of the NEPA process.</p>	<p>Policy</p>	<p>BLM</p>	<p>6-12 Months</p>
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APPENDIX A: SUMMARY RECOMMENDATION TABLES BY TOPIC

Section 2 – Leveraging Data and Technology

Issues	Actions/Options	Required Remedy	Who Would Implement	Timeline
A lack of consistent data standards and centralized storage of national datasets poses challenges for utilizing data consistently to support and expedite decisions	Collect, store, catalogue, and provide sufficient bandwidth to access core data sets common to BLM offices within a single portal to access all Bureau data. Examples would include transportation networks, wetland location, and soils classifications.	Policy	DOI, BLM, USGS	1-2 Years
	Prioritize development of consistent data standards and implement data stewardship requirements for nationwide datasets used to inform planning decisions.	Policy	BLM	1-2 Years
Lack of access to consistent or nationally available datasets limit the ability to quickly assess the baseline environment and determine needed modifications to existing management approaches during the planning process.	Prioritize inter-agency efforts now underway to identify a standard set of land health indicators. These indicators would become the basis for 1) development of an RMP's Analysis of the Management Situation; 2) RMP goals and objectives; and 3) plan evaluation over time.	Policy	BLM	1-2 Years
	Establish template data sharing agreements for other federal state, local and tribal government and BLM managed data to ensure seamless access to critical data sets for planning decisions. Utilize and incorporate more relevant local and state and tribal data such as state generated datasets associated with state-delegated Clean Water Act and Clean Air Act activities and locally generated socio-economic data that meet established data quality standards in accordance with SO 3355.	Policy	BLM	3-6 Months
Lack of readily available collaboration and commenting tools and templates for use during	Improve the internal and external collaborative capabilities of ePlanning. This would include adding a collaborative workspace, inclusion of resources such	Policy	BLM	1-2 Years

APPENDIX A: SUMMARY RECOMMENDATION TABLES BY TOPIC

the NEPA process adds time to NEPA reviews.	as templates and libraries, integration of geospatial data and analysis tools, templates for development of web-based RMPs and a web-based commenting tool to evaluate alternatives. In addition, enhance the system to schedule and track permit processing and other required authorizations with other Federal agencies; allow the public to receive notifications of upcoming projects; track progress of existing ones; and establish a performance accountability system for EIS-level projects in accordance with SO 3355.			
Outdated legislation, regulations and policies result in inconsistent use of geospatial data that causes delays in the NEPA process.	Update the General Mining Act of 1872 regulations, specifically 43 CFR Part 3800 Mining Claims Under the General Mining Laws, to require submission of geospatial data instead of hard copy maps.	Regulation	BLM	1-2 Years
	Modify current references in the Mineral Leasing Act of 1920 to require geospatial data be submitted as part of an Expressions Of Interest for oil and gas and coal leases.	Legislation	Congress, DOI, BLM	1-2 Years
Inconsistent use and lack of wide availability of geospatial data on oil and gas leases causes delays in the NEPA process.	Continue the establishment of a geographic information and mapping system, in accordance with the Energy Policy Act of 2005, in line with e-GIS, for oil and gas leasing geospatial data to support land use plan decisions.	Policy	DOI, BLM, USDA, USFS	More than 2 Years
Lack of use of the agency's corporate document, data management, and decision support systems such as	Prioritize implementing best practices for minimizing redundancies in application development.	Policy	BLM	1-2 Years
	Prioritize development and use of standardized (where appropriate) integrated spatial analyses.	Policy	BLM	1-2 Years
	Prioritize development and use of standard decision support tools.	Policy	BLM	1-2 Years

APPENDIX A: SUMMARY RECOMMENDATION TABLES BY TOPIC

ePlanning ⁴ and eGIS ⁵ results in inefficiencies due to use of parallel and potentially incompatible locally-operated systems.				
The current BLM website does not display important information regarding planning and NEPA activities in a way that is easy for stakeholders to understand and access.	Modernize BLM web sites to be easier to access, both internally and externally.	Policy	BLM	6-12 Months

⁴ ePlanning is a web-based software application that helps BLM users to create, write, manage, and publish National Environmental Policy Act (NEPA) documents and planning documents. It also allows for the public to easily search and view these types of documents and provide comments electronically. The application includes functionality to manage the content in documents, publish the content for printing or create web formats, create and enable documents for comments, and analyze comments.

⁵ eGIS provides a framework for the management of content and promotes collaboration among staff across all Programs and Offices in the Bureau of Land Management. It leverages existing geospatial investments in Desktop, Citrix, Web GIS Apps, Mobile GIS and Location Analytics by making them discoverable, accessible and integrated and provides access to a common set of base maps, including one customized from BLM National Data, simple tools, web GIS services, and geospatial data from both the Bureau and from outside sources.

APPENDIX A: SUMMARY RECOMMENDATION TABLES BY TOPIC

Section 3 – Expanding Coordination and External Engagement

Issues	Actions/Options	Required Remedy	Who Would Implement	Timeline
Different interpretations of cooperating and coordinating responsibilities as defined in NEPA and FLPMA, respectively, create tension and inhibit productive collaboration with local and state governments.	Strengthen and integrate BLM’s "coordination" with State and local governments and their planning efforts, pursuant to Section 202(c)(9) of FLPMA regarding direction for BLM to coordinate planning with other federal and state agencies also involved in land use planning.	Regulation or Policy	BLM	1-2 Years
Lack of a consistency review process for local plans causes conflict and inhibits relationships with local governments.	Clarify that the Governor's consistency review of the land use planning processes should be inclusive of a consistency review of local (states, county, and city) land use plans, programs, and policies.	Regulation or Policy	BLM	1-2 Years
Lack of a NEPA pre-scoping discussion with appropriate regulatory agencies can result in last minute changes to a project, which adds significant cost and delay.	Establish procedures for conducting outreach prior to publication of an NOI for an EIS to identify and address issues early in the NEPA process. The procedures will have a particular focus on outreach to impacted regulatory agencies, such as FWS, NMFS and USACE, whose review may impact the alternative selected. In addition, initiate cooperating agency status with State agencies no later than 60 days after receiving a complete project application package in accordance with SO 3355.	Policy	BLM	1-2 Years
Lack of frequent coordination with state, local, and Tribal governments outside of individual plans and projects can inhibit relationship building and cause delays when	Develop a national-level MOU between the BLM and NACo on coordination with local governments to which individual District or Field Offices can tier. This would provide structure for regular coordination outside of individual planning or project’s NEPA processes.	Policy	BLM, NACo	6-12 Months

APPENDIX A: SUMMARY RECOMMENDATION TABLES BY TOPIC

individual plan/project specific conflicts arise.	Develop an MOU with the National Governors Association to facilitate state-level cooperation in planning, RMP policy development, and coordination with local government planning efforts.	Policy	BLM, NGA	6-12 Months
	Prioritize the completion of training related to BLM Manual 1780 and Handbook H-1780-1 on Improving and Sustaining BLM-Tribal Relations.	Policy	BLM, Tribes	1-2 Years
The current practice of waiting to receive public input on alternatives until the Draft EIS is issued for public comment can lead to substantial issues arising late in the NEPA process which may increase costs and delays.	Establish procedures to make preliminary EIS alternatives available for public review, prior to formal publication of preferred alternatives in a notice of availability of the EIS.	Policy	BLM	1-2 Years
Tribes and State and Local governments are reluctant to share proprietary/sensitive data with the BLM because it is not protected (exempted) from Freedom of Information Act (FOIA) requests.	Provide BLM with expanded exemptions under FOIA to protect the confidentiality of sensitive information shared by State, Local and Tribal governments, such as reburial information.	Legislation	Congress, DOI, BLM	1-2 Years
BLM does not effectively utilize technology to communicate the Resource Management Planning Process to the public which can lead to unfocused and unhelpful input	Develop a common template for RMPs in ePlanning, host RMPs electronically on the web, and ensure RMPs make ready use of GIS information template in ePlanning to make all RMPs web-based and utilize geographic information systems (GIS) data to with a goal to make plans easier to read and understand.	Policy	BLM	1-2 Years
Misunderstandings related to Federal Advisory Committee Act, including the underutilization of Resource Advisory	Review current FACA guidance and training, including how it addresses maximizing utilization of RAC's. Make changes or create new training, if	Policy	BLM	6-12 Months

APPENDIX A: SUMMARY RECOMMENDATION TABLES BY TOPIC

Committees/Councils, result in missed opportunities to engage collaboratively with groups to address issues early and minimize delays.	necessary, to address what you can and cannot do and best practices for engaging RACs under FACA.			
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APPENDIX A: SUMMARY RECOMMENDATION TABLES BY TOPIC

Section 4 – Effective Integration with Other Laws

Issues	Actions/Options	Required Remedy	Who Would Implement	Timeline
<p>Identifying and inventorying Lands with Wilderness Characteristics during the planning and NEPA process can be burdensome and lead to duplicative analyses. In addition, the BLM heard during public comment that certain existing statutes, such as the Alaska National Interest Lands Conservation Act (ANILCA), may establish conflicting policy regarding lands with wilderness characteristics.</p>	<p>Explore the need for continuation of inventories of lands with wilderness characteristics – likely would require amending Section 201 of FLPMA, 43 U.S.C. 1711(a)</p>	<p>Legislation</p>	<p>Congress, DOI</p>	<p>1-2 Years</p>
	<p>Identify opportunities to improve the process to inventory for wilderness characteristics. This will include both providing for a simplified, GIS-based methodology, wherever possible, to inventory as well as clarifying the broad management discretion for managing lands with wilderness characteristics.</p>	<p>Regulation or Policy</p>	<p>DOI, BLM</p>	<p>More than 2 Years</p>
<p>Fees collected through the Equal Access to Justice Act can provide an incentive for plaintiffs to challenge agency decisions.</p>	<p>Ask Congress to revise the Equal Access to Justice Act (EAJA) to reduce or eliminate the attorney fees that can be recovered in litigation, or provide a mechanism for agencies to recover the costs and fees they incur for successfully defending a land use planning document, NEPA analysis and/or implementation decisions.</p>	<p>Legislation or policy</p>	<p>Congress, DOI, BLM</p>	<p>More than 2 Years</p>
<p>Responding to Freedom of Information Act (FOIA) requests can divert agency resources and ultimately slow down the agency decision-making process.</p>	<p>Limit the number of FOIA requests from any one group, requiring more stringent justification for fee waivers, and increased search and redaction fees so the agency can recover all of its direct costs.</p>	<p>Legislation or Regulation</p>	<p>Congress, DOI, SOL</p>	<p>More than 2 Years</p>
<p>The Endangered Species Act (ESA) consultation process and associated timelines is difficult to align with the</p>	<p>Revise the 2000 MOA among USFWS, BLM, NMFS, and USFS, which established a general framework for a streamlined process for interagency</p>	<p>Policy</p>	<p>DOI, BLM, FWS, NMFS</p>	<p>6-12 Months</p>

APPENDIX A: SUMMARY RECOMMENDATION TABLES BY TOPIC

NEPA and planning process which can cause delays.	cooperation associated with ESA consultations. This will include more effective use of conference opinions and synchronous consultation procedures and mirrored determinations between NMFS and USFWS, in such cases that a federal agency is required to consult with both Services on the same species.			
	Explore the potential to cease formal consultation under the ESA with the FWS or the National Marine Fisheries Service (NMFS) for the adoption, revision, or amendment of a Resource Management Plan (RMP) based on a “no effect” determination made by the BLM.	Legislation, Regulation or Policy	DOI, SOL, BLM	More than 2 Years
Recent litigation has caused uncertainty regarding triggers for reinitiating consultation for existing plans under the Endangered Species Act which may result in inconsistencies in consultations adding time and cost to the planning process.	Work with Congress on legislation or seek changes to the regulations implementing Section 7 of the ESA to provide discretion to the Federal action agency to determine whether to reinitiate ESA consultation on an existing land use plan when a new species is listed, critical habitat is designated, or other reinitiation triggers currently in the regulations are tripped.	Legislation or regulation	Congress, or DOI, FWS, NMFS	1-2 Years
Continued litigation over the interpretation of the <i>Oregon and California Revested Lands Sustained Yield Management Act of 1937</i> (O&C Act) and its relationship to other laws creates uncertainty and results in delays in implementation of actions in those areas. The Association of O&C counties commented that the O&C Act requires a minimum harvest level	Work with Congress to clarify direction for BLM lands in Western Oregon that are currently managed under the <i>Oregon and California Lands Act of 1937</i> .	Legislation	Congress, DOI, BLM, FWS, NMFS, EPA, USACE	1-2 Years
	Explore the ability of FWS to utilize BLM modeling in recovery plans developed and implemented under the ESA for ESA listed species.	Policy	DOI, BLM, FWS	1-2 Years

APPENDIX A: SUMMARY RECOMMENDATION TABLES BY TOPIC

<p>of 500 mmbf per year and that Section 7(a)(2) of the ESA does not impliedly repeal the O&C Act's non-discretionary mandate to implement sustained yield forestry on all timberlands.</p>				
<p>Unclear expectations regarding the necessary scope of analysis associated with split estate lands can cause excessive and lengthy environmental reviews of issues outside of BLM authority.</p>	<p>Consider the following actions to address issues that arise with split estate: 1) establish an MOU with affected agencies identifying BLM as the lead for NEPA analyses for lease reinstatements involving split estate; 2) provide better clarity in the Planning Handbook regarding split estate; 3) create a short-form EA template that focuses on non-discretionary resources; 4) develop a Split Estate Handbook for oil and gas; 5) Update two brochures for split estate for oil and gas; 6) Update IM 2009-078; 7) Change 43 CFR §3161.1 Jurisdiction to be consistent with common directional drilling.</p>	<p>Regulation and Policy</p>	<p>DOI, BLM,</p>	<p>1-2 Years</p>
<p>Multiple opportunities exist to challenge a decision (Protest/appeal) and varying procedures across programs result in different implementation timelines, disincentives for up-front public involvement and general public confusion around the process.</p>	<p>Evaluate the potential to harmonize the protest and appeal processes across all BLM programs, including the role of the Interior Board of Land Appeals (IBLA) and the Office of Hearings and Appeals (OHA).</p>	<p>Potentially Legislation, Multiple Program, OHA and IBLA Regulations</p>	<p>DOI SOL, BLM</p>	<p>More than 2 Years</p>
<p>Delays caused by protest/appeals can be disproportionate to impacts from certain common actions and decisions.</p>	<p>Exempt wildfire management decisions from stay during appeals.</p>	<p>Regulation</p>	<p>DOI, BLM</p>	<p>1-2 Years</p>

APPENDIX A: SUMMARY RECOMMENDATION TABLES BY TOPIC

Lengthy administrative processes and appeals for decisions for forestry, grazing and under the Wild Free-Roaming Horses and Burros Act (WH&B Act) can create delays.	Update the regulations for protest of a forest management decision to modify the protest process and exempt forest management activities from the IBLA appeal process. This would streamline the BLM's administrative remedies for forest management.	Regulation	DOI, BLM	1-2 Years
	Amend IBLA regulations for Wild Horse and Burro activities to shorten the appeals period from 30 days to 15 days and the time to respond to an appeal from 45 days to 30 days	Regulation	DOI, BLM	1-2 Years
	Explore potential options to expedite grazing administrative remedies such as: 1) shorten the IBLA timeframes to appeal period to 15 days and the time to respond to an appeal to 30 days; 2) eliminate the Hearings Division stage and send appeals directly to IBLA; or 3) eliminate the protest period for a proposed grazing decision.	Legislation or Regulation	DOI, BLM	1-2 Years
Litigation by groups for all Wild Free-Roaming Horses and Burros Act (WH&B Act) actions can slow down less controversial non-gather actions.	Amend Wild Free-Roaming Horse and Burro Act of 1971 regulations to allow for decisions that are effective immediately upon issuance for non-gather related operations such as remote darting for fertility control.	Regulation	BLM	1-2 Years
Integrating Clean Air Act requirements into planning and NEPA processes can cause delays due to overlapping roles and responsibilities at federal, state, local, and tribal levels.	Broaden the scope of the current federal interagency Oil and Gas Air Quality MOU, which establishes a consistent, repeatable and mutually agreed upon process to analyze impacts to air quality, to additional BLM land management activities. Ensure the MOU clarifies the roles and responsibilities of the various federal and states agencies in administering the Clean Air Act.	Policy	BLM , USFS, NPS, FWS, EPA,	6-12 Months

APPENDIX A: SUMMARY RECOMMENDATION TABLES BY TOPIC

	Expand the stakeholders formally involved in the current federal interagency Oil and Gas Air Quality MOU to include states.	Policy	BLM, USFS, NPS, FWS, EPA, States, WGA's Western States Air Resource Council	6-12 Months
The application of inconsistent and overly restrictive mitigation measures, such as seasonal restrictions, for restoration, fire resiliency treatments and timber sales required to comply with the Migratory Birds Treaty Act (MBTA) is increasing project costs and delaying implementation.	Coordinate with USFWS to develop consistent National MBTA policy to establish a consistent definition of take for restoration, fire resiliency and timber sale activities and application of mitigation measures.	Policy	DOI, BLM, FWS	6-12 Months
The existing Programmatic Agreement to streamline compliance with Section 106 of the National Historic Preservation Act (NHPA) does not cover many smaller projects which can slow down the NEPA process.	Identify opportunities to modify the existing nationwide NHPA Section 106 programmatic agreement and State-level protocols to identify additional smaller actions that warrant an expedited Section 106 process, especially for those actions that are categorically excluded from more detailed NEPA analysis.	Policy	BLM, ACHP, SHPOs/THPOs	6-12 Months
Conducting reviews pursuant to Section 106 of the National Historic Preservation Act for actions that are categorically excluded under NEPA can slow down the process.	Establish that activities categorically excluded from more detailed NEPA analysis are not considered Federal undertakings pursuant to the NHPA.	Legislation	BLM, ACHP, SHPOs/THPOs	1-2 Years

APPENDIX A: SUMMARY RECOMMENDATION TABLES BY TOPIC

Section 5 – Aligning Internal Business Processes

Issues	Actions/Options	Required Remedy	Who Would Implement	Timeline
Reliance on permanent staff for both large projects (e.g., RMPs) and base workloads contributes to high staff turnover ultimately resulting in diminished work capacity, lost knowledge, and disruptions to partner relationships.	Use an alternate staffing model to complete major projects, including NEPA and RMPs, rather than relying solely on existing Field/District Office staff to balance base workloads and special projects.	Policy	BLM	6-12 Months
RMP revisions and complex RMP amendments can take ten years or longer years to complete and are extremely costly.	Reduce time and costs by using experienced interdisciplinary strike teams to develop and/or review RMPs.	Policy	BLM	6-12 Months
	Reduce time and costs associated with land use plan development by establishing a readily available contract mechanism using an experienced cadre of contractors for all/most RMP projects.	Policy	BLM	6-12 Months
Staffing challenges associated with processing fluid mineral leasing and application for permit to drill (APD) and associated NEPA reviews can lead to delays in issuance of APDs or leases	Develop an alternate staffing model to regionalize or nationalize certain work processes, such as fluid mineral leasing and permitting. Evaluate reporting relationships, work location, virtual work assignment, and employee appraisal processes.	Policy	BLM	6-12 Months
Data and GIS personnel possess scarce skills and are brought in late in the planning process which causes delays in data driven projects.	Establish alternate staffing models for GIS, planning, and project strike teams. Develop guidelines for the upfront identification of data needs for certain types of projects/work processes.	Policy	BLM	6-12 Months
Lack of a coordinated NEPA review causes delays to Applications for	Develop guidance on better integration of BLM and BIA work processes to support Indian mineral	Policy	BLM, BIA	1-2 Years

APPENDIX A: SUMMARY RECOMMENDATION TABLES BY TOPIC

<p>Permits to Drill (APDs) on activities jointly managed by Bureau of Land Management and Bureau of Indian Affairs.</p>	<p>development. Emphasize parallel, not sequential processing of leases, permits, agreements, transfers, reassignments, and inspections.</p>			
<p>Having the National Marine Fisheries Service under a separate Department than Fish and Wildlife Service can cause delays due to lack of coordination between the two agencies on consultations under the Endangered Species Act.</p>	<p>Combine the responsibilities for implementing Section 7 of the Endangered Species Act (ESA) by the National Marine Fisheries Services and the Fish and Wildlife Service into a single regulatory agency in order to avoid reaching inconsistent conclusions regarding habitat impacts during consultation.</p> <p>In lieu of a merger of the organizations, require participation by these regulatory agencies at all significant milestones of plan development, especially development of alternatives. Assign just one of the agencies to be the regulator of record.</p> <p>Utilize the FWS/NMFS precautionary principle and where species overlap assign the species with the most sensitive habitat requirements as the lead agency.</p> <p>Where a plan or project has multiple species in multiple areas utilize <u>one</u> Biological Assessment or Biological Opinion for consultation with one assigned lead agency.</p>	<p>Legislation</p>	<p>Congress, DOI, DOC</p>	<p>More than 2 Years</p>
<p>Inefficient, inconsistent, or untimely State and/or Washington Office reviews and procedures result in project delays.</p>	<p>Streamline review processes to eliminate, reduce, or focus WO reviews.</p>	<p>Policy</p>	<p>BLM</p>	<p>6-12 Months</p>

APPENDIX A: SUMMARY RECOMMENDATION TABLES BY TOPIC

Excessive internal routing and review of Federal Register Notices (FRN) lead to considerable project delays.	Eliminate multiple content reviews by WO Program Leads and the Solicitor’s Office.	Policy	BLM, SOL	6-12 Months
	Reduce number of FRNs routed for full WO review by identifying types of notices that should be exempt. These notices would be sent to the Federal Register by a State Director and not by the Office of the Secretary.	Policy	BLM	6-12 Months
	Establish a WO notification-only process for NOIs/NOAs in lieu of full FRN routing and review.	Policy	BLM	6-12 Months
Internal Federal Register Notice procedures add considerable time to RMP and amendment preparation timelines.	Streamline internal review process for Federal Register Notices for RMPs and amendments.	Policy	BLM	6-12 Months
Field leadership learns of new issues late in an RMP/NEPA document's development; this impacts timelines, budgets, workloads, and morale.	Establish clear communication from WO to SO and further to the District/Field Office on current litigation and policy issues to consider in documents.	Policy	BLM	1-2 Years
Current procedures require 3-4 WO briefings at each milestone in the development of an RMP. Briefing preparation, scheduling lead times, and follow-up consume valuable time, delaying the overall project timeline.	Conduct issue-based briefings on an as needed basis (e.g., alternatives development, grazing) versus briefings at set milestones during the planning process (Draft RMP, Proposed RMP).	Policy	BLM	6-12 Months
Frequent changes in FRN preparation and review requirements have resulted in procedural inconsistencies.	Develop and maintain an easily understandable flowchart for the field for preparing, reviewing, and routing NEPA-related Federal Register Notices accurately and efficiently.	Policy	BLM	6-12 Months
Lack of a bureau-wide contracting vehicle for NEPA/planning requirements discourages use of	Develop a national contracting vehicle, such as a Blanket Purchase Agreement (BPA) or Indefinite	Policy	BLM	6-12 Months

APPENDIX A: SUMMARY RECOMMENDATION TABLES BY TOPIC

contractors on projects or tasks and/or often means that contracts cannot be executed in a manner timely for the requirements.	Delivery-Indefinite Quantity (IDIQ), for use on future planning/NEPA requirements.			
Lack of authority to use other agencies' existing contracting vehicles results in costly interagency agreements with overhead rates ranging from 23 to 40%.	Establish mechanisms to utilize other agencies' existing contracting vehicles.	Policy	DOI, BLM	3-6 Months
Lack of understanding of NEPA contracting best practices leads to inadequate scopes of work and ineffective evaluation of contractor performance.	Bolster BLM contracting mechanisms to ensure that 1) NEPA/planning scopes of work accurately reflect the work that is needed to inform related decisions and 2) ensure that contractor performance throughout and after the contract is executed are properly evaluated by the BLM contracting officer representative and, 3) and these evaluations are used when securing subsequent projects.	Policy	BLM	1-2 Years
Lack of competency within the BLM in NEPA and related skills (e.g., determination of appropriate level of NEPA needed) result in procedural inefficiencies and/or technical and content deficiencies.	Institute an annual or periodic training requirement and employee accountability mechanism for developing associated NEPA competencies such as maximizing use of CX and DNA's to reduce duplicative and unnecessary analysis, development of focused issue-based EA and EISs, etc.	Policy	BLM	6-12 Months
	Institute a NEPA training curriculum based on role in the NEPA process, with consideration of specialized legislation that impacts NEPA reviews (e.g., line officer, NEPA practitioner, ID Team member, project manager, Alaska National Interest Lands Conservation Act (ANILCA)).	Policy	BLM	6-12 Months
Protest/appeals are not required to be filed in a helpful and consistent	Amend 43 CFR 5003.3 to require a standardized template for submission of protest/appeal that	Regulation	DOI, BLM	1-2 Years

APPENDIX A: SUMMARY RECOMMENDATION TABLES BY TOPIC

format which leads to unfocused and lengthy points resulting in prolonged internal review and resolution.	emphasizes summarization of each protest point followed by supporting rationale.			
IBLA's hard-copy requirement for delivery of case files and administrative records increases the workloads and can create more opportunities for erroneous omissions.	Eliminate IBLA's hard-copy requirement for delivery of case files and administrative records and require electronic recordkeeping processes.	Regulation	DOI, BLM	1-2 Years
Recordkeeping procedures used in the administrative remedy processes are antiquated and inconsistent across program areas which slow down administrative record development.	Develop consistent procedures and leverage the use of modern technologies and capabilities for electronic recordkeeping and record delivery to readily store, sort and track documents to facilitate records management.	Policy	DOI, BLM, SOL	6-12 Months

APPENDIX A: SUMMARY RECOMMENDATION TABLES BY TOPIC

Section 6 – Improving Land Use Planning

Issues	Actions/Options	Required Remedy	Who Would Implement	Timeline
Lack of consistent planning area designations and allocations leads to confusion.	Using standardized datasets, provide comprehensive geospatially-enabled inventory of all planning designations (e.g. Areas of Critical Environmental Concern, Lands with Wilderness Characteristics, Special Recreation Management Areas) and resource allocations / allowable uses (e.g. leasing stipulations, right-of-way restrictions, and lands potentially suitable for disposal)	Policy	BLM	1-2 Years
Implementation of FLPMA's direction to give priority to the designation and protection of areas of critical environmental concern in the development and revision of land use plans is inconsistent across the BLM which creates confusion during the planning processes. In addition, the BLM heard during public comment that certain existing statutes, such as the Alaska National Interest Lands Conservation Act (ANILCA), may establish conflicting policy regarding designation and protection of areas of critical environmental concern.	Amend Section 202 of FLPMA, 43 U.S.C. 1712(c)(3), and BLM's planning regulations to make ACEC designation separate from the RMP process.	Legislation, Regulation	Congress, DOI, BLM	1-2 Years
	Update the ACEC Manual (1988) to clarify a consistent process for nomination, application, implementation and reevaluation of ACEC's on BLM managed land. This includes eliminating the requirement to initiate a plan amendment or provide temporary management until an evaluation is completed, clarifying the timing and requirements for nominations and clarify the relationship to overlapping designations covering the same area (i.e. Research Natural Areas).	Policy	BLM	1-2 Years
Most RMPs lack measurable objectives making it difficult to implement the planning cycle since	Update the Planning handbook to clarify goals and objectives should be outcome-based; i.e., measurable objectives where applicable.	Policy	BLM	6-12 Months

APPENDIX A: SUMMARY RECOMMENDATION TABLES BY TOPIC

there is no basis for evaluating if we are achieving our objectives.				
Resource Management Plan revisions and amendments are unfocused and use a "kitchen sink" approach.	Revise the planning handbook to exclude or restrict implementation-level decisions in RMPs	Policy	BLM	6-12 Months
	Revise the planning handbook to institutionalize the concept of issue-based planning and the importance of making negative declarations.	Policy	BLM	6-12 Months
	Revise the planning handbook to provide guidance to develop more focused purpose and need statements and a standardized plan evaluation template in order to help BLM prepare targeted plan amendments or revisions.	Policy	BLM	6-12 Months
Resource Management Plans do not always readily reflect input from the Resource Advisory Councils/Committees	For RMPs, include an alternative developed and/or preferred by the local Resource Advisory Committee/Council (RAC)	Policy	BLM	6-12 Months
Complex RMP revisions and large-scale plan amendment efforts can take nearly a decade to complete and end up costing millions of dollars. EA-level plan amendments, despite being relatively narrow in scope and scale, are required to satisfy many of the same regulatory obligations as EIS-level amendments and RMP revisions.	Define and clarify plan maintenance opportunities to accommodate small shifts in resource conditions and allocations through plan maintenance.	Policy	BLM	6-12 Months
	Expedite and streamline the land use plan amendment process, especially for EA-level plan amendments. Streamlining would include consideration of reducing Federal Register notice requirements and the ability to utilize a CX, as appropriate.	Regulation	BLM	6-12 Months
Vast differences in the level of detail contained in planning decisions make it difficult for the public to understand both the decision and what is needed to implement the decision.	Develop and deliver a core curriculum of RMP training which is focused on establishing skills for the development of appropriate planning products (e.g., purpose and need statement, measurable objectives) at key stages in the RMP process	Policy	BLM	6-12 Months

APPENDIX A: SUMMARY RECOMMENDATION TABLES BY TOPIC

Access to clear information about planning and NEPA documents status is not consistently available.	Establish a publicly available database or dashboard to track important milestones associated with planning and NEPA documents	Policy	BLM	1-2 Years
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Appendix B:
**Report on Input Received from State and
Local Governments, Tribes,
and the Public**
Improving the BLM's Planning and NEPA Processes

September 27, 2017

TABLE OF CONTENTS

Foreword	1
Section 1, Resources and People	2
Section 1.1, People	2
Section 1.2, Training	4
Section 1.3, Contracts	5
Section 2, Interagency Streamlining	6
Section 2.1, Cooperation among Federal Agencies	6
Section 2.2, DOI Regulatory Changes	10
Section 2.3, Legislative Changes	13
Section 3, Addressing Disputes	17
Section 3.1, Dispute Resolution Process	17
Section 3.2, Full Force and Effect	19
Section 3.3, Other Dispute/Protest/Appeal Input	19
Section 4, State/Local and Tribal Govt. Engagement	20
Section 4.1, Coordination	20
Section 4.2, Consistency	40
Section 4.3, Memorandums of Understanding (MOUs)	42
Section 4.4, FLPMA	43
Section 4.5, State and Local Govts. As Cooperating Agencies	43

Section 4.6, Tribal Govt. to Govt. Consultation	46
Section 4.7, Self-Governance and Tribal Sovereignty	49
Section 5, Improving NEPA	51
Section 5.1, Significance	52
Section 5.2, Decision-making	53
Section 5.3, Adoption of non-Federal NEPA documents	54
Section 5.4, Cumulative effects	55
Section 5.5, Timelines	55
Section 5.6, Page Limits	59
Section 5.7, Local Issue Analysis	59
Section 5.8, Mitigation	61
Section 6, Use of Categorical Exclusions	63
Section 6.1, Existing BLM CXs	63
Section 6.2, New CXs	63
Section 7, Targeted Planning Rule Changes	67
Section 7.1, Plan amendments process	67
Section 7.2, Plan revision process	67
Section 7.3, Plan maintenance	69
Section 7.4, Areas of Critical Environmental Concern (ACECs)	69
Section 7.5, State and Local Plan Consistency	71

Section 7.6, FLPMA	75
Section 7.7, Smaller Scale Planning	77
Section 7.8, General	80
Section 7.9, Prioritization of comments from local elected officials and local public	82
Section 7.10, Recreation	83
Section 7.11, Wildlife	85
Section 7.12, O & C Act	86
Section 8, Planning Handbook Updates	88
Section 8.1, State and Local Govt. engagement	89
Section 8.2, Split estate actions	90
Section 8.3, Adaptive management	90
Section 8.4, Public engagement	91
Section 8.5, Issue-based planning	93
Section 8.6, Purpose and need	95
Section 8.7, Plan evaluations	96
Section 8.8, Planning vs. Implementation decisions	97
Section 8.9, Measurable objectives	99
Section 8.10, Wilderness Characteristics	99
Section 8.11, Resource Advisory Councils	100
Section 8.12, AMS	101

Section 8.13, Regional considerations	101
Section 9, NEPA Handbook updates	104
Section 9.1, Public engagement	105
Section 9.2, Issue-based analysis	108
Section 9.3, Programmatic analyses	109
Section 9.4, Tiering, adoption, and incorporation by reference	110
Section 9.5, User-friendly PDF documents	111
Section 9.6, Administrative record	112
Section 9.7, Adaptive management	112
Section 9.8, Type of analysis/Impacts	113
Section 9.9, Standardization	113
Section 10, Cooperating Agency Desk guide	115
Section 11, Use of data and GIS in decisions	115
Section 11.1, Tools for better public access to planning and NEPA documents	116
Section 11.2, Use of Corporate Data	118
Section 11.3, Data sharing	119
Section 11.4, General	122
Section 12, Equal Access to Justice Act (EAJA)	125
Section 13, Master Leasing Plans (MLPs)	126

Foreword

The BLM has received input from State and local governments and Tribes, as well as approximately 1,000 submissions from members of the public, regarding ways to improve the BLM's planning and NEPA processes. The BLM considered the ideas in its initiative to identify ways to improve the Bureau's planning and NEPA processes. This document summarizes common as well as unique ideas received from state and local and Tribal government partners and the public that were relevant to the initiative.

Section 1, Resources and People

Section 1.1, People

State/Local and Tribal Government Input

Employee retention and succession planning

Input: Modify employee relocation practices to optimize leadership development and longevity. Perform better screening as part of the selection process. Establish programs that allow valuable employees to move up in the same office rather than having to transfer out to acquire credentials necessary to advance to higher positions. Provide incentives to keep proven planning leads, project managers, line officers, and key resource specialists in their current positions for reasonable lengths of time, or until project milestones are completed. Emphasize importance of tenure in key positions. If key employees do leave, remove barriers to replacing them in a timely manner. Conduct transition planning, including promotion of local employees. Encourage BLM employees to be involved in local communities, sports, service organizations, etc., so they are immersed and invested in the community. Put a system in place to address outside complaints regarding BLM employees.

Staff resources

Input: Ensure sufficient staff resources and capacity to respond to local needs. If there is a lack of funding and resources to complete needed work, planning process revisions will not be sufficient to implement land use objectives.

Local hiring

Input: Prioritize hiring of local residents to staff BLM Field Offices to benefit from their understanding of local resources and socioeconomic conditions, build trust with State and local governments, and other stakeholders, and benefit local economies.

Public Input

Associations and groups

Input: Use associations and groups to help disseminate information about NEPA processes to the public.

Partnership resource engagement

Input: Request assistance from local partnerships with a strong area of expertise in a particular resource, especially when there are no cooperating agencies with a strong specialty in that resource available.

Input: Further engage and utilize nonprofit trail organizations comprised of citizen volunteers and professional staffs in developing and sustaining public trails.

Employee accountability

Input: Use the annual EPAP evaluation process to hold managers and employees accountable for effective performance on their priority NEPA projects.

Community Engagement

Input: Have field staff actively participate in community events and attend community meetings that are not developed by the BLM.

Employee Retention

Input: Avoid the high rates of turnover and transitions at Field Offices that create unnecessary conflicts and delay planning processes.

Relocation of Washington Office

Input: Relocate the BLM national headquarters to the West, closer to the public lands they manage, and provide concomitant and meaningful public input mechanisms.

Section 1.2, Training

State/Local and Tribal Government Input

Training for BLM employees

Input: Focus on training for BLM employees. Establish and train dedicated planning/NEPA teams, require project managers and interdisciplinary team members to complete formal project management training to ensure consistency and adherence to NEPA requirements. BLM staff should have training on the diversity of Tribal governments in the Southwest region to increase awareness and cultural sensitivity. Offer opportunities for BLM employees and teams to become more engaged in local/community activities so that they can better understand community dynamics and needs.

Training for State/Local and Tribal governments

Input: Develop training for State and local and Tribal government officials to help them understand Cooperating Agency and Joint Lead Agency status. Make these trainings available electronically or by video. Provide opportunities for this training at the start of the planning process. Provide planning and NEPA training for Cooperating Agencies from neutral third parties, such as private-sector trainers. Develop and distribute a citizen's guide to NEPA and/or land use planning to educate stakeholders and the public on processes and requirements.

Dual BLM, State, Local, and Tribal Manager/Official Training

Input: Hold annual training for both land managers and local officials to train and inform interested parties in the consistency, cooperation, and coordination process. Many local officials have 2 or 4 year terms. Federal office managers also change positions on a regular basis. The annual training meeting could provide a common understanding of the roles and responsibilities of the various levels of government.

Public Input

Geothermal review team

Input: Develop a core geothermal review team to help supplement BLM State staff in state, district, and Field Offices lacking in geothermal experience.

Project Lead knowledge

Input: Require project leads to research and know all completed NEPA documents by their office relating to their program area.

Input: Train employees adequately for the NEPA process. Planning leads should be well versed and have a NEPA certification before working on a planning effort.

Section 1.3, Contracts

State/Local and Tribal Government Input

Incentives

Input: Use standard contract documents to provide incentives for early or optimum performance, similar to what the Federal Highway Administration uses for road construction work.

Local expertise

Input: Give preference to contractors that have experience in the subject matter or project area, including looking to local colleges or universities to find local expertise. Use local contractors whenever possible and practical. Use existing authorities' contract with State or Local governments to perform environmental analysis when State or local governments have agencies with specific expertise in the areas being analyzed.

Contractor Certification

Input: Develop a certification process and, subsequently, a list of Planning/NEPA contractors certified by the BLM. Allow local and State governments to use BLM-certified contractors without

further review (or, limited review) by the BLM for planning/NEPA requirements on local/State projects requiring BLM authorization.

Minimize Re-work

Input: Ensure responsiveness of third-party contractors to BLM and/or cooperating agency input. This will minimize extensive comments from cooperating agencies and reduce re-working analyses. When possible, opt for preparing NEPA documents in-house rather than through a third-party contractor.

Section 2, Interagency Streamlining

Section 2.1, Cooperation among Federal Agencies

State/Local and Tribal Government Input

Integrate regulatory agencies early in the process to identify and address issues

Input: Integrate US Fish and Wildlife Service (USFWS) and National Marine Fisheries (NMFS), State Historic Preservation Offices (SHPO) decision making into the planning process to allow participation by all Cooperating Agencies and to achieve transparency and consistency. The Advisory Council on Historic Preservation's (ACHP) regulations at 36 CFR Part 800 specifically allow for use of the NEPA process for Section 106 purposes (800.9(c)). This substitution is one way to reduce redundancy and parallel reviews, while still meeting the purposes of both laws.

Regulatory certainty

Input: Develop a "regulatory certainty" policy, manual, and handbook for clarity on the BLM's responsibilities for working with the USFWS to meet Endangered Species Act requirements. Include periodic training.

Use Section 106 Consultation Process as Model

Input: Improve the working relationship with stakeholders by doing better consultation, thus building trust. The consultation process done for Section 106 can be a model.

Consistent environmental review and permitting processes

Input: Develop consistent siting and permitting processes within and among agencies (and across regions), as well as in coordination with States. This will avoid inconsistencies in the environmental review and permitting process for linear facilities, which make outcomes unpredictable and result in litigation and delays.

Modular capacity

Input: Explore the use of strike teams, interagency ESA consultation support, and other modular capacity to accelerate restoration in priority areas, including the expanded use of existing statutory authorities.

Ensure outreach to state legislators

Input: BLM outreach to state legislators provides an avenue for state legislators to "spread the message" to constituents and reach people that BLM might not necessarily be able to.

Make permanent an administrative review period for cooperating agencies

Input: This would ensure appropriate level and timing for review of documents.

Require BLM to align planning efforts with others

Input: Rewrite the planning rule to direct BLM to align approaches of planning efforts with other federal planning agencies, state and local planning efforts for consistency, clarity, and law enforcement. These efforts should be done early in the process and clearly identified in the implementation guidelines and handbooks.

**Clarify in policy and regulation how consistency with other federal and state lands is
evaluated and achieved**

Input: Taking into consideration direction in FLPMA to ensure consistency with State and local plans "to the maximum extent he finds consistent with federal law and purposes of this Act." for Alaska specifically, align direction in CFR 1620.3-2(e), CFR 3141.4-1 and 43 USC 1345 to recognize the balance that Congress achieved in Alaska with the passage of ANILCA, as stated in ANILCA Section 101(d), and other applicable statutory provisions.

Use analyses prepared by Cooperating Agencies

Input: Reply on analyses prepared by Cooperating Agencies with subject matter expertise or, at a minimum, seek agreement on methodologies and data use. If Cooperating Agencies with subject matter expertise are willing to prepare analyses for BLM NEPA documents, BLM could incorporate those analyses rather than have third-party environmental contractors or BLM staff prepare duplicative, competing analyses.

Allow Cooperating Agencies to coordinate directly with NEPA Contractors

Input: Allow Cooperating Agencies to coordinate directly with environmental contractors preparing NEPA documents for BLM. In the past, BLM has limited Cooperating Agency coordination with BLM's NEPA contractors, requiring cooperators to express concerns and analysis suggestions only to BLM. This three-way communication process has proven inefficient for addressing the complex issues that often need to be analyzed in NEPA documents. Allowing direct communication between Cooperating Agencies and BLM's NEPA contractors (with BLM participation) during preparation of the NEPA analysis will provide greater transparency and facilitate more efficient completion of the NEPA process.

Collaborate with Cooperating Agencies on preparation of NEPA Analyses

Input: Work more closely with Cooperating Agencies during preparation of the NEPA analysis by providing access to preliminary analysis and an opportunity to provide input on proposed analysis

methodologies prior to compiling a draft document. A greater reliance on Cooperating Agency expertise will provide increased transparency, a reduction in inconsistencies or concerns from cooperators, and a reduction in duplication or re-working of analyses.

Focus analysis by improving coordination between NEPA and other compliance processes

Input: Include the Section 106 consultation process from the National Historic Preservation Act (NHPA). There is guidance on how to do this in the handbook written jointly by the ACHP and the Council on Environmental Quality: NEPA and NHPA, A Handbook for Integrating NEPA and Section 106 (March 2013).

Public Input

Cooperating agency transparency

Input: Ensure that cooperating agencies involved in NEPA reviews and consultation adhere to transparent and well-defined timelines.

Federal Agency MOU engagement

Input: Work with the approximately 40 hunting, fishing and wildlife organizations and 3 Federal agencies that signed the Federal Lands Hunting, Fishing, and Shooting Sports Roundtable MOU in 2006.

USFWS/NOAA

Input: Direct USFWS and National Oceanic and Atmospheric Administration (NOAA) to be cooperating agencies with the BLM.

USFS/DOI

Input: Legislatively transfer USFS to the DOI. That would solve the problem of the USFS and DOI have duplicative and at times conflicting NEPA processes.

Section 2.2, DOI Regulatory Changes

State/Local and Tribal Government Input

Limit NEPA revisions to those ordered by Court

Input: Limit court ordered revisions and reviews to the minimum required by the Court. Often BLM starts anew because an interest group won on a very small portion of a NEPA related case. Only revise those portions specifically directed by the Court.

Restrictions on Landscape Scale Approach

Input: Reverse the Landscape Scale Approach, as the Rapid Ecoregional Assessment (REA) strategy is designed to serve as an umbrella policy that overrides the planning process or have been used to identify “refugia” warranting special land management. In that same vein, Secretary Jewell issued Secretarial Order No. 3330 on mitigation to “use a landscape-scale approach to identify and facilitate investment in key conservation priorities in a region.” Indeed, the largest landscape approach to public lands management occurred through the implementation of LUP amendments for Greater Sage-Grouse (GRSG). This highly controversial landscape approach to the management of public lands for GRSG has been opposed by nearly every sector on the public lands. Litigation is underway by several Governors, conservation groups, extractive industries, recreation communities, and local governments.

Revise policies requiring designation of Areas of Critical Environmental Concern (ACECs) and Lands with Wilderness Characteristics (LWCs)

Input: Do not bypass congress by creating de-facto wilderness through designation of ACECs and LWCs

Revise policies requiring redundant and time-consuming processes

Input: Resource Management Plans include stipulations for various land uses for entire field offices, and NEPA (including Determinations of NEPA Adequacy (DNAs)) should be reserved for site

specific permits not at the pre-lease stage. This delays the process and allows additional opportunity for appeals and other delays.

Prohibit cancellation of issued oil and gas leases caused by administrative errors

Input: Prohibit the cancellation of previously issued oil and gas leases when caused by administrative errors by the BLM; these actions amount to a breach of contract with leaseholders.

Adopt a uniform planning approach across DOI

Input: All DOI agencies should adopt a uniform planning approach to ensure, to the extent possible, that there is consistency and understanding across DOI administrative lines.

Input: Provide specific policy and protocols for land status classification changes.

No regulatory changes needed

Input: Enforce codes already in place. Violators of regulation should be held fully accountable for blatant disregard of environmental quality and safety. Taxpayers and landowners should not have costs externalized on them.

Define the Term “Immediate” in Wild Horse and Burro Management

Input: Define the term “immediate” in regards to the Wild Horse and Burro Act in the Land Use Planning Handbook, to allow for more transparency and consistency. The Wild Horse and Burro Act requires the BLM to “immediately remove excess animal from the range so as to achieve appropriate management levels” when it determines that overpopulation exists. However, courts have been hesitant to enforce this provision of the law because the term “immediate” is not defined in the statute.

The BLM needs a consistent nationwide policy regarding horizontal wells and mixed minerals

Input: Currently, BLM-Wyoming has a more restrictive requirement for a "full" Application for Permit to Drill (APD) for horizontal wells located on private surface and private minerals, but that have a horizontal wellbore that produces from federal minerals at some point over the lateral distance.

Under IM 2009-078, the BLM does not have an obligation to ensure that surface disturbances are reasonable and necessary when a well is drilled on private surface/private minerals and uses directional drilling technology to access federal minerals. In the above mentioned example, the BLM does not need to have BLM inspectors enforce federal rules with regards to surface issues such as pits, BOP tests, evaluation of cementing behind casing, etc.

Lift outdated ANCSA d-1 withdrawals and expedite recommendation on remaining withdrawals

Input: DOI should prioritize acting on all of BLM's previous planning recommendations in Alaska to lift outdated ANCSA d-1 withdrawals and expedite recommendations on remaining withdrawals not superseded by ANILCA designations.

Promulgate regulations for integrated activity planning

Input: Promulgate regulations for integrated activity planning or revise BLM policies to exempt integrated activity plans from regulations and directives that apply to resource management planning, such as wild and scenic river reviews, and directives that implement the “Protecting Wilderness Characteristics on Lands Managed by the BLM”, (Secretarial Order 3310), to ensure consistency with the Naval Petroleum Reserves Production Act of 1976, which applies to the National Petroleum Reserve Alaska, and FLPMA.

Exempt Alaska from Wilderness, Wild & Scenic River Reviews

Input: Exempt Alaska from “Protecting Wilderness Characteristics on Lands Managed by the BLM”, (Secretarial Order 3310), which conflicts with several provisions in ANILCA that apply to BLM wilderness reviews and exceptions to Wilderness Act prohibitions, resulting in BLM multiple use lands

being managed more restrictively than designated wilderness. Reinstate former Interior Secretary Gale Norton's Alaska Wilderness Review Policy, which authorized wilderness reviews in Alaska only when there is broad support by the State and Federal elected officials representing Alaska.

Exempt Alaska from the BLM policy directive to conduct agency-directed wild and scenic river reviews during the RMP planning process, affirming direction in ANILCA that allows only congressionally authorized reviews.

Work with the State of Alaska to develop ANILCA Guidance

Input: Work cooperatively with the State of Alaska to both ensure accurate and consistent interpretation and implementation of ANILCA, and to develop comprehensive ANILCA regional guidance for Alaska that can be applied to planning efforts and other management actions.

Section 2.3, Legislative Changes

Endangered Species Act (ESA)

State/Local and Tribal Government Input

ESA and multiple plans

Input: Align the review of multiple plans affecting the same resource, primarily with regards to threatened or endangered species that have vast western ranges.

Amend the ESA

Input: Amend the ESA as recently proposed by House Republicans.

Recovery goals and habitat

Input: Revise the ESA, considering recovery goals rather than habitat.

Public Input

Land Use Planning

Input: Address actions necessary for species recovery and the extent that recovery can be influenced at the LUP level. Doing so at the plan level will facilitate more efficient and less controversial project-level actions.

Input: Incorporate ESA Section 7(a)(1) conservation reviews in land use planning to support more effective and efficient species conservation programs, and reduce future legal conflicts over resource management.

Tribal Lands

State/Local and Tribal Government Input

Change planning and NEPA processes to reflect that Indian Tribal lands are not public lands

Input: Change the BLM rules to recognize that Tribal land differs from public land, and to accelerate the NEPA process applicable to Tribal land use. Regulatory reforms could ease the burden of NEPA compliance on tribes in relation to administration of Tribal lands. In attempting to address the multiple interests of Federal taxpayers and interest groups in the use of public or national forest lands, however, the regulations and practices of the BLM and Council on Environmental Quality (CEQ) fail to recognize the drastic differences between public lands and Indian lands.

Ensure that laws, regulations, and policies reflect the unique interest that Tribal constituents have in decisions affecting Indian lands, as legitimate stakeholders in such decisions may have significantly different viewpoints.

ISDEAA

State/Local and Tribal Government Input

Input: Reform regulation, consistent with Congress' policy favoring Tribal self-determination, to eliminate regulatory obstacles preventing Tribes from entering into self-determination contracts under the 1975 Indian Self-Determination and Education Assistance Act (25 USC 46.5321) for performing an agency's NEPA responsibilities.

Wild Horse and Burro Act

State/Local and Tribal Government Input

Input: Empower all tools for wild horse and burro (WHB) management. Congressional riders have reduced the tools available for WHB management even though these tools are allowed under the Wild and Free Roaming Horse and Burro Act as Amended.

Section 106

State/Local and Tribal Government Input

Input: Sec 106 of NHPA must be followed and any process cannot shorten that timeline.

Mining and Minerals Policy Act of 1970

Public Input

BLM Planning Manual

Input: Incorporate the Mining and Minerals Policy Act into the BLM Planning Manual, and follow the Congressional Declaration of Policy in Section 102(a)(12) of FLPMA, "Public lands be

managed in a manner which recognizes Nation's need for domestic sources of minerals... including implementation of the Mining and Minerals Policy Act of 1970 (84 Stat. 1876, 30 U.S.C. 21a," more closely.

General Mining Law of 1872

State/Local and Tribal Government Input

Input: Update the mining laws to prevent “new mining” claims on lands where a Recreation and Public Purposes (R&PP) application has been applied for. Currently a jurisdiction has to wait for the Notice of Realty Action (NORA) to be published, new mining claims should not be permitted once the R&PP has been filed.

New Legislation

Input: Establish a procedure for resolving claims to certain rights-of-way on public lands. S. 468 would achieve judicial and administrative efficiency and would reduce the costs typically associated with resolving right-of-way claims under R.S. 2477.

Input: Congress could provide clarity on what “major federal actions” require EISs and what could be covered under EAs or CXs.

Input: Work with Congress to transfer the BLM’s multiple use management authority to the state. Some potential transfers may include the National Petroleum Reserve - Alaska (NPR-A), the White Mountains National Recreation Area, and the Steese National Conservation Area.

Input: Support Congressional fixes to address Quiet Title of RS 2477 and dispense with WSA status.

Historic Routes Preservation Act

State/Local and Tribal Government Input

Input: Clear up the title on RS 2477 roads (e.g., Historic Routes Preservation Act). Access on BLM administered land continues to be a conflict-causing issue. Only a federal court or Congress can dispose of this issue once-and-for-all.

Section 3, Addressing Disputes

Section 3.1, Dispute Resolution Process

State/Local and Tribal Government Input

Settlement policies

Input: Work with the Department of Justice to review settlement and dispute resolution policies, especially in cases where the settlement decision binds the BLM to implement plans that are inconsistent with State laws and regulations, and in cases where BLM pays large legal fees as part of the settlement.

Develop an agreement that would describe a formal dispute resolution process for local planning disagreements.

Give authority to BLM State Offices to designate a local governmental liaison to work with local governments and provide an avenue for conflict resolution. Field Managers should help resolve conflicts and make decisions to ensure consistent implementation or decision-making but should defer to line-level staff whenever possible.

Define a path to clearing title and responsibilities.

Lawsuit Schedule

Input: Proceed with lawsuits in an expedited manner (e.g., avoid continuance, maintain discovery within the designated timeframes for civil rules, etc.).

Building Relationships

Improve working relationships and build from those successes on projects where agencies have mutual goals so that when challenges arise the established relationships will assist with conflict resolution.

Public Input

Stakeholder, User Group, and Local Govt. engagement

Input: Encourage collaboration and meetings among different stakeholders and interest groups, including sportsmen and environmental groups, to create compromise and reduced conflicts.

Input: Encourage land managers to reach out to impacted user groups to ensure their input is obtained.

Input: Work out differences before the planning process is finalized by having all stakeholders reach a consensus.

Input: Work with local leaders to assess community interest and likely opposition issues that may need additional analysis.

Section 3.2, Full Force and Effect

Public Input

Timber Sales

Input: Have a policy of giving timber sales “full force and effect” once the protest is denied.

Section 3.3, Other Dispute/Protest/Appeal Input

State/Local and Tribal Government Input

Forest Service (USFS) objection process

Input: Consider whether the pre-decisional and appeal process used by the USFS is more efficient than the BLM's process.

Public Input

Monitoring and mitigation capacity

Input: Be honest about the BLM's limited capacity relating to monitoring and mitigation the agency does not have the staff time or resources to perform.

User group prioritization and unsolicited public input

Input: Do not provide any user or interest group a priority position, and do not allow unsolicited public input provided outside an active request to delay or alter the implementation of a plan after the planning process is finalized.

USFS objection process

Input: Use the objection process used in the USFS to meet with objectors to discuss planning issues. The USFS system is more efficient and effective for understanding the agency's preferred management for a particular issue and arriving at a consensus alternative with other stakeholders.

Standardized Protest format

Input: Provide a standardized template for protests, and require protest points to be summarized on the first page.

Use plans that weren't litigated as examples

Input: Look to successful plans that weren't litigated against as examples for how to complete the planning process.

Section 4, State/Local and Tribal Govt. Engagement

Section 4.1, Coordination

State/Local and Tribal Government Input

Tribal Input

Better Communication

Input: Make better use of email, telephone, and online chats to improve communication. The BLM should be transparent, and work better with Tribes on issues to turn these weaknesses into strengths.

Ensure that each Field Office has a minimum of one annual face-to-face meeting with each tribe to discuss BLM planning and NEPA issues. This would help facilitate and streamline these BLM processes.

Do not consider the ePlanning website as a replacement for in-person consultation and engagement with tribes. Engaging tribes early in the NEPA planning process will streamline any project involving Tribal Nations. Make sure that BLM understands the Tribal Nations' areas of interest and concerns. The biggest concern is often ancestral remains and archaeological reports.

Consultation and Coordination

Input: Ensure that analysis includes Tribal input (consultation and coordination) when the project may affect the quality of the Tribe's natural and cultural environment, including the reservation's air and water quality and the well-being of the Tribe's wildlife. All plans prepared in accordance with authorization provided by Federal, State, or local authorities should be included in the consultation and consistency process, regardless of whether they are called "land use", "natural resource" or something entirely different at the local and state level.

Involve Tribes more in environmental review and assessment

Input: Include tribes more in surveys, testing, and data recovery.

Concerns

Input: Insufficient time to review and respond to BLM's (and other Federal agency's) request creates an "undue" burden to reply. Truly meaningful suggestions take time to develop. There have not been any adequate or appropriate consultation, or general good faith efforts in meaningful dialogue, on this streamlining effort.

It is unclear how this streamlining effort (BLM and other parallel Federal efforts) will proceed with everyone's best interest at heart. The process is unknown. How will the Tribes be assured that their input will be integrated into the report, that their input is duly considered, or that it will result in a meaningful outcome?

With no draft report being released, there is concern that this streamlining effort will affect the Tribes' ability to review and comment on implementation of future Federal actions.

Input: Commenter is concerned by current administration and DOI Secretary streamlining efforts that could pass environmental protections of any lands, particular concern for Tribal hunting and fishing rights guaranteed by the Treaty.

State Input

Science

Input: Clearly articulate and recognize in all NEPA documents and LUP efforts that the authority to manage fish and wildlife on BLM public lands resides with the State wildlife agency. BLM should collaborate with the State to manage the habitat of the fish and wildlife in a manner that respects private property rights and State management authority over wildlife resources. Every planning effort and environmental review should include and reflect this strong, collaborative relationship in order for the BLM to achieve its mandates and for the State agencies to achieve their management and population objectives for fish and wildlife on BLM public lands.

Identify the importance of states' rich heritage and historic traditions of hunting and angling, and the yearly economic contributions from sportsmen and sportswomen. BLM should evaluate the effect of agency actions on trends in hunting and fishing participation, and address declining trends by implementing actions that expand and enhance hunting and fishing opportunities.

Leverage the use of State, Tribal and local expertise and science in Federal environmental review, consultation, and permitting requirements. Members of State governments should have the opportunity to be included on ID Teams.

Treat States as co-regulators, taking into account State views, expertise and science in the development of Federal actions.

Establish a state committee of resource experts to conduct an independent review of a challenged document, including field evaluations if necessary, to either support the BLM position or provide recommendations on how to change and improve.

Consultation

Input: State fish and wildlife agencies would like to participate in developing management direction for special land use designations or allocations. BLM also needs to reach out prior to implementing plans, including notice of public meetings.

Consult with States on a regular basis, including outside of the NEPA and planning process: as a predicate to Federal action; through the pre-publication stage of rulemaking; after publication and before adoption of rules and regulations; and on an ongoing basis throughout implementation.

Encourage coordination as a continual dialogue between the BLM and engaged state, local, and tribal governments with interests germane to the development of land use plans. Government-to-government consultation should be an ongoing dialogue, not a one-time meeting. Provide quarterly notification to the State and local governments of all upcoming actions or plans of BLM that will affect the local population. BLM should attempt to follow up when they do not hear back from State or local government, as no response does not mean they have declined to engage. It is recommended that State

and local governments be invited to participate in “kick off” meetings for any project or proposal, this would encourage involvement throughout the entire process.

Ensure that Federal/State consultation is substantive, take place on an early and ongoing basis, and involve both Governors and State regulators.

Ensure that resource management plans (RMPs) are developed and amended in coordination with Governors. RMPs should be developed with meaningful and substantial input from Governors and State regulators before they are released for public comment.

Participation should be results driven and create opportunities and outcomes that work for stakeholders and decision makers.

Recognize the important difference between participation by the public and coordination with State and local governments, Tribes, and Federal Agencies. Coordination must be distinct from public outreach and involvement in order for the State and local governments to have meaningful participation under FLPMA. It is recommended that BLM conduct at a minimum, semi-annual coordination meetings with State and local government officials.

Develop overarching procedures and implementation handbooks/guidelines in coordination with State agencies to minimize negative impacts to statutory authorities and the State’s ability to fulfill state trust responsibilities and for areas of mutual interest and management authority.

Designate a specific timeline and process for coordination, collaboration, and conflict resolution with the State wildlife agencies during the development of any planning regulation or guidance and before the release of any final planning documents with potential to impact state jurisdictional authorities and its ability to manage wildlife on public lands, including guidance for special designations including wilderness, wilderness characteristics, ACECs, WMAs, Recreation Opportunity Spectrum, VRM classifications, Cooperative Management Areas, etc.

Focus on making meetings more meaningful, with less focus on the number of meetings and who attended, and more on the issues raised and resolutions discussed during and after those meetings. This will help end the impression that the BLM is using the number of meetings and BLM responses just to ensure the Administrative Record proves there was coordination and consultation.

Engagement

Input: Invest in key State and Federal liaison positions with decision-making authority to provide better engagement and understanding between State and Federal forest, wildlife, and land management agencies.

Facilitate the participation of local governments by dedicating staff to develop and provide technical assistance and enhance communications across local, State, Tribal, and Federal partners.

Use the following suggestions for facilitating coordination at the state level to ensure input is represented:

- State Land Use Planning Advisory Council (SLUPAC)
- Issues on Governor's appointed board, with the intent of bringing a consistent message

Provide improved guidance to applicants to promote early identification of stakeholders and early initiation of consultation to foster transparency.

Continue to support the Nevada Collaborative Conservation Network (NCCN) which includes community-based planning with federal, state and local collaboration.

Coordination during National Monument designation

Land and monument boundaries for National Monuments in New Mexico had little input from local agencies such as the New Mexico State Land Office. Lack of transparency and participation of local governments and state agencies significantly limited the consideration of local concerns and priorities for land use and management. For example, by the time NMSLO and BLM met to discuss exchanging State Trust Land parcels out of the monuments' boundaries, NMSLO was limited to selecting limited-value parcels from BLM's Disposal Lands List. Had BLM involved NMSLO earlier in the process, NMSLO

would have had an opportunity to select higher-value parcels better suited to exchange. This has effectively limited any subsequent land exchange because BLM planning and NEPA processes are so time-consuming that a land exchange involving lands not on BLM's disposal list could not be completed during the 4-year term of a Land Commissioner.

MOU template

Input: Draft a template memorandum of understanding (MOU) or enter into a master MOU for state and local government cooperating agencies that reconciles state and federal conflicts of law and addresses the nature of local government.

Local Government Input

Coordination

Input: Conduct coordination consistent with federal law; however, recognize that it is not subordinate to the regulations, purposes, policies and programs of such laws, which should be developed in coordination with state and local governments and Tribes to meet the intent of FLPMA. Congress clearly intended BLM consider not only the plans of State and local governments and Tribes, but also their programs and policies.

Coordination by definition is “of the same order or degree; equal in rank or importance” (Merriam Webster Dictionary). Therefore, coordination under FLPMA implies active participation of the state and local government at a level higher than afforded the general public. Only State and local governmental entities, elected by the people and accountable to it, are able to incorporate and legitimize the compromises necessary for sustainable management of the lands.

Implement a process outside of the limitation of the Cooperating Agency status for local governments. Have a separate and distinct coordination process with State and local governments. If coordination was carried out by the BLM as prescribed by FLPMA, local governments would have a refined process that is efficient, action-oriented, and productive. The coordination process, as prescribed by FLPMA, would create a process that is open and transparent; provide early identification of key

planning issues; identify possible constraints, conflicts, and potential resolutions; and eliminate unnecessary delays and opportunities for litigation. Congress recognized, in developing and adopting this section of FLPMA, that State and local governments in regions dominated by federal land ownership needed additional engagement opportunities above and beyond those provided to the general public. Cooperating Agency status provides only a limited forum for local concerns be considered, but no mandate they be accepted or rationale for any disagreement; this is why coordination is so important.

Local citizen and leader involvement

Input: Ensure that local citizens and government leaders are the most involved in the planning process; they have vast knowledge about local issues and are most affected by the LUP. Early personal contact with local government and the governor’s office should emphasize the importance and high value of their direct involvement. This may help foster a sense that the agency does value the opinion of the local governments, and local governments may feel a sense of ownership in a proposal or plan.

Simplify the coordination process, but also actively involve those most affected by the decisions being made (the grazing permittee, the private landowners (if surrounded by BLM land), the subsurface mineral owners, etc.). Coordination fosters solutions and coordination is continuous. Also, accessibility to the planning documents and process should be enhanced. For example, one final RMP refers the reader to a website to obtain information; however the website for that Field Office is not longer in existence.

Do not relegate counties to a simple “review and comment” process during the public consultation process; “meaningful involvement” under FLPMA requires more than listening sessions and the ability to submit comments.

Geographic boundaries

Input: Establish the geographic boundary in planning early in consultation with local government.

FLPMA and NEPA

Input: Do not insist that the BLM can fulfill coordination with local governments in the NEPA cooperating agency forum. The requirement to coordinate pursuant to FLPMA cannot be fulfilled through the NEPA process. The purposes of the two statutes are distinct; FLPMA prepares the plan and NEPA analyzes the impacts and alternatives of that plan.

Ensure that planning rules specifically include the requirement that the Federal government meaningfully coordinate with local governments and resolve inconsistencies between local and Federal planning at the local level. FLPMA directs that local government "coordination" be conducted in the context of where "the lands are located." 43 U.S.C. § 1712(c)(9) Officially approved and adopted local Land Use Plans, resource related policies, and programs of State and local governments shall be considered for coordinating and consistency. The plain language of FLPMA 1712(c)(9) indicates that coordination should occur with respect to all BLM "land use inventory, planning, and management activities" and all State and local government "land use planning and management programs." 43 U.S.C. §1712(c)(9).

Ensure that plans provide a framework, policies fill in ambiguous gaps, and the programs are the implementation level decisions for local governments. Thus, just because a program isn't specifically mentioned in a plan does not mean that the BLM can ignore it.

Grant counties, conservation districts, and other local governments Cooperating Agency status in the very beginning stages of planning. Involve local governments, particularly Conservation Districts, even if they are not officially Cooperating Agencies.

Do not limit local government cooperation to the Connaughton factors. FLPMA does not contain any language that would require a local government to demonstrate any of the factors in the Connaughton Memorandum.

Make all documents available to cooperators as the documents are developed will facilitate reviews and allow changes on an ongoing basis

Develop more regulations that will strengthen the role of State and local governments in the planning process. Local governments are seeking for their Congressional right of full participation in the process of coordination and consistency. They are requesting involvement to the maximum extent legally available.

Ensure that counties can have both Cooperating Agency status, as well as participation on ID teams for EAs as well as EISs. Cooperating Agency status should be available on non-EIS projects, as coordination is required even when EAs or a FONSI is being prepared.

Ensure that local governments are informed immediately through the coordination process when the BLM begins an EA or EIS, so the local government can participate as a full partner on each project/undertaking.

Elevate and respect the local governments' coordinating agency roles in EIS development.

Enforcing current rules on coordination

Input: Revise the rules to clearly state that FLPMA requires BLM to coordinate and consult with all State and local government agencies. Bolster and clarify formal coordination protocols with state and local governments that describe in detail the process for coordination at every stage of the planning and decision processes, especially how to address inconsistencies with state and local land use plans, policies, programs, proposals and laws.

Clarify BLM policy and guidance to better note that the BLM owes the duties under FLPMA Section 202(c)(9) to State and local governments and Tribes, but not to other non-governmental stakeholders, and needs to establish a clear process for how State and local governments and Tribes can learn of and exercise their rights under Section 202(c)(9).

Ensure existing laws and regulations mandating coordination, cooperation, and consistency with state and local land use plans, policies, and programs be fully implemented. Existing laws and regulations are broad enough that reforms can occur without new regulations or statutory reforms, in most cases. If

BLM fulfilled its duties to be a partner and not just a neighbor with Tribes, States, and local governments, more progress would be made in developing and implementing BLM plans.

Bolster coordination and consistency requirements so that they are not limited to development or amendments of RMPs, but to all management actions taken within the confines of these plans. Planning assessments and project development must include meaningful coordination before the public process begins to identify possible conflicts and inconsistencies early, and outline the process and framework to avoid unnecessary conflict and distrust later on.

Better county and local government coordination concurrent with State level involvement

Input: Allow and welcome county coordination with local BLM offices to participate in the inventory, designation, planning and management of all Federal lands in the county.

Recognize only State and county governments and Tribes as coordinating entities. Remember Commissioners represent the whole county. The process often gets hung up with the County Commissioner being listed as the only name on the Non-Disclosure. It takes weeks to get the agreement amended for staff to work on. Often, participation requires a team of staff who all need regular updates.

Allow counties to coordinate and participate in State to State conversations/decisions (e.g., State wildlife, Governor's office, and other counties).

Recognize that local officials have on-the-ground knowledge of the local issues and are dedicated to the long term productivity and protection of the land. Once they are meaningfully engaged in the planning process through coordination, solutions are achieved, consistency can be accomplished and the planning process will be quicker, less expensive and produce a better end product.

Comment responses

Most comments received by the BLM end up with the response "comment noted" or "this is not a substantive comment". This response process takes away from the time to edit the document using received comments. It is unclear if the documents are read for feedback or NEPA compliance report filing.

Working example of successful collaboration

Input: Kathleen Clark from the public lands policy coordinating office has organized a multiple use-working group with participation from FLMA's, counties and other stakeholders. Goshute county to county and has created a great relationship and worked toward common goals.

Proposals by Local Governments

Proposal by Garfield County, Colorado for Coordination between BLM and Local

Government

- Hold government-to-government meetings in compliance with State open meeting laws.
- Give early notice to State and local governments for all inventory, planning and management activities, prior to decisions being made.
- Have efforts to identify and resolve conflicts occur at the beginning of the process and continue throughout.
- Begin consistency review of local plans, policies and programs immediately.
- Give State and local governments 30-60 days, prior to public comment, to review inventory determinations, draft and final plans, and implementation actions, to ensure consistency between planning authorities is met. During this review time, work to resolve any remaining conflicts and, if necessary, submit a new copy of the document for public comment.
- Clearly state the position of the local government in every document released to the public for comment.
- Obtain a resolution from the local government as to whether the agency's plan or action is consistent with the local plans, policies and programs and included in the public document.
- If, after making every effort to resolve a conflict, the agency is unable to reach agreement with the Local government, the final document must explain the agency's reason for not reaching consistency.
- Implementing a coordination process that follows these principles would provide a path to identify problems and solutions early, bring together planning partners, and ultimately make better decisions.

Proposal by White River and Douglas Creek Conservation Districts, Colorado

1. Define “Local Governments” as the administration of a particular town, county, or district, with representatives elected by those who live there.
2. Develop an on-going “workgroup” of local governments who are impacted by Federal land management within that BLM District’s boundaries.
3. This group should meet monthly, at a minimum, to discuss upcoming planning processes and have significant input into the development of the draft proposal (EA) before the drafting process is started.
4. The group should provide specific details and guidance in the development of the draft proposal and alternatives.
5. Once the original draft is crafted, the work-group review the first draft and provide recommendations for edits.
6. The draft is then edited to reflect those recommendations.
7. The draft then goes out for public comment for approximately 60 days.
8. Public comments are considered by the agency and the workgroup.
9. Finalized document is signed by the respective BLM Field Office Manager.

Proposal by Duchesne County, Utah

- Field Offices do a pretty good job at coordination. In our area, BLM, USFS, and other local federal agency reps meet with county officials monthly for breakfast and to discuss projects/issues of mutual interest.

Proposal by Mesa County Board of County Commissioners, Colorado:

- Follow the model of the FWS in 50 CFR Chapter IV “Revised Interagency Cooperative Policy Regarding the Role of State Agencies in Endangered Species Act Activities.
- A similar emphasis on coordination with State and local agencies throughout the process can help ensure that the RMPs are based on the best scientific and commercial data available.

Proposal by Eureka County, Nevada

- Provide early notification (prior to public notice) to the State and local government of all actions or plans of BLM that will affect the local population;
- Provide opportunity for meaningful input by the State and local government with substantial weight and meaning applied by the BLM to the input;
- Be apprised of the State and local government policies and plans;
- Solicit State and local government interpretation of these policies and plans;
- Adequately consider the State and local government plans, policies, laws, proposals, and programs when working on BLM policies, plans, or management actions;
- Make BLM policies, plans, or actions consistent with the State and local government plans (including proposed plans), policies, laws, proposals, and programs during, not after, the planning process;
- Meet with state and local governments, when inconsistencies arise, in order to work towards consistency;
- Specifically justify and explain in the document of analysis (i.e., EIS) why consistency could not be reached and steps to strive for consistency moving forward.
- Empower and direct State and local BLM offices to enter into formal coordination agreements outlining the details of coordination along every step of BLM planning and management processes.

Consistency with Local plans

Input: Properly coordinate and work to reach consistency with local government plans. This will allow the BLM to incorporate these solutions and speed up the Federal process. FLPMA prescribes that LUPs and NEPA documents are consistent with local government plans.

Coordination requires accountability. In the Cooperating Agency process there is no requirement that the BLM be consistent with county plans or accept county plans, and there is no requirement for the agency to explain why it is not consistent with county plans. FLPMA requires the BLM to keep apprised of local plans, policies, and programs, to consider these during its inventory, planning and management activities, work to resolve conflicts between planning positions, meaningfully involve the local

governments in its process, and ultimately achieve consistency between plans. FLPMA requires the BLM to provide good reasons why it cannot be consistent with local plans.

Find a means and processes for ensuring the BLM's plans programs and policies are consistent to the maximum extent with State laws, policies and programs. The BLM needs to do a better job identifying to the State and the public areas where consistency is lacking.

Early involvement of local governments and Tribes will allow the opportunity for these entities to help develop proposals that would be consistent or more consistent with local plans.

Refocus on the BLM's FLPMA-mandated mission of multiple use and sustained yield while coordinating its plans with the plans, policies, and programs of State and local governments. The BLM has shifted away from a multiple-use model to a limited use and preservation model in certain areas of Utah and the west. NEPA does not mandate the most environmentally friendly or restrictive approach; instead, it only requires the BLM to work with governments, stakeholders, and the interested public to take a hard look at the alternatives, evaluate the potential decision, then make a decision that complies with FLPMA to continue the multiple use and sustained yield mission.

Decisions at local level

Input: Authorize local BLM officials to make decisions that will resolve conflicts, limiting the decisions that must be reviewed by the State or Washington D.C. office. Review at the WO level takes too long and delays the NEPA process.

Follow the coordination process as described by FLPMA; that would create local based decisions, instead of decisions directed from Washington D.C. and authorize local BLM officials to make decisions at the local level. The BLM Planning processes would be more efficient and effective as local BLM officials are empowered by giving them the flexibility and authority to work with local officials in a cooperative manner and find solutions unencumbered by Washington D.C. bureaucracy.

Empower local and State managers to authorize decisions that permit wise use of the land within the limits of the law.

BLM functioned for many years without land use plans, relying on Washington Office and State Office policies to guide State and District Managers, who worked closely with local interests to manage according to these policies.

Recognize the difference between county and local governments. BLM needs a more coordinated approach to analyses using local area manager expertise and local government input. Local BLM employees have a greater understanding of local conditions, customs, and economic impacts of BLM management.

Ask local area managers what would be helpful to them.

Allow BLM employees to have discretion to make quick planning decisions to address problems in an ever-changing landscape. Failure to empower local employees often results in actions that are a “day too late” to make a difference or improve conditions.

Handbooks and Manuals

Input: Include direction in BLM handbooks, manuals, guidance, and training that local governments are to be informed immediately when the BLM begins a new NEPA document (EA or EIS).

Provide detailed instruction in the BLM Planning handbook on how to carry out the “coordination” process, which is required by statute. The current BLM Planning Handbook has detailed direction on how to implement the Cooperating Agency process with States and local governments. It also contains an appendix on how to implement the “collaboration” process with stakeholders.

Require consultation with State and local governments in each section. Very few sections specify that there is to be “notice, consultation and hearings” involving local government.

Amend the planning handbook to define “cooperating agency” to follow the intent of FLPMA as closely as possible BLM coordination with State and local elected officials is critically important to effective management and is required under FLPMA.

Duchesne County, Utah

Amend the land use planning handbook as follows:

- Appx A, Sec I B, p. 1: Give more weight to local interests as opposed to regional or national "distant interests."
- Appx C, Sec I D, p. 5: Require consultation with county government regarding special status species decisions.
- Appx C, Sec I E, p. 6, (1st para): Require consideration of local plans before identifying desired outcomes associated with Fish and Wildlife.
- Appx C, Sec I F, p. 8: Require consultation with counties and consideration of local plans during planning and implementation for management of wild horses and burros.
- Appx C: : Require consultation with counties and consideration of local plans during planning associated with:
 - Sec I G, p. 10: cultural resource evaluations.
 - Sec I H, p. 10: paleontological resources.
 - Sec I I, p. 11: visual resources.
 - Sec I K, p. 12: wilderness characteristics.
 - Sec II A, p. 14: forestry.
 - Sec II B, p. 15: proposed decisions on grazing.
 - Sec II C, p. 17: proposed decisions on recreation and visitor services, including SRMAs.
 - Sec II D, p. 20: proposed decisions on comprehensive trails and travel management.
 - Sec II H, p. 24: proposed decisions on Fluid Minerals (Oil & Gas, Tar Sands & Geothermal Resources).
 - Sec II I, p. 25: proposed decisions on Locatable Minerals.
 - Sec II J, p. 26: proposed decisions on Mineral Materials.
 - Sec II K, p. 26: proposed decisions on Non-Energy Leasable Materials.
 - Sec III A, p. 27: development of site-specific implementation actions and plans for special designations such as National Monuments, National Conservation Areas, National Recreation

Areas, Cooperative Management and Protection Areas, Outstanding Natural Areas, Forest Reserves and National Scenic or Historic Trails.

- o Sec III B, p. 28: development of site specific implementation actions and plans for special designations such as WSAs, Wild & Scenic Rivers, ACECs, Research Natural Areas, Scenic or Back Country Byways and Wildlife Viewing Areas.
- Appx D, Table D-2, Economic Value Section: Put more emphasis on economic values that can be measured based on data and facts, and less emphasis on economic values that are measured subjectively. For example, the economic value of open space or improved wildlife habitat will vary from person to person. However, the value of resources developed from Federal lands can be objectively quantified. Too often in the past, Federal Agencies have used inflated, subjective values of ecosystem services to justify the denial of multiple use and sustained yield of resources from federal lands.

Socioeconomic analyses

Input: Ensure that consultation with local governments/cooperating agencies includes custom, culture, and mitigation measures related to BLM actions.

Conduct additional outreach with state and local governments to discuss the best formula for addressing socio-economics and ensure changes to this part of the process are efficient and meaningful.

Engagement

Input: Ensure more effective engagement with local partners, less closed-door discussions within BLM.

Rebuild trust by showing county and state officials that the BLM values their comments and is truly striving to make BLM plans consistent with local plans. Planning 2.0 process damaged trust levels

Success and failures with BLM are built upon the foundation, or lack of foundation, of open communication and meeting frequently to dialogue towards and reach mutually beneficial decisions.

Develop a truly transparent process for planning and NEPA that involves local agencies and local BLM administration to foster a more streamlined process that encourages partnership and mutual benefit, not just BLM's priorities and considerations.

Create a greater community presence and integration at local activities, meetings, boards, etc. in order to obtain a clear understanding of the needs of state and local governments, tribal partners, and other stakeholders.

Ensure that planning areas and Field Office boundaries correspond to county borders. BLM officials can then more effectively develop relationships of trust with county commissioners and other local leaders; forming these positive relationships is more difficult when BLM Field Offices do not follow county borders (e.g., Pinal County, AZ, must interact with 3 different Field Offices).

Make block grants available to rural States, counties, Tribes and grazing boards to alleviate budgetary restrictions preventing them from actively participating in the planning process.

Communication

Input: Ensure that Field Offices keep in close contact via mail, email, and phone with local government officials and solicit their comments on plans and projects. BLM staff need to respond timely (phone and email) to local governments. It is not uncommon for county staff to have to follow up on requests 3-4 times after the initial request/question.

Improve communication with local governments. As an example, the notification for this input opportunity was not sent directly to some counties; they were notified by other stakeholders.

Bolster transparency by proactively communicating NEPA processes and any schedule changes through local Field Office channels, so residents and entities within the region are aware of pending actions, impacts, and opportunities to comment.

Provide a single point of contact for state and local governments to work with on a NEPA or other planning effort. Counties are sometimes constantly transferred from one department, region, state

office, etc. to get information and responses to questions. The counties sometimes get conflicting information and multiple requests for duplicative information.

Meet annually with State and local governments to identify areas of concern, prioritize planning decisions, and review past decisions. An annual coordination meeting before BLM begins any work plans or budget requests would foster good neighbors, be better in-line with CEQ guidance, and ensure State and local governments learn about planning documents early.

Continue Secretary Zinke’s “Build the Trust” efforts and consider a roundtable style meeting in each public land state that invites representatives of various multiple uses.

Improve consistency with messaging and information from Field Offices and what is available on the BLM website. For example, county staff were told to “ignore” information on the BLM website related to R&PP applications.

Better Communication (specifically to the Streamlining NEPA initiative)

Input: Coordination should have been pursued with local governments no later than one week when the Streamlining NEPA outreach took place. County governments are frustrated that it took 30 days into the process after Zinke’s memo to reach out to the counties and with the expectations for the review of a large amount of material. The counties feel like the process has been setup to fail.

Section 4.2, Consistency

State/Local and Tribal Government Input

Consistency

Governors’ Consistency review timing

Input: Provide sufficient time for completion of the Governors’ Consistency Reviews, especially when agency plans affect multiple planning areas or resources.

Maintain the existing appeals process and associated timelines for the Governors' Consistency Reviews. Also, in addition to officially adopted State land use plans, Governors' Consistency Reviews should be applied to State policies, programs, and processes, as well as various types of State or local plans (e.g. State Wildlife Action Plans, conservation district plans, county plans) and multi-State agreements. Governors should have discretion to determine which State plans are pertinent to the review.

Appeals

Input: Maintain existing timeframes, and ensure that Governors retain a right to appeal any rejection of recommendations resulting from a Governors' Consistency Review.

Consistency with Local resource management plans

Input: Adopt policies specifically directing the development of documents that incorporate and are consistent with County Resource Management Plans. Better define "to the maximum extent" in the FLPMA requirement that BLM make its plans consistent with local resource management plans "to the maximum extent" the BLM finds consistent with Federal law. When counties have a comprehensive County Resource Management Plan, that plan should be recognized and used as the primary basis for the BLM preferred alternative, unless Federal law dictates otherwise. Provide an opportunity for local governments to conduct a consistency review similar to the Governor's Consistency review, or allow them to participate in the review. For example the first 30 days of the 60 day review period could be provided for local governments to review the plan.

Cooperating Agencies

Input: Share documents with Cooperating Agencies as they are developed to identify inconsistencies with local plan area, as well as to facilitate more transparency.

Roles of State and Local Governments

Input: Keep in mind while coordinating with State and local governments that they are responsible for protecting the health, safety, and welfare of their citizens, and the BLM's responsibility to manage federal lands should not outweigh that. This distinction needs to be considered when determining

consistency. State and local governments should have a seat at the table to ensure consistency. There should be constant communication between local governments so that there is an understanding of local plans.

Resolving Inconsistencies

Input: Begin a consistency review of local plans immediately in order to identify and resolve conflicts early in the process, and should continue throughout the planning process. If consistency with plans cannot be accomplished, the final document should identify conflicts and explain why consistency could not be achieved. The BLM should invite a range of participants to resolve inconsistencies, including contractors and counties.

Section 4.3, Memorandums of Understanding (MOUs)

State/Local and Tribal Government Input

Content of MOUs

Input: Formalize expectations inherent in the cooperating agency relationship via MOU, and provide model MOUs. The Wyoming County Commissioners Association provided recommended revisions to an existing generic MOU between the BLM Wyoming and Wyoming's counties.

Input: Modify current MOUs and Non-Disclosure Agreements being utilized so that they are compatible with the Nevada Open meeting Law, leading to a more transparent process.

Coordination

Input: Enter into binding Memorandum of Agreement (MOA) or another type of coordination agreements to carry out the mandatory coordination duties in Section 202(c)(9) of FLPMA. These would establish designated points of contact and mutually understood duties to coordinate and consult in advance of proposed BLM land use plans, land management, and other BLM decisions affecting non-Federal lands. This would provide a forum to be transparent and open on local BLM internal strategies,

plans, goals, etc., and allow for coordination with local governments during the development of State, District, or Field Office priorities.

Input: There should be efforts to bolster and clarify formal coordination protocols with state and local governments that include and describe in detail the process for coordination at every stage of the agency planning and decision processes.

Wildlife Management

Input: Ensure that land use planning policy includes specific direction that the BLM use existing overarching MOUs and other agreements with local governments for wildlife management activities within areas of special designation. If a land use plan may impact local governments' ability to carry out wildlife management activities, that must be disclosed and analyzed in the environmental review process.

Section 4.4, FLPMA

State/Local and Tribal Government Input

Input: Ensure that coordination under FLPMA includes State agencies who manage State trust assets. Cooperating agency status does not meet this requirement.

Section 4.5, State and Local Govts. As Cooperating Agencies

State/Local and Tribal Government Input

Timing for Initiation of Cooperating Agency Relationship

Input: Contact affected State and local governments to invite them to be cooperating or joint lead agencies as soon as it determines a planning project is needed. Improving MOUs with cooperating agencies and initiating the relationship early in the process to include cooperating agencies in scoping will improve focus and coordination with State and local governments. Cooperating agencies should be given an opportunity to participate in implementation and amendment to land use plans.

Reimbursement for Local Governments

Input: Find ways to support rural local governments, such as a capacity assistance program, if the local governments do not have the capacity to fully engage as cooperating agencies, the BLM should find ways to support local governments, such as a capacity assistance program.

Contracting with Cooperating Agencies

Input: Reach out to eligible State and local governments and consider using their environmental analysis, or contract with State or local entities, to provide all or part of the planning analysis. Hire local governments to complete socioeconomic analysis.

Definition of Cooperating Agencies

Input: Define “Cooperating Agency” in the Planning Handbook to mirror the intent of FLPMA, based on 43 CFR 46.230. This should include a commitment to coordinate with Cooperating Agencies to the fullest extent possible concerning issues relating to their jurisdiction and special expertise. Regulations limiting participation by Cooperating Agencies to instances when “feasible and appropriate,” as proposed in Planning 2.0, should not be used. Once cooperating agency status is established, it should go beyond project specific comments or participation. State and local governments and Tribes join the citizens of a planning area as the primary groups that are impacted by BLM planning decisions, and so should be able to participate in the planning process as a Cooperating Agency, regardless of expertise.

Relationship to Interdisciplinary Teams and participation in the process

Input: Treat Cooperating Agencies, including counties, as full members of the interdisciplinary team, which includes providing full access to all information, data, and analysis at the same time it is provided to other members of the interdisciplinary teams. One recommendation specifically requested this for wildlife management, resources, and recreation. Use open access technology so that cooperating agencies have access to the information and ongoing analysis being used in the preparation of the document. NGOs should not be given “Cooperating Agency” status with opportunities for early participation in the process, as it diminishes the role of counties as Cooperating Agencies.

Participation in the Planning Process

Input: Provide Cooperating Agencies the opportunity to participate in “kick off” meetings, baseline data collection and report development, provide input into alternatives and other part of document development. Exchange review documents as soon as possible, even if those documents are not complete. Cooperating Agencies should be provided an opportunity to review the final EA or EIS prior to the Decision Record or Record of Decision being issued, concurrent with the Governor’s Consistency Review.

Review Periods

Input: Provide longer review time on draft and final documents. Current windows make it difficult to fully digest documents and understand where the BLM’s analysis should be modified.

Relationship to Coordination Responsibilities

Input: Include consistency review as a part of coordination, as it is not always achieved through cooperating agency status.

Priority of Cooperating Agency Project

Input: Expedite and prioritize projects where local governments are attempting to partner with the BLM to take over some of the land management responsibilities, such as Cooperative Recreation Management Agreements.

Cooperating Agency Guidance

Input: Develop guidelines for cooperating agency relationships collaboratively and with State concurrence. Separate Cooperating Agency comment from the general public comment and develop a method to discuss in person each Cooperating Agency's comments and needs. This meeting should be before comment responses are made and/or changes to planning or NEPA documents are made. Engagement could continue after DEIS is released, with the creation of a review period between the DEIS and FEIS.

Public Rangelands Improvement Act of 1978

Input: Use the Section 8 review process provided in this law, emphasizing the importance of using expert review and overview of a contested project.

Nondisclosure Agreements

Input: Explore opportunities to resolve inconsistencies between BLM's nondisclosure requirements and State open records or meeting laws. If legally permissible, instead of a Nondisclosure Agreement, the BLM should require a signed statement that information will not be released outside of the Agency (i.e. no "bad faith" sharing) if it is not necessary to represent the county's interest.

Public Input

Local and State cooperating agencies

Input: Extend the same working relationship towards local and State governments and Tribes that cooperating Federal agencies use.

Section 4.6, Tribal Govt. to Govt. Consultation

State/Local and Tribal Government Input

Value of Consultation

Input: Recognize that the planning and environmental review processes are essential components of BLM's duty to identify, evaluate, and propose alternatives to any proposed action with the potential to impact Tribal lands or resources, and consult with Tribal stakeholders. Those duties cannot be limited or ignored to increase the "efficiency" of project development. Tailor consultation to meet the needs of each individual Tribe. Build on examples of good consultation. For example, the Southern Ute Indian Tribal Council felt that the interaction with the Tres Rios Field Office should be replicated by other offices.

Timing of Consultation

Input: Provide adequate time when setting deadlines, and be responsive to requests for information. Give the Tribes as much advanced warning as possible of impending processes and make sure they have an opportunity to be at the table early on. To do this, the BLM must know the Tribe/Nations area of interests/concerns in order to engage with them early when potential impacts to those interests/concerns are on the horizon. For example, one of the biggest concern is Ancestral remains and archaeological reports, which help Tribes with their history, so the BLM needs to notify Tribes as soon as possible with regard to these issues.

Begin consultation early in the process, during the brainstorming stage, and continue through all phases of the planning and implementation of the proposed action. Coordinate timing for field work with Tribal governments, especially when doing work that may affect subsistence hunting seasons. Hold regular meetings with all Tribes the BLM works with, and inform Tribes when NEPA related policies or procedures change. Participate in quarterly meetings as well as quarterly updates on all projects. The BLM must go beyond just inviting tribes to submit comments on projects under consideration by BLM; according to 36 C.F.R. 800.(f), BLM must also seek agreement with them when feasible.

Consultation across BLM Jurisdictions/Ancestral Lands

Input: Address inconsistencies with how different offices interact with Tribes, especially where a Tribe's ancestral lands extend across BLM boundaries into different States.

Staffing of Consultation

Input: Provide Tribes with a single point of contact to provide information on NEPA processes for a region or area. Engagement should be at all levels of the BLM, both resource staff and management.

Deference to Tribal Regulations

Input: Review existing Federal, State, and especially Tribal regulatory schemes in place and defer to those regulations where appropriate.

Participation in the Planning Process

Input: Include local government and Tribal representatives in agency ID team meetings. Include Tribes early in the process, and request a knowledgeable representative to participate. Opportunities to review and comment on stakeholder drafts should be included as part of the consultation process.

Input: Land Use Planning should incorporate the use that the Pueblos, through cultural resources, already make of the land before entertaining permit applications or lease approvals for other uses. It should be required that applicant establish that it has proposed to the Tribes and attempted to schedule a consultation all as part of the application process.

Acoma Model

The Pueblo developed the Acoma Model for projects on Acoma lands, but it has been used successfully for projects where Acoma has cultural landscapes and sites located outside the Pueblo lands. Consider the use of this model to implement a Class III cultural resources survey, including Traditional Cultural Properties ("TCP"). TCP requires expertise that is only within the living community; not within the larger national community, or the professional CRM community. The Acome process puts Acoma cultural practitioners into the field with the outside

entities at the start, preventing extensive subsequent procedures concerning avoidance and mitigation. BLM needs to consider the use of tribal ethnographic assessment teams within the Pueblo to identify Acoma traditional cultural properties.

ACHP's Recommendations

Input: Incorporate recommendations from the following ACHP reports into the planning and NEPA process: “Recommendations for Improving Tribal-Federal Consultation” (Sept. 14, 2015), “Tribal Consultation In Infrastructure Projects” (May 24, 2017), as well as the Department of Interior (DOI), Department of Justice, and US Army Corps of Engineers report, “Improving Tribal Consultation and Tribal Involvement in Federal Infrastructure Decisions” (Jan. 18, 2017).

Adequate Protection of Treaty Rights

Input: Streamlining efforts must not bypass environmental protections of any lands, in particular public or Tribal, to allow actions that could have deleterious effects to Tribal hunting and fishing rights guaranteed by Treaty.

Public Input

More traditional outreach methods

Input: Conduct more outreach by phone, mail, and in person for Tribal communities in remote and isolated areas where internet/electronic communication methods are sparse and non-existent.

Section 4.7, Self-Governance and Tribal Sovereignty

State/Local and Tribal Government Input

ANCSA Corporations

Input: Allow for self-regulation of environmental impacts to the lands of ANCSA Corporations (Alaska). Broadening mitigation requirements to include impacts to air, public health, birds, fish,

terrestrial mammals, polar bears, spectacled eiders, cultural resources, and visual resources within the National Petroleum Reserve-Alaska (NPR-A) will increase the burden placed on ANCSA Corporations when managing their land. Consider this impact and consider strategies to avoid negative impacts to ANCSA Corporations in their land management strategies.

NEPA Review of Tribal Decisions

Input: Do not apply NEPA to Tribal land use decisions. Because Tribal land use decisions cannot be implemented without Federal involvement, applying NEPA to these decisions creates costs to decisions that may erase meaningful economic opportunities for Tribes because non-Indian lands do not have the same review requirements. Applying NEPA to Tribal land use decisions also fails to account for aboriginal and treaty rights. NEPA also subjects projects on Tribal land to non-Tribal, non-neighbor public comment, which slows down the environmental review process and requires significant Federal resources to respond to public comments.

Section 5, Improving NEPA

State/Local and Tribal Government Input

Consistent, streamlined documents

Input: Congress should direct Federal agencies to build consistency in environmental analysis and bring agency practice in conducting EAs more in line with the administrative policy intent of streamlined, summary documents.

Understandable documents

Input: Eliminate all legal terminology from documents. All NEPA-related documents should be condensed for all to read and understand. Supplemental legal treatise can be included, but it should not be necessary to submit comments.

Cooperators

Input: Enhance coordination and consultation with cooperating entities. Involve cooperators in a pre-scoping process and all decision-making meetings.

Change policies

Input: Review and possibly remove recently promulgated policies that increase the time and complexity of certain NEPA processes (e.g., IM 2017-36 Considering Backcountry Conservation Management in Land Use Planning Efforts and PIM 2017-003 The Council on Environmental Quality Guidance on Consideration of Greenhouse Gas Emissions and the Effects of Climate Change in National Environmental Policy Act Reviews).

Section 5.1, Significance

State/Local and Tribal Government Input

Significance factors

Input: Do not fill in gaps in regulations on providing for management or planning around a resource with manufactured concepts in policy, such as "wilderness character".

Significance thresholds

Input: Clarify agency guidance in regards to significance thresholds and extraordinary circumstances language based on best practices, and provide consistent approaches. The BLM must be empowered to analyze those actions that truly may have a significant impact.

Prepare more EISs

Input: Prepare EISs to help minimize litigation issues.

Prepare more EAs

Input: Employ better use of EAs rather than EISs.

Public Input

Non-present/unaffected resources

Input: Put much less emphasis on "negative" analysis in NEPA documents, meaning extensive explanations of why specific resources or issues are not present or would not be affected by the proposed action.

Input: Analysis should focus only on resources where significant impacts might occur.

Oil and gas/Permitting and leasing

Input: Do not analyze oil and gas leasing until specific proposals are received.

Input: Use the Limits of Acceptable Change model in RMP's to provide a gauge as to when additional NEPA would be required for new or renewed permitted activities. Renew permits that have been ongoing and do not present significant impacts without new NEPA analysis.

Section 5.2, Decision-making

State/Local and Tribal Government Input

Decision-making at State and Field Office level

Input: Provide for more decision-making at the Field/State BLM offices rather than centralizing those decisions to DC. State directors need to be given responsibility for RMPs and independent authority to respond to issues that are unique to individual States. Reduce elevating decision-making to D.C. and guard against national lobbying efforts that would override local needs, especially for national groups that may not operate within the affected State. Decisions should be made by BLM employees who are closest to the ground and therefore have the greatest understanding of who their decisions will impact, the affected environment, and the surrounding socio-economic conditions. The farther up past the Field and District Office in the BLM (or DOI) these responsibilities lie, the more likely an RMP will lose the on-the-ground expertise and local participation.

RMPs at Field Office or District Office level

Input: Make the Field Office or District Office the default planning area for RMPs, rather than landscape-scale planning. Data used for planning decisions at large landscape scales is often insufficient to provide accurate impact analysis.

Elevate decision-making only if there are disputes

Input: Provide local offices the authority to make decisions. If there is a dispute between the local government and the local BLM office, the matter could be elevated to the BLM State Director. If there are no agreements, the BLM Director should have the final authority to adjudicate the matter.

Public Input

Recreation

Input: Have a transparent decision-making process in regards to impacts of alternatives on existing, legitimate, historic and popular recreational activities.

Local Decision Making Authority

Input: Make planning regulations at the State levels with built in flexibility to meet the individual State and county situations, instead of at the Washington level.

Allow for flexibility for local Field Managers to make decisions without the input of the Washington or District offices.

Decision Making Transparency

Input: Have decision making processes demonstrate to the public that a balanced, impartial approach is being used.

Justify BLM actions and analyses by saying and showing why certain decisions are being made.

Section 5.3, Adoption of non-Federal NEPA documents

State/Local and Tribal Government Input

Input: Consider modifying NEPA regulations to allow the BLM to adopt state environmental documents for similar or related actions. This would avoid duplicative analyses, additional delays, and costs.

Local approaches to conservation

Input: Allow communities to develop local innovative ways to achieve mutual goals for landscape-level ecological restoration. Pool local controls, expertise, and resources and provide the flexibility necessary to adapt and improve efforts where they fail or could do better. Use the Bi-State Action Plan as a model for conservation goals.

Section 5.4, Cumulative effects

Public Input

Adaptive Management

Input: Use adaptive management to prepare for unforeseen future events.

Historical Usage

Input: Assume that the historical usage of an area will be continued unless a credible scientific basis/quantifiable social trends can be provided to prove otherwise.

Section 5.5, Timelines

State/Local and Tribal Government Input

Timelines for completion of NEPA documents

Input: Reduce permitting and review time for projects to three years, without sacrificing protections for wildlife, natural resources or environmental resources. Comply with statutory timelines. For example, BLM is required by law to review oil & gas permit applications within 30 days, but the current average is over 200 days. Expedite local government R&PP applications for BLM “disposal” properties. Require a one-year maximum time frame for completion of NEPA documents for RMPs and RMP amendments. (Alternatively: require completion of a Draft EIS within two years and a Final EIS within three years). The longer the process takes, the more likely that data will become obsolete.

Limit internal review timelines

Input: Commit to expeditious and efficient internal reviews of documents to avoid delays, rather than reducing the comment periods for the public and Cooperating Agencies. The biggest delays are caused by extended internal reviews by the BLM, particularly at the State and National levels.

Set timelines for Federal agency reviews

Input: Limit Federal agency reviews of environmental assessments to 30 days.

Retain or extend existing timeframes for comment

Input: Ensure that the BLM planning process and environmental reviews allow for formal comment periods that provide adequate time to analyze and gather meaningful review and feedback. The constant request by local and state governments for extensions is indicative of the need to maintain or increase comments periods. Any process that reduces BLM's responsibility to actively inform the public of its actions represents a retreat from openness and transparency. Reducing comment periods may appear to reduce the process timeline, but more often leads to additional conflicts, appeals, objections, and litigation, delaying the overall process and implementation of decisions. The amount of time for comment periods should be commensurate with the size of a document. 90 days is usually not adequate for a 1,000+ page RMP/EIS.

Make sure to address concerns from Tribal governments about any shrinking of opportunities to communicate with the BLM on projects, for example, shorter comment periods or fewer updates, given that NEPA review periods are an opportunity for Tribes to decide when they want government-to-government consultation. Commenter asks that BLM look into CRIT Tribal Council Government-to-Government Consultation Policy as it provides a roadmap to develop an ongoing, mutually beneficial relationship between federal agencies and Tribal Council. Tribes such as CRIT have voiced that they feel BLM is ignoring their input in "consultation" meetings, and they would like further acknowledgement of the needs of tribes.

Limit timelines for comment period

Input: Limit public comment periods to the number appropriate to the issues or level of controversy. Do not extend comment periods to allow opponents to delay a decision which will likely be appealed regardless of the comment periods.

Project management

Input: Develop metrics for successful outcomes including cost and time performance indicators. Provide project timeline guides such as a Gantt chart, timeline, or flowchart of each step of the process with dates for each meeting and milestone. Within three months of closing the scoping period, the BLM should publish a schedule outlining the steps required to complete the project. The schedule should be electronically posted, made publicly available, and updated quarterly. Publish the expected cost of the studies and time frames prior to taking action.

Public Input

Environmental Assessments

Input: The Secretary or Director must prescribe that time limits will be determined at the start of the NEPA process, and time limits adhere to the 3-month EA and 12-month EIS expected timelines described in CEQ guidelines.

Input: Adhere to the CEQ's Guidelines concerning EA review periods, which States that EAs should be completed within three months.

Input periods

Input: Fix the public comment period for environmental assessments (not EIS's) to no more than 30 days.

RMPS and Revisions

Input: Clearly identify new issues, resources, or scientific findings that arose after the existing RMP was adopted when starting a RMP revision process.

Input: Keep RMP revisions every fifteen years to better utilize staff time.

Input: Have a new LUP process be developed that is limited to 150 pages and takes only a year to develop.

Input: Try to stick to the following timeframes for working on RMP documents:

- 6 to 12 months for a project-level amendment

- 18 to 24 months for a multiple issue amendment
- 2 to 4 years for a programmatic amendment that amends multiple plans
- 3 to 5 years for a full plan revision

RMP Input periods

Input: Extend comment periods for Draft RMPs to 100 days, and reduce amendment comment periods to 60 days.

Third party environmental information

Input: Accept submittals of environmental information prepared by third parties at the request of an applicant where this meets the requirements of 40 C.F.R. § 1506.5), in order to expedite environmental reviews required for permit issuance.

Oil and gas

Input: Prioritize timely completion of oil and gas leasing and permitting decisions, and reorganize BLM staff and other resources accordingly.

Long-lasting documents

Input: Quality, not speed, must be the goal. Developing high-quality documents that remain relevant for long periods of time is more important than developing documents quickly.

Section 5.6, Page Limits

State/Local and Tribal Government Input

Set page limits for planning and NEPA documents

Input: Limit RMPs to 50 pages and environmental assessments to 15 pages. (Alternatively, use limits in CEQ regulations: limit EISs normally to 150 pages or 300 pages for proposals of unusual scope or complexity).

Do not set page limits for NEPA documents

Input: Match the size of the NEPA analysis to the size of the project. One size does not fit all.

Section 5.7, Local Issue Analysis

State/Local and Tribal Government Input

Focus on local effects

Input: Improve the analysis for RMPs of effects to State and local governments and communities. Local governments, communities, economies, customs, and culture are most impacted by changes in Federal land management. Assessing impacts at the local level is necessary and appropriate and should be required.

Focus on socio-economic analysis

Input: Provide greater consideration of socio-economic effects on rural communities.

Focus on micro-economic analysis

Input: Micro-economics are important to distinguish and discuss for local governments.

Non-market value analysis

Input: Keep analysis of non-market values realistic. Do not accept subjective and over-estimated economic values of ecological functions over objectively measurable economic values of resource development.

Public Input

Regional vs. Local planning

Input: Ensure that regional planning targets regional issues to streamline more localized planning, and avoid issues beyond the scope of regional planning. In other words, regional planning can streamline local planning, but not serve as a replacement for it.

NEPA analysis on lands not designated for closure

Input: Do not perform any NEPA analysis on lands in the planning process undesignated to be closed until either BLM or the public has an application to use the lands.

Small mine projects

Input: Do not overly burden small mine projects with paperwork and long timelines, to the extent large mining operations are, so they can better contribute to local economies.

Actual use

Input: Management of public land must reflect the actual uses by visitors.

Historical use

Input: Assume historical uses of any area would continue unless scientific basis can be provided to rebut the presumption.

Known existing information

Input: Collect known existing information about a planning area before initiating decisions about resource allocations.

Transference of unneeded land to Local counties

Input: Transfer lands to the local county if they are (1) not regenerating income (grazing, mineral leases, etc.) or (2) providing a significant benefit to big game, or rare species (plant/wildlife) or (3) the location of cultural resources. As an example, there are quite a few isolated small squares (1/4 mile on each side) of BLM managed land in western Colorado. These squares are often inaccessible to the public because they are completely surrounded by private property.

Section 5.8, Mitigation

State/Local and Tribal Government Input

Develop mitigation with the Governor

Input: Develop mitigation requirements and processes that may affect State and private land in cooperation with the Governors in whose States BLM lands are situated.

Mitigation manual

Input: Revise the Mitigation Manual MS-1794 to reflect the most recent Withdrawal of the Administration's prior opinion on "Net Conservation Gain" standards for mitigation under M-3704, "Withdrawal of M-37039, "The Bureau of Land Management's Authority to Address Impacts of its Land Use Authorizations Through Mitigation," (June 30, 2017).

Public Input

Equal mitigation for all resources

Input: Ensure that any non-oil and gas actions being permitted on public lands are given the same amount of treatment and mitigation measures as oil and gas leasing under NEPA.

Section 6, Use of Categorical Exclusions

Section 6.1, Existing BLM CXs

State/Local and Tribal Government Input

Vegetative treatments to reduce risk of wildfire

Input: Amend the existing categorical exclusion (CX) for vegetative treatments less than 1,000 acres (Handbook, App. 3, 1.12 at 146) and/or the CX for vegetative treatments during ongoing wildfire events in order to provide permission to BLM land managers and fire staff, working with appropriate state agencies, to undertake proactive wildfire-related, risk abatement measures in extraordinary circumstances that are not necessarily constrained by acreage caps, treatment types, or left-in-place mitigation measures.

Input: Exclusions should be limited, and should not be applied to large, impactful planning processes. Over-use of CX's will result in more challenges.

Section 6.2, New CXs

State/Local and Tribal Government Input

Consider new CXs

Input: Expand CXs to include actions that are frequently approved and found to have little or no environmental impact.

Input: Consider the use of CX's as an expedient means to apply resource treatments where needed. An example of this could be in the case of wildfires or flooding there may be a need to access ACEC's or wilderness areas to fend off fire movement, protect sage grouse habitat, or move livestock to pastures not scheduled for grazing.

CX for Vegetative treatments to reduce risk of wildfire

Input: Create a new CX to provide permission to BLM land managers and fire staff, working with appropriate state agencies, to undertake proactive wildfire-related, risk abatement measures in extraordinary circumstances that are not necessarily constrained by acreage caps, treatment types, or left-in-place circumstances.

Input: Emergency post wildfire seeding for watershed protection and hitting the critical planting window should warrant the use of a CX.

Input: Establish a CX for moving cattle to non-used pastures as a fuels management measure, and emergency post-fire seeding for watershed protection and erosion controls that hit the critical planting windows.

Range Improvement CX

Input: Create a new CX for range improvements, similar to wildlife habitat improvement project CXs, consistent with ecological site descriptions and rangeland health.

Grazing Permit Renewals

Input: Re-establish grazing allotment permit renewals as a categorical exclusion, as long as permittees are meeting land health standards.

Vegetative Improvement CX

Input: Create a new CX for vegetative improvements consistent with ecological site descriptions and rangeland health.

Statutory CX for landscape-scale restoration projects

Input: Create, through Congress, a limited and short-term CX under NEPA to expedite work in pilot landscape-scale restoration projects envisioned over geographies greater than 100,000 acres, while environmental analyses are being developed. These CXs should be available for use at the agency's discretion provided the analyses achieve defined progress milestones.

Statutory CX for restoration project

Input: Create, through Congress, a new NEPA restoration CX that is based on Agency decisions documented in a Decision Notice and FONSI over the past five years where no significant impacts to the environment occurred. Project activities could include commercial and noncommercial timber harvest, hazardous fuels removal projects, prescribed burning, post-fire restoration and herbicide use.

Temporary non-renewables

Develop streamlined Temporary Non-Renewables (TNR) for grazing of excess fine fuels, and invasive annual grasses outside of grazing permit dates, terms, and conditions.

Public Input

Drilling Pads

Input: Utilize categorical exclusions for < 5 acre disturbances which include drilling pads.

Geothermal exploration and casual use

Input: Establish CXs for general geothermal exploration and Casual Use activities.

Small scale and common activity projects

Input: Work with CEQ to expand the list of available CXs (and statutory CXs) for small-scale projects, such as localized erosion control, noxious weed control, and fuel reduction projects.

Input: Consider more categorical exclusions for common activities.

Seasonal use of Categorical Exclusions for various actions

Input: Take into consideration whether season or size limitations would allow uses that currently do not fall within a Categorical Exclusion to fit within that category. For example, analyze whether an activity during the winter would fit within a CX even if it does not during spring or summer.

Section 7, Targeted Planning Rule Changes

Section 7.1, Plan amendments process

Public Input

New Recreation activities

Input: Ensure that RMPs provide appropriate levels of documentation without requiring extensive amendments/NEPA for new recreation activities similar to existing authorized activities.

Alternatives

Input: The BLM should provide a description of the rationale for the differences in identified alternatives including (1) A description of how each alternative addresses the planning issues, consistent with the principles of multiple-use and sustained yield, or other applicable law (2) A description of management direction that is common to all alternatives. (3) A description of how management direction varies across alternatives to address the planning issues.

Input: BLM should provide preliminary alternatives to state and local governments, and to the public. The responsible official should identify the procedures, assumptions, and indicators that will be used to estimate the environmental, ecological, social, and economic effects of the alternatives considered in detail.

Including Implementation Plans

Include Implementation Plans as part of the Plan Amendment Development EIS. Doing so would reduce future litigation, and preserve the NEPA Process as all aspects of the plans will be implemented equally.

Section 7.2, Plan revision process

State/Local and Tribal Government Input

Input: Conduct a review every 15 years to analyze the current circumstances and decide when the Plan is likely to need updating. Include adaptive management, so changes could be addressed as necessary by using the public processes. That will reduce LUP amendments from individual projects, preventing the process from being delayed. Also allow planning processes that are currently underway to continue without implementation of significant new or revised policy directives that have not been publicly-vetted.

If proposed RMP is measurably different than draft, re-release of draft RMP

Input: Revise planning regulations and handbook to require re-release of draft RMP for public review and comment when the proposed RMP is measurably different from the preferred alternative identified in the draft RMP. This re-release should occur regardless of whether the hybrid alternative's combined elements were within the draft alternatives. This 60-90 day review would be separate from the protest period. This is consistent with guidance in H-1601-1 Land Use Planning Handbook.

New special area designation

Input: Establish and release guidance materials that pertain to a new special area designation that is not listed in BLM H1601-1 Land Use Planning Handbook for public review and comment. Limit the proposals for special designations to only those resources and values that would not already be addressed under the general plan guidance.

BLM Alaska, Travel Management Guide

Input: Revise the BLM Alaska, Travel Management Guide to require that inventory and use data be available for RMP travel management decisions. Clarify that if travel management must be deferred to a step-down plan, that RMP decisions cannot place limits of future step-down planning decisions that take inventory and use data, not available for the RMP decisions, into consideration.

Section 7.3, Plan maintenance

State/Local and Tribal Government Input

Public involvement prior to plan maintenance decisions

Input: Amend section 1610.5-4 [input cited the section 1610-6-5 of the revised regulations, which were rescinded] of the BLM’s planning regulations to allow the BLM to have discretionary dialogue and solicit feedback before making plan maintenance changes. The determination for public engagement would depend on the context of the potential maintenance action.

Higher level, less detailed planning

Input: Rely primarily on policy, which should provide direction in enough detail to guide managers and be nimble enough to respond to change. This will reduce the need for more detailed planning. A list of policies would help the public to very quickly understand BLM’s management direction.

Section 7.4, Areas of Critical Environmental Concern (ACECs)

State/Local and Tribal Government Input

Economic effects on State trust lands

Input: Avoid decisions during the planning process that will have negative economic impacts on State trust lands and assets. Isolated State trust lands or minerals are often surrounded by BLM-managed lands, so BLM decisions on these lands can affect the access to and activities on those lands. (e.g. an ACEC designation can render State trust assets worthless depending on the highest and best use of the State lands.) Keep in mind that an ACEC is the only administrative special designation authorized by FLPMA. Policy borne designations such as Lands with Wilderness Characteristics and Backcountry

Conservation Areas introduce additional layers of bureaucracy to federal lands and complicate the planning process.

ACECs designated by RMPs

Input: Eliminate the designation of ACECs during the planning process, and let individual RMPs consider ACECs and balance them with other areas and uses. The Congressional multiple use standard required in FLPMA is violated by the inclusion of the ACEC process.

Nomination time period for ACECS

Input: Establish a specific nomination period for ACECs at the beginning of the planning process, and do not accept nominations after that timeframe has ended. Nominations received outside the planning process that are determined necessary and not addressed by management prescriptions identified in the current plan or other regulatory authorities can be considered in a plan amendment.

Do not reduce ACECs

Input: Maintain, and do not reduce, weaken the current ACEC designation as a tool for management. One of the goals and objectives of BLM's planning processes should be to maintain healthy wildlife populations within any permit area, and to use the current FLPMA language about "managing for sustained yields," to also mean managing for sustained watchable and harvestable wildlife, and the habitat needed to do so.

ACECs, ANILCA, and Alaska BLM

Input: Do not designate any more ACECs on Alaska BLM land. The "no more" clause in the Alaska National Interest Lands Conservation Act (ANILCA) is clear. Alaska BLM should not allowed to create de facto wilderness areas by designating additional ACECs. More than enough land (through various federal agencies) has been designated to responsibly protect the environment. Alaska BLM also needs to focus on developing our economy.

Public Input

ACECs designated by RMPs

Input: Have ACECs only be created by RMPs, with critical concerns, rehabilitation measures, and targets for completion of mitigation.

Section 7.5, State and Local Plan Consistency

State/Local and Tribal Government Input

Add local and county governments and Tribes to governor's consistency review

Input: Revise BLM planning regulations (43 CFR 1610.3-2) to include local and county governments and Tribes, in addition to Governors, in the consistency review. Excluding local governments from the consistency review essentially negates FLPMA's recognition for consistency of local plans and the importance of local government's role. By limiting interaction to State government only, BLM avoids giving weight to local, county, and Tribal plans. Close this gap to fulfill FLPMA's original intent.

Benefits of consistency with local plans

Input: Initiate all planning processes by reviewing the adopted local governments' plans, and incorporating the appropriate aspects into the scoping document. Involve the Conservation Districts and other local governments in the original scoping process. There should also be an effort made to outreach to local governments to find useful unofficial planning documents.

Input: Local plans and policies undergo a planning process, so greater consistency with them would create fewer surprises because the public would already know the management direction. Litigation is more likely to be successful in the government's favor when BLM, State, and local interests are on the same side. Consistency will also eliminate litigation from State or local entities.

Make sure to consider officially adopted land use plans that BLM needs to recognize, even if some jurisdictions' plans may not be actually labeled "land use plans. Many such plans are adopted as policy plans (more often than programs) by local and State governments and deserve the same consideration as any official "land use plan."

Adopt specifically directing BLM State Offices and Field Offices to develop documents that incorporate and are consistent with County Resource Management Plans and direct BLM officials as to the meaning of the term "to the maximum extent."

Acknowledge that local governments have other authorities than land use planning, such as protection of public health, safety and welfare, and environmental and wildlife protection considerations.

Review, consider, and incorporate programs and recommendations of state and regional comprehensive planning efforts, data, and analyses (i.e., State Wildlife Action Plans, North American Waterfowl Management Plan, Western Association of Fish and Wildlife Agencies Crucial Habitat Assessment Tool). This will help with the BLM planning process and eliminate the duplication of already generated data and analyses. Also use the environmental analyses and proposals of state agencies with jurisdiction by law or special expertise, to the maximum extent possible. Incorporate State species designations developed and defined within State Wildlife Action Plans, mandated by Congress and approved by the USFWS. Use State plans to inform management decisions on public lands including state Species of Greatest Conservation Need & Species of Economic and Recreational Importance.

Baseline Records

Input: Any base-line records from local plans to BLM should be accepted, and analysis should be revised and tracked to where there are delays. The follow criteria should be followed while considering baseline records:

1. Make counties equal partners in addressing base-line records
2. Have a seat at the table for counties
3. Ensure a principled consistency review, according to FLPMA

4. Develop a metric illustrating the counties' consistency (in a chart form) with the existing RMP.
5. Accomplish this before the Governor's review, so that requirements can be met

Planning Summary at beginning of planning process

Input: Require Field Offices prior to the planning process to work with local county governments on their local planning effort and provide a summary document to the planning shop in WO. prior to initiating the plan process. This document would show how the county plan ties into public land management within the county. The summary could even be signed by both BLM Field Manager and County Chairperson/Manager. This would potentially be a big workload as some field offices have multiple counties within an RMP area but it would definitely build relationships and understanding on both sides.

Supremacy of BLM policy

Input: Revise BLM planning regulations (43 CFR 1610.3-2) to delete phrases that say Federal policy might preempt State and local government plans and programs. Revise it to be consistent with current law, which says that State and local government plans can only be superseded by inconsistent Federal law (not policy). Adopt local plans in their entirety whenever possible.

Documentation of plan inconsistency

Input: Review local government plans, policies, programs and documents for the consistency review, and explicitly State in the EIS/EA why a different action was taken (as required by FLPMA).

Input: Provide a definition and process for when it is appropriate to say it is not "practical" to be consistent. When consistency cannot be reached, BLM must justify and explain the reasoning in the document of analysis, and gives steps for moving forward.

Governor's consistency review

Input: Conduct Governor's consistency reviews (GCR) between the ADEIS and DEIS and between the DEIS and FEIS. Draft responses to consistency review with the state and local governments before submittal to the Governor for the GCR.

Input: Commenters disagreed that the GRSG Governor's consistency review was meaningful. Requests future focus on making Governor's consistency reviews more meaningful.

Input: Require the BLM to meet with local governments early to discuss the preliminary planning and direction, to help with consistency.

Input: Allow local government Cooperating Agencies the opportunity to review the final documents in parallel with the Governor's consistency review period by allowing half of the review time. For example, if the Governor has 60 days to review the local governments should have the first 30 days of the 60 days to conduct a review.

Input: Develop a Manual and Handbook on Consistency Review that outlines appropriate timelines to ensure consistency to the maximum extent possible, outside of and during the NEPA process. These documents will also note that the BLM is required to begin the RMP process by reviewing state and local plans and meetings with those agencies for proper interpretation of plans.

Consideration of unique land needs

Ensure that FLPMA and BLM planning considers the unique and different needs of individual areas of land.

Landscape Approach in using local land use plans

Ensure that a landscape approach is designed to create balance between local input and managing for the whole, ensuring that local land use plans, local economies and economic impact don't get lost in the process. A "landscape scale" approach to resource planning is beneficial as a means of acknowledging

larger, functioning ecosystems and how they define landscape, allowing systems and resources to be analyzed as a whole rather than fragmented.

ANILCA

Clarify how consistency with other Federal and State lands is evaluated and achieved, pursuant to FLPMA, and for Alaska, ensure the balance achieved by Congress in ANILCA is factored into the decision.

Public Input

Advisory Council

Input: Create an advisory council up of county officials and resource interests found in the planning unit for each planning area to provide counsel and advice during the planning period.

Input: Develop planning objectives from FLPMA/other laws and regulation to be refined by the individual planning advisory councils.

County/Local Plan Assistance

Input: Assist local counties to include natural resources in their county plans, since they do not have the capacity to fully participate in the planning process.

Input: Provide natural resource data to counties for inclusion in their plans.

Input: Automatically make local government a partner in the planning process, and consider local plans before imposing Federal plans, which would conflict with local planning.

Planning Liaison

Input: Assign a BLM representative as a planning liaison for each RMP to Tribes and local government.

Section 7.6, FLPMA

State/Local and Tribal Government Input

State/Local coordination process

Input: Conduct a separate and distinct true coordination process with State and local governments with an exchange of information going both ways. This will improve the BLM planning and implementation process by: (1) reducing the time to finish plans and take action; (2) reduce expenses imposed on the BLM and local governments; (3) be more responsive to local needs; and (4) use knowledge of local government and people who have lived in the area for years. If BLM carries out coordination as prescribed by FLPMA, the planning process would be efficient, action-oriented, and productive.

Include basic statutory designation of lands in purpose and need statements.

Ensure that in the BLM Planning Handbook, on page 5, referring to ‘Coordination,’ contains all 6 points of FLPMA, instead of only the 2 currently listed.

Regularly and proactively implement existing authority under Section 202(c)(9) of FLPMA, which directs the Secretary of Interior to coordinate BLM land use planning and management with land use planning and management by State and local government entities within which the BLM lands are located, and to provide early notice of, and opportunities for input on, proposed BLM land use decisions affecting non-Federal lands. Currently, this does not occur on a consistent basis, with adverse consequences for local government.

Ensure that alternatives focus more on multiple-use and sustained-yield goals, specifically the principle or major uses defined in FLPMA.

Require, through proposed regulations, sustained levels of principal or major uses be addressed throughout the planning process. Principle or major uses under Section 103(I) of FLPMA include domestic livestock grazing, fish and wildlife development and utilization, mineral exploration and production, rights-of-way, outdoor recreation, and timber production. Through FLPMA, it is clear that Congress intended that BLM planning place priority on the principal or major uses. Such intentions for

multiple use and more than one use on individual acres has been upheld in case law. Reaffirm this principle in policy and management handbooks.

NPR-A IAP consistency with FLPMA

Input: To ensure that revisions to the NPR-A IAP are consistent with FLPMA and the Production Act, promulgate regulations for integrated activity planning or revise BLM policies to exempt IAPs from RMP regulations.

Section 7.7, Smaller Scale Planning

State/Local and Tribal Government Input

Eliminate one-size-fits-all/landscape planning approach

Input: Decisions should be made by Field Offices in conjunction with the State Office, not by a Regional Director in Salt Lake City or Denver. Return to discrete decision areas or “fit-for-purpose”. FLPMA doesn’t support landscape planning. Meaningful State and local government involvement is severely diluted when the amount of material and complexity of issues spans a "landscape" drawn by Washington Office. Manage specific to soils, precipitation, climates. Broad landscapes lose the specificity and inhibit good public land management.

Input: Current planning area boundaries tied to BLM district offices may not be rationally connected to the resources and the emphasis on “landscape planning”. The area should be scaled appropriately for the land uses in the Plan Area and coordinated with state and local governments. Consolidation of BLM district offices and other efforts to dilute locally-based planning or management is not supported by SLUPAC. Establishing landscape boundaries that do not focus at local level will reduce the local voice in the planning process.

Factors creating disproportionate analyses

Do not focus on guidance and internal initiatives that create disproportionate analyses and planning or NEPA document “real estate.” Some examples that create disproportionate analyses include Lands with Wilderness Characteristics, Areas of Critical Environmental Concern, Rapid Ecoregional Assessments, Grazing Permit Retirement, and Wild Horses and Burros.

Default planning level should be Field or District

Ensure the local BLM level (no greater than the District level) continues to serve as the default level of analysis and decision making for BLM planning and implementation activities. Anything planned at a higher Office level dilutes local voices and input in the planning and management process. The ‘landscape level’ often becomes counter to local focus and needs.

Focus on local effects and data

Emphasize all programs to focus on local implementation based on natural resource concerns. While the landscape scale approach does have its place in planning, the focus should be at the local level utilizing local relationships. Landscape-scale management that encompasses a large geographical area rely on broad sweeping data sets that fail to include the best available science data or local areas. Most effects take place within one-half mile of the surface disturbance. Plans that cover smaller areas would address the pertinent issues in a proportionate manner, would be more understandable to the public, and would not be as large.

Length and time of planning process interfering with State land selection/disposal

Focus planning and decision-making at the local level, allowing more consideration of local concerns and priorities, and a faster, more stream-lined schedule. The current Management Plan Amendment and NEPA process are so time-consuming, and involve so many levels of review that States are restricted on participating in land selections; selecting anything not on the Disposal Lands List would not allow time for review during the term of a State Land Commissioner.

Ensure staff have more time in the field

Find ways to reduce the paperwork load associated with large planning efforts that limit personnel's time in the field.

ANILCA and determining size of planning areas

Input: Consider legislation, such as ANILCA, to "right-size" planning areas so that plans are understandable, and the needs and interests of state and local governments and the public are properly evaluated and considered.

Develop smaller plans separate from and RMP

Input: Developing smaller, more focused plans that are separate from and RMP and that would have limited applicability to BLM multiple use lands would result in less controversial planning decisions.

Resource-specific supplement to alleviate size of a planning document

Develop a short guide to an RMP that explains how fish, wildlife, and parks can be considered for BLM oil and gas lease sales within the context of the RMP. The length of RMPs makes it difficult to provide effective input on BLM projects and environmental reviews. For example, it can be challenging to provide effective comments on an oil and gas lease sale without understanding the limitations and scope of the RMP. This would help state fish and wildlife agencies tailor comments on oil and gas lease sales to fit within the scope of the RMP and would likely reduce the number of comments that need to be reviewed by BLM staff.

Recognize expertise of State/Local governments

Input: Recognize and utilize State and local governments' abilities to identify and define the scope of the land area. The States of Wyoming and Colorado map the sage-grouse population via their game and fish commissions/departments using local data from counties and conservation districts. The

BLM State Office can use this data to work with States and Counties to determine if there are distinct populations that can be managed separately, or if there are several different planning units.

Allotment Management Plans

Input: Reinvigorate Allotment Management Plans (AMP) as local-based tools to manage and address grazing allotment issues and concerns. Local governments must be engaged and involved in AMP development and implementation.

Section 7.8, General

State/Local and Tribal Government Input

Using Experts

Allow BLM to use experts for peer review. Develop well-defined procedures to vet experts and maintain lists of pre-qualified experts for proponents and counties to retain. This follows the example of the Army Corps of Engineers.

Manual Changes

Rewrite the Water Rights Manual, MS-7250, dated 9/30/2013. Work with State to review water rights filing and develop a vetting process to ensure filings meet established criteria and legal sideboards. Do not use EIS documents to make water rights determinations.

Policy change requirements

Input: Amend §1601.0-4 of the BLM's Planning Regulations so agency guidance or policy changes must require public notice and comment, and must conform to FLPMA.

Supremacy of BLM policy

Input: Revise the BLM planning regulations to remove the language that equates BLM policy or guidance with Federal law. Giving BLM policy the weight of Federal law allows it to override State and local government plans, which violates the plain language of FLPMA.

Federal Register Notice requirements

Input: Retain existing requirements to publish a Notice of Intent to prepare an RMP at the start of every planning effort. Add a requirement to publish a NOI to prepare EA-level plan amendments.

Level of detail in RMPs

Input: RMPs should be only detailed enough to provide a framework for project-level decisions. Things change on the ground so planning documents that are too detailed become dated very quickly. RMPs should be of sufficient detail to allow all forms of public land uses to proceed without multiple and duplicative NEPA analysis.

RMP boundaries

Input: Retain current RMP District boundaries.

Ensure adequate socioeconomic analysis for new planning rule

Input: Conduct a full environmental and socioeconomic impact analysis, to ensure a full range of planning process alternatives prior to enacting a final rule. It is unreasonable and a suspension of common and legal sense to assert that the proposed rule will have no significant effect on the human environment.

Public Input

USFS 2012 Planning Rule

Input: Conduct public outreach for the new planning rules similar to how the USFS developed their 2012 Planning Rule, where extensive public input was obtained with dozens of public meetings throughout the Country.

Easy to follow processes

Develop processes that are publicized and easy to follow. Eliminate the ambiguity and subjectivity. It will help local governments and BLM staff.

BLM Policy

Input: Have all Field and State Offices be consistent with BLM policy.

Term Permit Renewal time periods

Input: Change term permit renewal timelines from 10 years to 20 years.

Section 7.9, Prioritization of comments from local elected officials and local public

State/Local and Tribal Government Input

Input: Ensure that the BLM planning and NEPA processes give deference and a strong bias towards use and selection of local, user and stakeholder coordinated initiatives.

Ensure deference and inclusion for private local landowners.

Do not pander to special interest groups. Relegate special interests to their proper place as commenters, not negotiators.

Give deference and a strong bias towards use and selection of local, user and stakeholder coordinated initiatives (i.e., Coordinated Resource Management, Nevada Collaborative Conservation Network).

Amend Appendix A, Page 1, Principle #2, of the Land Use Planning Handbook to recognize that local citizens know the land better than distant interest groups not directly impacted by land use decisions. Prioritize the public values of local people who live near a planning area, and depend on the multiple use and sustained yield of the area's natural resources. Nothing should elevate the status or influence of non-governmental organizations or the general public above that of an elected official or cooperating agency.

Note that local elected officials represent a higher level than the general public because of their land use authority and responsibility to represent their counties.

Section 7.10, Recreation

State/Local and Tribal Government Input

Recreational Shooting

Input: Recognize recreational shooting as an appropriate and publicly valued activity under federal multiple-use mandates, and cite the importance of hunting and recreational shooting as a gateway to hunting (Executive Order 13443). Include EO 13443 in all planning documents and direct agencies to ‘Increase structured hunting programs and recreational shooting opportunities as a means of achieving a net increase in federal land hunting’. Include reference to Pittman Robertson funding (derived from firearms and ammunition sales) that provides for wildlife and habitat conservation on public lands.

Input: Define dispersed recreational shooting as “any shooting that is carried out in a legal and safe manner, does not cause resource damage, and does not result in litter” to distinguish between responsible target shooting and irresponsible recreationists engaging in illegal activities including littering, poaching, and intentional destruction of vegetation. Further restrictions and/or elimination of areas due to a minority of offenders does not provide a balance of multiple-use and directly impacts responsible shooters.

Camping

Input: Analyze all impacts to the public’s ability to access and camp on BLM land as a result of overarching planning decisions including, but not limited to all land use allocations, recommendations, prescriptions, or designations. The planning rule should direct BLM to minimize camping restrictions that

may lead to a shortage of available camp sites affecting the ability and/or willingness of lawful users to hunt and fish on their public lands.

Recreational use of wildlife

Input: Include State Game and Fish Departments' need to actively manage wildlife as a primary component and/or priority characteristic of any special land use designation including, but not limited to: national monuments, recreation management areas, Recreation Opportunity Spectrum allocations, wilderness, and recommended wilderness.

Recreational use of wildlife and special land use designations

Input: Fully analyze the cumulative impacts of further loss of public lands that provide for multiple-use and wildlife related recreation and economic opportunities prior to recommending or approving special land use allocations and designations. The Multiple Use Sustained-Yield Act of 1960 and the Federal Land Policy Management Act of 1976 prohibit Federal Agencies from affecting the State's jurisdiction/responsibilities. Managers of public lands are mandated to provide multiple-use recreational opportunities on public lands to present and future generations.

Analyze and minimize negative impacts to wildlife related recreational access in special land use designation areas and provide for development of alternate access routes when existing designated access routes are closed across private land.

Public Input

Recreational Shooting

Input: Allow private parties to develop public shooting ranges; it would be an efficient use of resources and partnerships with local citizens.

USFS NVUM model

Input: Adopt the USFS National Visitor Use Monitoring (NVUM) model and conclusions.

National Trails

Input: RMPs should better integrate national trails.

Section 7.11, Wildlife

State/Local and Tribal Government Input

Special land use areas for wildlife

Input: Analyze and minimize impacts (including use of motorized/mechanized equipment) to a State's ability to manage wildlife in recommended/designated special land use areas for:

- Species introduction/supplementation/translocation
- Survey/monitoring
- Capture/markings
- Research
- Sampling
- Radio telemetry
- Stocking
- Stream renovations and barrier construction/repair
- Wildlife waters construction, redevelopment, maintenance, monitoring and water delivery
- Habitat enhancement/creation/restoration
- Fencing/removal
- Prescribed fire
- Angling and hunting
- Trapping
- Emergency management
- Law enforcement

- Nonnative species or predator control
- Big game retrieval

Concurrence between BLM and State wildlife agencies

Input: Demonstrate the mutual agreement/concurrence of the state wildlife agency and USFWS for all fish/wildlife conservation, protection, and management plans. (Ex. ‘The Secretary of the Interior, acting through the Director of the U.S. Fish and Wildlife Service and the head of each appropriate State fish and wildlife agency for the State in which the public lands are located, shall develop a comprehensive plan, reflecting mutual agreement regarding conservation, protection, and management of fish and wildlife resources for conservation and rehabilitation programs to be implemented on public land under his jurisdiction.)

Species of Greatest Conservation Need/Economic and Recreational Importance

Input: Include Species of Greatest Conservation Need (SGCN) and Species of Economic and Recreational Importance (SERI) within planning documents in an analysis of effects to such species. If the proposed action in the NEPA analysis potentially adversely affects any wildlife species, the responsible Federal official must make the relevant information available to the public and inform decision-makers and the public of a reasonable alternative to avoid or minimize those impacts.

Section 7.12, O & C Act

State/Local and Tribal Government Input

Economic-purpose land use designations

Input: While the vast majority of BLM lands are multiple use lands, some specific areas have been designated by Congress for particular uses, such as for preservation or other non-economic uses, or for economic uses. The BLM planning rules should be modified to clearly identify all economic-purpose land use designations.

Specific to the Oregon and California Railroad (O&C) lands and Coos Bay Wagon Road (CBWR) lands, Congress specifically preserved the dominance of timber production on the O&C lands and CBWR lands in section 701(b) of FLPMA, which says that "[n]otwithstanding any provision of this Act [FLPMA], in the event of conflict with or inconsistency between this Act and the ... [O&C Act and CBWR Acts], insofar as they relate to management of timber resources, and the disposition of revenues from lands and resources, the latter Acts shall prevail." The BLM planning rules should specifically recognize the dominant use requirements of the O&C and CBWR Acts.

Acknowledge in the BLM planning process the direction given by Congress for the management of O&C and CBWR lands. The O&C Act sets an absolute limit to the BLM's discretion to lower annual harvest levels in order to achieve the secondary uses identified in the O&C Act and to achieve the goals of the ESA. The planning rule should recognize this limitation that in no event may the BLM lower harvest levels below 500 million board feet (mmbf) per year.

The BLM planning rules should be revised to clearly define the scope of discretion under the O&C Act with regard to the BLM's recovery and jeopardy avoidance obligations under the Endangered Species Act.

Section 8, Planning Handbook Updates

State/Local and Tribal Government Input

Input:

- Adopt the definition for "coordination" from WCCA's June 23, 2017 letter, with 'consistency' relating to policies and programs removed.
- Amend section 1610.6-5 to allow dialogue and feedback before changes are made to an approved RMP. Notify the public prior to making changes, and allow review 30 days prior to the changes' implementation.
- Provide consistent administrative review periods by allowing Cooperating Agencies to specific identified review periods that are standardized depending on the scope of the document(s) requiring review.
- Utilize the AMS to evaluate the management actions that worked in the previous RMP and those that did not, and use this information to frame the scoping and the new RMP.
- Define the term 'affected citizen,' the term used by Congress in FLPMA, referring to individuals who can protest a part of an LUP.
- On page 12 of the Planning Handbook, the paragraph under "goals": In the second to last sentence, the narrative incorrectly conveys that BLM has the right to develop "goals" for lands "influenced" but not owned by the BLM.
- On Pg. 7 of Appendix C, under (F), Wild Horses and Burro's, the narrative incorrectly conveys that the LUP may designate an existing HMA as a horse or burro "range" that excludes legally adjudicated livestock. The Planning Handbook should never convey that the BLM has authority not granted to it by Congress on ANY subject.

Section 8.1, State and Local Govt. engagement

State/Local and Tribal Government Input

Participation of State & Local Government on Interdisciplinary Teams (IDT)

Input: Allow State & local Governments to substantively participate in the decision-making process as core ID team members. Primarily, focus on socio-economic information that can be provided early in the planning process by State & local Governments. Local government input is too often disregarded as non-substantive.

Cooperating Agency vs. Coordination as defined in the Planning Handbook

Input: Correct the language in the BLM Land Use Handbook that mistakenly identifies ‘Cooperating Agency’ as being a stronger tool than ‘coordination.’ More importantly, this causes the agency to fail to fully understand the coordination mandate placed on them by Congress.

Consideration of Existing State and local Plans

Input: Emphasize BLM authority under 1601.0-5 (c) to adhere to terms, conditions and decisions in approved and adopted resource related plans.

National Monument boundaries

Input: Do not designate boundaries around national monuments prior to contact with local and State governments.

National Landscape Conservation System manuals

Input: Revise most of the manuals in the Specially Designated Conservation Area and Wildlife Manuals - 6000 series to emphasize cooperation and coordination with local governments, including MS-6100, National Landscape Conservation System Management, MS-6220, National Monuments, National Conservation Areas, and Similar Designations, MS-6250, National Scenic and Historic Trail Administration, MS-6310, Conducting Wilderness Characteristics Inventory of BLM Lands, MS-6320, Considering Lands with Wilderness Characteristics in the BLM Land Use Planning Process, MS-6330,

Management of BLM Wilderness Study Areas, MS-6340, Management of Designated Wilderness Areas (Public), and MS-6400, Wild and Scenic Rivers - Policy and Program Direction for Identification, Evaluation, Planning, and Management.

Rule and regulation development at the local level

Input: Allow local governments to work with State BLM offices on improvements to rules, regulations and policies and then have the State Offices report the recommendations to the DOI in Washington, DC.

Section 8.2, Split estate actions

State/Local and Tribal Government Input

Input: Use bonding or eminent domain provisions to resolve when a surface use agreement cannot be negotiated. Also, provide deference to landowners and their surface use agreements with Federal mineral lessees as much as possible or where management decisions are not contrary to Federal law.

Section 8.3, Adaptive management

State/Local and Tribal Government Input

Consistent use of Adaptive Management Policy

Input: Develop specific policies and procedures on use of adaptive management (e.g. rangeland adaptive management procedures). Incorporate into the Land Use Planning Handbook.

Input: Pg. 12, last paragraph: The example shown here is inappropriate for inclusion in a LUP. The example is appropriate under the use of "adaptive management" by a local BLM authorized officer after the guidance LUP is completed. An EA or CX would be an appropriate NEPA document for this type of proposal. Also, in the last sentence on this page, the narrative clearly mis-represents the relationship between the BLM's Land Health Standards and resource "objectives". BLM's Land Health Standards are "qualitative", not "quantitative" as are objectives by definition.

Section 8.4, Public engagement

State/Local and Tribal Government Input

Provide more opportunities for public engagement in the planning process

Input: Provide more opportunities to the public for reviews and input prior to the creation of the BLM preferred alternative and the release of the draft EIS or RMP, preferably prior to the creation of the agency preferred alternative. This will better reflect management concerns of the public, NGOs and commercial and industrial stakeholders.

Clear expectations of the public's role

Input: Allow the public to more influence the planning process, and be clear and concise what is expected both of the agency and the public's involvement in planning. Be more transparent and allow the public to more actually guide the planning process.

Educate the public about EIS-level Plan amendment processes

Input: Subject an EIS-level Plan amendment to a full Planning process cycle, including development of a planning assessment and alternatives, and inform the general public about the process for amending a Plan's components, or Goals and Objectives, once it's been adopted.

Ensure BLM had appropriate staff to complete development of RMPs

Input: Keep the completion date of RMPs on schedule by hiring replacement staff (e.g. project leads) and any other key resource personnel that are necessary to get the job done.

Federal Register Notices

Input: Continue to use the Federal Register as the outreach method for notification or to request public involvement, including public review of documents and public meetings, when initiating public involvement with a time limit.

Improved Planning Websites

Input: Commit to maintaining a reliable, updated, and publicly accessible planning site for each BLM State Office, containing an updated Schedule of Proposed Actions, all of the documents and plans currently open for public review, and announcements about upcoming meetings/webinars. The current websites do not meet these needs for public engagement.

Follow ACHP's example

Input: Look to the Advisory Council on Historic Preservation (ACHP)'s regulations as a guide to how to be more proactive with outreach and engagement to stakeholders and impacted/local groups and communities.

Notify state and local government

Input: Before releasing any Notice of Intent, the BLM should inform county commissioners, state agencies and state elected officials of the project so they have sufficient time to determine their level of participation.

Planning area

Input: Consider the ability of the affected public to review and meaningfully comment on large and exceedingly complex planning documents when determining the size of the planning area.

Public Input

RMP and NEPA mailing lists

Input: Establish and consistently follow a national policy for how each office will create, maintain, and use its NEPA and RMP revision mailing lists.

Input: Seek public input at every stage of the planning process.

Consistent public updates

Input: Inform the public when there are no updates or delays in the process. The public requests constant updates.

Integration of public input into planning

Input: Listen to stakeholders and provide specific examples where public feedback and input has been integrated into planning processes, and not just accepted.

Input periods

Input: Invite and incorporate public comments outside of official comment periods.

Legal requirements

Input: Planning process should explain to the public how the RMP requirements address relevant federal laws for the area.

Section 8.5, Issue-based planning

State/Local and Tribal Government Input

Socioeconomic Impacts

Input: Fully evaluate the socio-economic impact of decisions early in the process and engage the local governments in this process. Focus the analysis of impacts at the local economy scale. Establish a

collaborative outreach and engagement program between the BLM, State agencies, and local governments to identify opportunities and best methods for dialogue as it relates to socioeconomic impacts.

Amending the definition of “planning issues”

Input: Focus planning issues on the on the principles of multiple use and sustained yield.

Include State trust managers in the plan implementation phase of planning

Input: Incorporate State trust managers in the implementation of Federal land use plans where the activities impact or interact with State trust assets to streamline the permitting and use of both Federal and State lands.

Management for Wilderness Characteristics

Input: Do not prioritize single-use wilderness-type management, as FLPMA does not included wilderness as a multiple use; therefore, BLM should not prioritize single-use wilderness-type management. The designation of “Lands with Wilderness Characteristics” should be explicitly addressed as not consistent with FLPMA.

Fish and Wildlife

Input: Include management for sustainable fish and wildlife populations in “multiple-use and sustained yield” mandates. High-functioning partnerships between the BLM and other agencies responsible for fish and wildlife management are essential.

Providing clear and up-front expectations for cultural resource inventories

Input: Provide clear and complete information to applicants about what is expected regarding the initial assessment of natural and cultural resource impacts; in particular, improving the up-front natural and cultural resource inventories would benefit both the NEPA and Section 106 processes.

Public Input

Regional scale

Input: Planning efforts must strive to address issues that can actually be addressed at the scale of planning being undertaken and avoid making local, site-specific decisions at the landscape level.

Section 8.6, Purpose and need

State/Local and Tribal Government Input

Purpose and Need

Input: Clearly state the purpose and need for taking action and then openly evaluate issues and alternatives that relate to the purpose and need for taking action. Do not analyze alternatives or information not relating to the purpose and need.

Special Designation Areas

Input: Adequately establish a purpose and need and consult with partners to establish explicit directives on how State jurisdictions will not be impacted when evaluating Special Designation Areas such as wilderness, National Monuments, Parks, Wildlife Refuges, Conservation Areas, Areas of Critical Environmental Concern, etc.

Input: Prepare and release guidance materials that pertain to new Special Area Designations that have or are being incorporated into recent and on-going Alaska RMPs but are not listed in the current planning handbook (H-1602-1) for public review and comment.

Public Input

Purpose and Need

Input: Maintain the scope and goals of the planning effort. Do not allow the planning effort to drift away from the original intent of the process to address localized issues.

Section 8.7, Plan evaluations

State/Local and Tribal Government Input

Deferral of an Action

Input: Relate deferring an allocation or other land use planning decision, to a decision in an ongoing planning effort where the deferred action is included in the development of alternatives.

New Review Period for a significantly changed preferred alternative

Input: Require re-release of a draft RMP for full (60-90 days) public review and comment (separate from the subsequent Protest period) when the proposed final alternative is measurably different from the preferred alternative in the draft RMP.

Travel Management

Input: Require travel management decisions in Alaska be based on current and complete inventory and use data; if an RMP did not take inventory and use data into consideration, state it cannot place limits on future step-down planning decisions.

Fair Market Value

Input: Charge fair market value for all costs. Put that money into acquiring more land to set aside for the public good and put conservation easements not only on the land, but mineral rights so they can just stay in the ground.

Public Input

Executive Reviews/RMP Companions

Input: Develop concise Executive Reviews allowing readers to comment.

Input: Develop an easy to read, brief companion document to an RMP for local Tribes and governments.

Section 8.8, Planning vs. Implementation decisions

State/Local and Tribal Government Input

Definition of Reasonable Range of Alternatives

Input: Define what constitutes a ‘reasonable range’ further, and do not allow the term to be subjective. Failure to include a reasonable range of alternatives is a common source of litigation.

Progress report on implementation

Input: Present to the public a progress report that shows the implementation progress over the past year(s), on actions deemed necessary in the LUP.

Decision Record

Input: Do not have a “decision record” for an LUP because the LUP should not be a "decision" document.

Setting Priorities with local Authorized Officers

Input: Do not set priorities for restoration in an LUP. Priority setting is a local authorized officer’s responsibility within his/her budget and personnel availability.

FLPMA (Section 202) and LUPs

Input: Be aware that Section 202 of the FLPMA does not convey any authority to the BLM to make both land use planning and implementation decisions, and LUP's should not include any implementation decisions or preclude the use of adaptive management to allow local BLM staff and

Cooperators to make decisions. Likewise, LUPs should not identify uses, or allocations, that are allowable, restricted, or prohibited on the public lands or mineral states. Also, FLPMA does not convey that LUPs should identify desired outcomes expressed in terms of specific goals and objectives, or decisions; they should provide guidance, not decisions, for implementation proposals on multiple use management projects developed after the LUP is completed. Implementation decisions should be developed by local BLM authorized officers after meaningful consultation, cooperation, and coordination with those who are cooperating agencies and "affected citizens" from legitimate multiple uses after a guidance LUP is completed.

Guidance terminology, not implementation decision terminology

Input: Do not allow implementation terms in a LUP to take effect immediately as stated. If LUP items take effect immediately, then the concepts of adaptive management are suppressed. Implementation decisions should be put into effect by project specific plans, using site specific language instead of LUP language.

Mineral leasing decisions

Input: Include mineral leasing decisions in RMPs, which would eliminate the additional NEPA analysis currently required at the leasing stage.

Public Input

Travel Management Planning

Input: Travel management planning must occur at the local level.

Section 8.9, Measurable objectives

State/Local and Tribal Government Input

Monitoring

Input: Monitoring should be outcome-oriented.

Creating a good goal list

Input: Come to initial scoping meetings with a goal list, and a scorecard of quantitative and qualitative performance objectives that commit the BLM and Cooperating Agencies to tangible outputs and outcome.

Public Input

Clear and original goals and objectives

Input: Have RMPs state clear, easily understandable goals and objectives, and RMP alternatives be broad enough to plan for future management scenarios.

Input: Make sure planning efforts stay to their original intent, and don't drift away from original goals and objectives.

Section 8.10, Wilderness Characteristics

State/Local and Tribal Government Input

Wilderness Characteristics Inventories

Input: Eliminate Manuals 6310 and 6320 to expedite the land management planning process and allow the land designations in existing RMPs to stand. "Wilderness Characteristics Inventories" go beyond the scope of FLPMA and the Wilderness Act.

Managing Wilderness Study Areas (WSAs)

Input: Do not predetermine the management of WSAs. The section referring to this should be removed from the Planning Handbook on page 27 of Appendix C. Congress should be the deciding body on future management of WSAs, along with States, Counties, other Cooperators, local BLM offices, and

the "affected citizens" in the location of the released WSA's. Congress should also establish legislation requiring the withdrawal of all WSAs not acted upon by a certain date. Remove WSAs not meeting wilderness status.

Revoke S.O. 3310

Input: Revoke SO 3310 in its entirety or specifically exempt Alaska. Additionally, direct BLM to comply with the wilderness review limits in ANILCA Section 1320, and reinstate former Interior Secretary Gale Norton's Alaska Wilderness Review Policy; which authorized wilderness reviews in Alaska only when there is broad support by the state and Federal elected officials representing Alaska.

Section 8.11, Resource Advisory Councils

State/Local and Tribal Government Input

Use of Resource Advisory Councils (RACs) in Land Use Planning Process

Input: Modify Section 1610.3-2(d) to remove requirement to coordinate with RACs on RMPs. BLM should have discretion on when it is permissible to coordinate with RACs during a planning process.

Input: Note that section 309 of FLPMA says that RACs can advise on an RMP, not that they be required to be involved.

Input: Keep the planning process (in terms of the RAC's involvement) open to participation and allowing all the participants to draft what they believe is possible.

Multiple Use Advisory Boards

Input: Reorganize and bring back the Multiple Use Advisory Boards, along with the BLM Grazing Advisory Boards, and dispense with RACs or only use RACs for centralized management. Or, come up with a better, more locally-focused advisory board approach.

Section 8.12, AMS

State/Local and Tribal Government Input

Requirement of an AMS development

Input: Make development of an analysis of the management situation (AMS) a requirement for an EA-level planning analysis.

Successful and unsuccessful management actions

Input: Utilize the AMS to evaluate the management actions that were successful or unsuccessful in the previous RMP to frame the scoping of a new RMP.

Section 8.13, Regional considerations

State/Local and Tribal Government Input

Energy Policy Act

Input: Define how the western energy corridors designated under Section 368 of the Energy Policy Act of 2005 will interact with the RMP process.

Properly consider values of multiple uses and local markets from those uses

Input: Rewrite the planning rule to direct BLM to consider and analyze impacts to the economic and recreational values of hunting in agency actions, as well as an accurate accounting of values of other resource uses and the markets that are created by said multiple uses.

Results and Outcome Based Management

Input: Better implement and give deference to results/outcome based and stewardship contract-style management, with outcomes reflecting current trends.

Local custom and culture

Input: Include analyses of impacts to local custom and culture as part of cultural resources.

Local information

Input: Update current handbooks to emphasize the importance of local information and research communities.

State boundaries

Input: Ensure that planning areas do not extend beyond state boundaries.

Area of Influence

Input: Create an "Economic Area of Influence" or "Community Area of Influence" designation to determine whether the proposed action will have a significant economic impact on the community, and whether alternatives or mitigation measures will be needed to stabilize resource-dependent communities.

Wild and Scenic Rivers in Alaska

Input: Exempt Alaska from the requirement to conduct Wild and Scenic River reviews in RMP planning, thereby affirming that ANILCA Section I 326(b) allows only Congressionally-authorized Wild and Scenic River reviews.

Land Acts in Eastern Nevada

Input: Support and facilitate, if passed, S.1046 and Companion Bill H.R. 2374 - Eastern Nevada Economic Development and Land Management Improvement Act, "To facilitate certain pinyon-juniper related projects in Lincoln County, Nevada, to modify the boundaries of certain wilderness areas in the State of Nevada, and to fully implement the White Pine County Conservation, Recreation, and Development Act." This would resolve the issue of land disposal and implementation of the Land Acts in Eastern Nevada.

Public Input

Input: Incorporate local knowledge of the planning area and issues.

Input: Ensure that planning occurs across artificial human boundaries and geographies, including across multiple BLM jurisdictions and States.

Section 9, NEPA Handbook updates

State/Local and Tribal Government Input

Range of alternatives for Tribal projects

Input: Allow agencies to analyze only Tribal-supported alternatives and the no action alternative for actions proposed by a Tribe on its own reservation.

Range of alternatives for collaborative projects

Input: Allow agencies to analyze only the action and no-action alternatives when a project is collaboratively developed, unless a third alternative is proposed during the scoping and meets the purpose and need of the project.

Eliminate alternatives that are inconsistent with plans

Input: Eliminate from detailed analysis alternatives that are inconsistent with State Law, State plans, or local ordinances and management plans. This would reduce the size of Federal documents and avoid duplication of effort.

Eliminate unreasonable alternatives

Input: Eliminate alternatives that are not consistent with the purpose and need for the project. Eliminate alternatives that are not within the statutory authority of BLM.

Section 9.1, Public engagement

State/Local and Tribal Government Input

Early engagement

Input: Reach out to State and local governments and Tribes earlier in the NEPA process. Waiting until the end of the process to review is faulty. Earlier outreach means that issues could be identified and addressed sooner in the NEPA process, and commenting periods would not need to be extended.

Local public focus

Input: Emphasize outreach with those most impacted by the agency's decision, and whose communities depend upon access and management of the resources. Implement a mandatory meeting with non-BLM landowners prior to scoping.

Continue Federal Register notices

Input: Send out notices of publication in the Federal Register multiple times.

Public review of draft documents

Input: Make sections of draft documents available for public review with the provision that is still subject to change. Any public comments could be accepted as unofficial until the document became public and available for review.

Departmental Manual and consensus-based management

Input: Strike the discussion of consensus-based management at 516 DM 11.2(D)(2), because it gets in the way of existing collaborative mechanisms that are statutorily mandated, codified in regulation, and further defined for implementation in agency guidance. The objectives of 516 DM 11.2(D)(2) can be accomplished via existing collaborative and public engagement mechanisms.

Timing of comment periods

Input: Tailor comment periods to the interested public. For example, comment periods during mining season are unhelpful as most miners are out in the field.

Publicize BLM actions

Input: Use public hearings, ads in newspapers and on TV/radio, and stories in local publications. Post all notice on the BLM's website, at all BLM offices within the planning area, and at other public locations, including libraries, social media and other media outlets. Treat it like any other business activity by a private entity "proud" of their "developments."

Work with known litigators

Input: Reach out to known litigators and bring them into the process.

Closures without notice

Input: Allow for administrative temporary closures of BLM lands for volunteer projects (clean ups, trail events, etc.) without notification in the Federal Register.

Public Input

Communications

Input: Be more proactive and creative about using news events, social media, and other communication methods.

Input: Use the various types of local media: social media, BLM web site, newspapers, radio, and TV. Many BLM issues are only noted in the part of the country where they are taking place.

Input: Advertise scoping and public involvement opportunities with due diligence so that important issues are not inadvertently left out of analyses.

Input: Encourage BLM Field Offices to maintain an interested party call list. This should include other agencies, Tribal governments, NGOs or particularly interested citizens.

Input: Find a simple way for people to subscribe electronically to Federal Register notices or press releases concerning a specific geographic area (e.g. a Field Office or District Office).

Federal Register

Input: Ensure that Federal Register notices are handled by the WO in a timely, clearly traceable, and effective manner.

Field Trips

Input: Schedule and effectively publicize field trips during scoping for EAs and EISs, including on weekends, to the proposed action areas

Input: Consider field trips that would enable stakeholders and BLM staff to discuss potential concerns early on and in the actual location of the proposed project.

Draft NEPA Review

Input: Allow project proponents to review Draft NEPA documents before they are released to the public.

Input: Allow a regulated entity to provide input on the EIS before it is released to other stakeholders.

Preliminary alternative

Input: Have the public heavily involved in a planning assessment phase, and create a preliminary alternative based on public input.

NEPA concept simplified for general public

Input: Educate the public on what NEPA is, and the times when public involvement is needed in the process. This could be in the form of a one page handout about NEPA.

Input: Consider offering NEPA 101 sessions to help interested citizens understand NEPA and the language that goes along with the process.

Stakeholder Involvement

Input: Identify stakeholders, and involve them in the project before planning ever begins.

Input: Accept local government and stakeholder ideas by showing how they were included in the plan.

Public Meetings

Input: Allow all meetings to be open to the public. The BLM should not be meeting with one stakeholder without other stakeholders present. Members of the press should be encouraged and invited to all meetings.

Non-technical language for public outreach and reports

Input: Issue your invitations to participate, updates, and reports in plain English without using industry or bureaucratic jargon.

Staff time for effective community engagement

Input: Allow more staff to have the time to actually engage with local communities and be available to the communities to accept input and concerns. This allows staff time to build relationships and promotes investment in the community, ultimately saving time and money while being more responsive to local needs.

Section 9.2, Issue-based analysis

State/Local and Tribal Government Input

Existing BLM guidance on issues for analysis

Input: Use issue-based analysis to save time. Use the stated purpose and need for action to limit issues requiring detailed analysis, consistent with the BLM NEPA Handbook. Reinforce this guidance through training and internal communication.

Require supporting information

Input: Require the public to supply enough solid scientific information to the government when they raise an issue for analysis, before it is even looked into.

Set geographic scope

Input: Initiate discussion as early as possible with local governments prior to the boundary being determined and scoping taking place. The determination of the geographic area to be analyzed during the NEPA process for projects is a critical step that needs additional attention.

Scope level of analysis

Input: Choose whether to prepare an EA or EIS only after scoping comments have been solicited and reviewed. This would allow the BLM to consider the level of public controversy or other potentially significant issues that arise during scoping prior to determining the level of NEPA analysis.

Section 9.3, Programmatic analyses

State/Local and Tribal Government Input

Use of programmatic analyses

Input: Use programmatic or landscape-level planning with site-specific analysis to reduce duplication and disproportionate analysis. For example, a programmatic NEPA document for granting temporary, non-renewable livestock permits would greatly reduce the agency personnel needed and time requirements and could make this a viable tool in controlling fire-prone fuel levels. Similar principles could be outlined for many resource management areas (pinyon pine/juniper cutting, fuels breaks, water development maintenance). If a proposal or a project fits the principles analyzed, the NEPA would be sufficient or only minor site-specific analysis needed.

Programmatic pilot program

Input: Use landscape-scale, programmatic, adaptive and iterative analyses. Create a new pilot program to prioritize landscape-scale programmatic analysis for restoration projects over geographies greater than 100,000 acres in landscapes with demonstrated ecological and economic need and effective existing collaboration among diverse stakeholders.

Public Input

Programmatic EAs/EISs

Input: Use programmatic EAs, especially for foreseeably repetitive proposed actions over large spatial areas, such as landscape treatments and recreational SRPs.

Input: Develop a legally defensible EA template that will be consistently applied throughout each BLM State's offices for all project proponents seeking to bring forth a project.

Input: Focus on programmatic EAs/EISs that cover similar actions nationwide. Additional analysis can be conducted when outcomes are likely to be different.

Input: Use regional guidelines on regional issues and avoid becoming a replacement for local planning.

Section 9.4, Tiering, adoption, and incorporation by reference

State/Local and Tribal Government Input

Tiering and programmatic analyses

Input: Use a more tiered approach to NEPA, with site-scale analyses tiered to programmatic analyses for common resources and issues.

Incorporation of State and Local plans by reference

Input: Incorporate by reference State and local plans by reference to reduce the length of Federal documents, inasmuch as State and local plans provide the basis for consistency with BLM plans.

Incorporate baseline analysis by reference

Input: Incorporate relevant baseline data or reports from other nearby projects. The BLM should quit the cycle of completely reestablishing baseline conditions for every individual project and not "reinvent the wheel" on analysis.

Public Input

Tiering to programmatic EISs

Input: Develop programmatic EISs, so subsequent applications can be handled through tiered, supplemental EAs or DNAs.

CEQ Guidance

Input: Refer to CEQ Final Guidance for Effective Use of Programmatic NEPA Reviews (issued December 2014), and CEQ Final Guidance on NEPA Efficiencies (issued March 2012).

Supplemental Programmatic Geothermal EIS

Input: Prepare and issue an updated Supplemental Programmatic Geothermal EIS for commercial geothermal leasing and development and transmission.

Conservation Reviews

Input: Have conservation reviews on programmatic efforts improve (e.g., provide for more effective and efficient) consultation on subsequent, tiered planning processes.

Section 9.5, User-friendly PDF documents

State/Local and Tribal Government Input

Map-based planning documents

Input: Develop a map-based product that would allow users to review the locations of projects and comment within the application for projects and plans that span large geographic areas or include multiple geographic locations.

Section 9.6, Administrative record

State/Local and Tribal Government Input

Maintain administrative record

Input: Ensure a full administrative record is kept for all decisions with input that was received.

Section 9.7, Adaptive management

State/Local and Tribal Government Input

Develop adaptive management procedures

Input: Incorporate adaptive management as a standard part of BLM processes, and projects using adaptive management should require less lengthy analysis. Develop specific policies and procedures on adaptive management, which should then be incorporated into the BLM handbook. Set up the RMP as a guidance document as a basis for adaptive management.

Section 9.8, Type of analysis/Impacts

State/Local and Tribal Government Input

Avoidance of alternative descriptions in effects analysis

Input: Ensure that analysis of effects disclose effects on users and resources rather than repeat descriptions of the alternatives.

Begin complex analyses early –

Input: Begin complex analyses directly following scoping, but prior to full NEPA development. This could result in a more manageable (right size) NEPA process and outcome document. Starting complex analyses prior to preparing a full NEPA process could help streamline the length of time that cooperators are involved.

Section 9.9, Standardization

State/Local and Tribal Government Input

Standardize analysis

Input: Use standardized approaches to environmental analysis to increase efficiency and reduce time to decision.

Standardized format

Input: Use a national, standardized format for RMP and NEPA documents.

Standardize content

Input: Review Federal statutes, regulations, policies, and relevant case law to develop core elements to be included in each FONSI, EA, and EIS. This list of elements should guide the scoping

discussion. Having a core list of elements to be analyzed will speed up the process and limit duplicative and unnecessary analysis. Create checklists for issues to be analyzed.

Public Input

Standardized EA template

Input: Issue an IM, in alignment with CEQ's original NEPA guidance, directing State Offices to develop standardized EA templates in the form of questions; these will allow project proponents a consistent, streamlined opportunity to fulfill their responsibility for EA input.

Input: Provide an explanation when a decision is reached of how and why it was chosen.

Section 10, Cooperating Agency Desk guide

State/Local and Tribal Government Input

Coordination

Input: Update the Desk Guide to provide clear guidance on how to coordinate with other governmental entities, as required by FLPMA. There needs to be clear overarching policy regarding roles and responsibilities regarding States and local governments as Cooperating Agencies for planning and management efforts and BLM's requirements for coordination with state and local governments and consistency review under FLPMA regardless of Cooperating Agency Status. .

Divide desk guide

Input: This Desk Guide blends Coordination, Cooperating Agency Status, and Consistency Review. These topics should be divided into three different policies with associated manuals and handbooks and associated employee training.

Special expertise

Input: Revise the desk guide to ensure that a state or local government can hire a consultant to fulfill special expertise to qualify as a cooperating agency. Establish clear policies on "best available science" and formally validate and establish ways to establish "local knowledge" and "special expertise" with respect to State and local government participation and local land grant universities and experts.

Section 11, Use of data and GIS in decisions

Section 11.1, Tools for better public access to planning and NEPA documents

State/Local and Tribal Government Input

Allow all comments to be provided electronically

Input: Succinct ideas are easier to absorb. EPlanning is a good example.

Disseminate information in bite-sized portions

Input: Disseminate information via short "Prager University-style" videos, with bullet points so ordinary citizens (who are short on time) can watch and understand. Proposed management plans are nearly impossible for ordinary citizens to read, let alone decipher. Keep in mind that the public is living in an age of Youtube and "short attention spans." Posting on social media (such as Facebook) is cheap, and could potentially be shared by many.

Develop and make interactive mapping tools for planning

Input: Develop and make interactive mapping tools available for public use, to better aid in understanding how various planning layers interact and effect on-the-ground use.

Input: Develop a technological solution so that Cooperating Agencies and BLM can use interactive mapping to troubleshoot and discuss potential alternatives and see their potential impacts in real time and spatial extent.

Improve the BLM website and announce when changes are being made

Input: For example, the current web format no longer has pages for individual field offices. Much of the information we rely upon from the RMPs can no longer be found online. Even the state office staff did not know how to find GIS information for the Grand Junction Field Office travel management plan as recently as last month.

Input: The agency website is not very good at directing a visitor to necessary documents. This should be addressed so that documents pertaining to a NEPA process or a land use planning process are easily available.

Continue to use project websites

Input: Add clearer links to various topics, such as descriptions of known historic sites and the NHPA process. While the BLM often includes Section 106 information on project websites, it can be difficult to find.

Implement a better use of technology to provide access by state and local governments in planning and NEPA processes

Input: Develop project tracking software that can be used by BLM Staff and local governments concurrently.

Input: Develop an E-repository system for Cooperating Agencies to better share data and information. Include fully accessible online project management portals that are transparent and easily accessible where all project information (maps, reports, comments, response to comments, etc.) is available. Examples that could be borrowed from are the project management program through the Utah Watershed Restoration Initiative and the E-repository system used by the Navy during the Fallon Range Training Complex Withdrawal during the Legislative EIS process.

Public Input

Input: Provide a link to all comment periods past and present on the BLM website and access to all submitted comments.

Input: Provide an app for smartphones allowing the public to comment on projects.

Input: Develop a graphic for the BLM website that shows the progress of a given NEPA project.

Input: All documents should be easily searchable and online. Including meeting minutes, supporting studies, public comments, and data.

Input: Establish a land use planning website that focuses on the availability of this geospatial database of land use resources and land use allocations. ArcGIS provides a straightforward way to export a layer as a KML file; this should be done for more NEPA projects so that more of the public can understand them.

Centralized location for NEPA in a geographical area

Input: Work with other Federal agencies to synthesize all of the existing NEPA into a peer reviewed, online decision system designed to remove the need for any further NEPA analysis for typical agricultural production activities and other common land uses in an area.

Section 11.2, Use of Corporate Data

State/Local and Tribal Government Input

Input: Implement information quality, monitor and use the data.

Develop Statewide Baseline Studies on socioeconomics that would incorporate existing data

Input: The Nevada Association of Counties, the Nevada State BLM, and the U.S. Forest Service have had discussions about conducting a Statewide Socioeconomic analysis using University of Nevada, Reno's Experts on Local Economic Studies in Nevada. This would establish a socioeconomic baseline data and an economic impact assessment tool across the State of Nevada. The economists who develop this analysis could then be hired to quickly run IMPLAN for each RMP EIS or individual proposed projects so that the socioeconomic impacts sections would integrate local data into a quantitative analysis. This consolidated baseline data could then be easily maintained.

Section 11.3, Data sharing

State/Local and Tribal Government Input

Use of State, Tribal, and Local expertise/science in Federal environmental review, consultation and permitting requirements

Input: Support independent research and analysis from NGO, academic, and other partners to inform NEPA and ESA compliance review process improvements, including estimates of the time and cost involved for different project types. Develop metrics for successful outcomes, including cost and time performance indicators.

Input: Do not unnecessarily duplicate raw data, but when appropriate, evaluate existing analysis of data prepared by the States, and reciprocally share data with State wildlife managers, to ensure that the most complete data set is available for decision support system.

Input: Better utilize statewide data State agencies have on fish and wildlife distribution, population status, and habitat quality, as well as individual species plans such as mule deer or trout, and plans for suites of species such as grassland birds and neo-tropical migrants. These plans and data are key to managing fish and wildlife to meet the objectives of citizens.

Input: Ensure that planning efforts and environmental reviews recognize and integrate State agencies' and local governments' agencies' technical expertise and data into BLM's resource management planning processes to more fully inform decisions, and successfully achieve BLM's sustained yield mandate for fish and wildlife, and considering socio-economic effects.

Input: Work with state fish and wildlife agencies (and other sources for data such as natural heritage programs) to use the latest technology to increase information sharing and updates.

Input: Local on the ground knowledge is disqualified in favor of BLM-chosen "experts". A clear process and protocol should be developed that details the inclusion and balancing of local knowledge and science as well as rationale for how final decisions are made based on that balanced analysis.

Input: BLM should not limit state or local government participation in any planning or NEPA process through a narrow interpretation of "special expertise." State and local governments should be

allowed to bolster their special expertise through hiring of outside consultants just as BLM and project proponents do. All BLM data, baseline reports, and associated documents should be readily available and shared with local governments with ability to make changes based on their input. Local governments must have a seat on BLM Interdisciplinary Teams for all planning and projects, regardless of the varying levels of expertise.

Input: Inconsistencies and errors should be reconciled and corrected rather than ignored. Projects are treated separately, and the information is not being re-used or incorporated into baseline analyses. This results in conducting separate studies with separate consultants for each project when they may be interrelated, which encourages the "battle of the experts" and greatly increases costs and extends timelines for completion.

Input: Inconsistencies and errors should be reconciled and corrected rather than ignored. Projects are treated separately and information is not re-used or incorporated into baseline analyses. This results in conducting separate studies with separate consultants for each project when they may be interrelated, which encourages the "battle of the experts", increases costs, and extends timelines for completion.

Example Available

Input: National Association of Counties (NACo) Memorandum of Agreement with Association of Oregon Counties (AOC) may provide a good template for early and often communication before decisions are made.

Develop regional databases of information

Input: Develop regional/statewide databases of information from trusted sources (including surveys already on file) and allow those sources to be used (and re-used) in future analysis. Coordinate within and across adjacent Districts to share data, require that data be ground-truthed to ensure prior mapping errors are corrected. For example, once an air quality report is done for a region, there is no need for the same study to be completed 1 year later unless conditions have changed dramatically.

Input: Maintain fish and wildlife datasets that duplicate datasets maintained by the State fish and wildlife agency or natural heritage program. The BLM could regularly share their data with these organizations so datasets are maintained and can be accessed from one place.

Input: Perform literature reviews to identify relevant literature for each area prior to the NEPA process. Reach out to State and local governments and local land grant universities for local literature or data, and work in coordination to identify an agreed-upon body of science for each area. Where there is a disagreement, make attempts to reconcile it. Update this information annually in advance of the RMP update schedule or major projects that will require NEPA analyses.

Input: Establish local committees of resource experts (i.e. University, USDA ARS, State Dept. of Conservation & Natural Resources; State Dept. of Agriculture, Conservation, Wildlife, USDA-NRCS) to conduct an independent review of and prioritize best available science, prepare written reports on findings and recommended actions, review a challenged document, or perform field evaluations. The BLM would participate in this process and could make a formal determination accepting the results as the “best available science” for their uses. This would better support BLM decision-making with a local focus

Forest Service/BLM Collaboration

Input: Support collaboration between the USFS and the BLM to combine efforts to collect data in order to avoid duplication and facilitate a more streamlined timeline and comprehensive Draft RMP document.

Request information and data from stakeholders

Input: Request and seek information and data from various stakeholders; don't expect stakeholders to know to provide it.

Consideration of Anecdotal Local Knowledge

Input: Make sure to include or at least investigate, during the Planning assessment phase, anecdotal local knowledge when considering best available science.

Deference to Local Data and Research

Input: Use and give deference to locally sourced data and methodologies from the local Land Grant Universities. It's often observed that research and data from outside of the area and State are used in analyses and decisions.

Input: Utilize local data in all analyses when appropriate. Often such data are only available from local governments, but aren't currently provided. These data may not be as complex as national or regional level data, but will be much more up to date and accurate.

Public Input

State and local govt. data

Input: Work with State and local oil and gas departments to combine efforts and data.

Input: Rely on data gathered by other Federal or local agencies as a baseline.

Local Partner data

Input: Engage local partners and utilize data they have been gathering for years on a resource issue.

Section 11.4, General

State/Local and Tribal Government Input

Input: Analyze new scientific data or findings as they become available, even after a plan is complete, and how those specific findings apply or can be incorporated, without starting the whole planning process over and keeping the final product flexible enough to incorporate new data.

Information Technology

Input: Use information technology to improve the efficiency of NEPA, provide greater transparency, and reduce redundant data, analysis and business practices.

Input: Provide analytical tools for improved analysis of potential implications of no-action alternatives.

Input: The BLM should develop procedures to manage the scope, schedule and cost escalation associated with air modeling.

Input: To aid in understanding how the various planning layers interact and effect on-the-ground use, develop and apply interactive mapping tools to RMP planning for the public's use.

Citizen submitted data

Input: Ensure that citizen submitted data meets the Information Quality Act (IQA) and U.S. Bureau of Land Management, Information Quality Guidelines (2012) to deserve any consideration. Citizen science remains unchecked and gives politically motivated organizations the means to lock up decisions in litigation. Such citizen submitted data must meet

Input: Do not adopt use of “Traditional Ecological Knowledge” (TEK) as “high quality information”.

Input: Realize that although information gained from ranchers and miners may be valuable, the BLM already has access to that information.

Data from Land Grant Universities

Use and give deference to locally sourced data and methodologies from the local Land Grant Universities. Local and county governments often see research and data from outside of the area and State being used in analyses and decisions.

Public Input

Online templates/ePlanning

Input: Develop online templates for commenting and reviewing documents for the public.

Input: Improve ePlanning to make it as user-friendly as possible.

Input: Ensure that NEPA project leads can identify points, lines, or polygons as locations of proposed actions, similar to GIS.

Input: Use electronic evaluation of analyses to avoid duplication, including a searchable database of previous NEPA analyses.

Section 12, Equal Access to Justice Act (EAJA)

State/Local and Tribal Government Input

Revise EAJA to reduce litigation and excessive analysis

Input: Continue to reiterate to legislators the cost of litigation and the impact on resource management. Much of the complexity of BLM planning is driven by the need to prepare for lawsuits. EAJA reform is necessary in order to address the issue of excessive litigation. As long as litigation proves profitable it is unlikely any level of analysis and documentation will prevent litigation. In fact, the agency tends to allow the threat of litigation to drive the level of analysis, which results in unwieldy and unnecessarily large documents, delayed timeframes and still litigation ensues.

Reform of the EAJA

Input: Lower the amount of money awarded to successful litigants, requiring litigants to win on at least 50% of the case, and requiring litigants to demonstrate economic need. Also, review and change the misuses that are occurring on EAJA, by the anti-grazing and environmental groups. The EAJA incentivizes constant litigation of BLM decisions and can allow for an opportunity for the public to interfere with the BLM planning process. Objection, appeals and lawsuits are often initiated when one group does not achieve their desired outcome in a planning process. They (anti-grazing and environmental groups) have effectively used this source to sue BLM, mostly based on procedural issues, not substantive policies.

Public Input

Reform of the EAJA

Input: Make those that appeal or sue pay for the government time spent on the appeal or suit. Frivolous law suits are too easy with no penalty for the plaintiff.

Input: Amend EAJA to disallow reimbursement of legal expenses to any party that does not have permanent residence in the immediate affected area or is not personally impacted.

Section 13, Master Leasing Plans (MLPs)

State/Local and Tribal Government Input

Eliminate Master Leasing Plan Process

Input: Revoke IM 2010-117 and Chapter V of H-1624-1 of the MLP process. It would benefit planning and NEPA procedures. The MLP process forces BLM Field Office staff to perform duplicative and unnecessary analyses of oil and gas leasing that supersede existing RMPs. Existing RMPs should be allowed to govern implementation decisions for longer periods of time, not be superseded by MLPs. MLPs typically take the form of an EA- or EIS-level plan amendment, so they take massive amounts of time and resources that could be better spent on other critical programs.

Specific Action Items Addressing Secretarial Order 3355

September 30, 2017

The following outlines the BLM response to the directives included in Secretarial Order 3355, *Streamlining National Environmental Policy Act Reviews and Implementation of Executive Order 13807, “Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects”* (August 31, 2017).

S.O Directive	Method to Achieve Directive
Section 4.a. <u>Setting Page and Timing Limitations for Environmental Impact Statements.</u>	
<p>To implement the longstanding directives in 43 C.F.R. 46.405, and in 46.240 C.F.R. 1500.4 and 1502.7, all EISs 1) for which a bureau is the lead agency and 2) that have not reached the drafting stage shall not be more than 150 pages or 300 pages for unusually complex projects, excluding appendices. Approval of the Assistant Secretary with responsibility for the matter, in coordination with the Solicitor, is required to produce an EIS exceeding the above stated page limitations. In instances of EISs prepared with bureaus serving as co-leads, each responsible Assistant Secretary shall</p>	<p>Instruction Memorandum (IM) (or other guidance) is forthcoming. The IM will provide step-down guidance on how to meet the requirements of this directive. In addition, to meet the flexibilities for time limits under 43 CFR 46.240(b), the IM will provide guidance on how to elevate environmental impact statements for review that will not meet page limits or target time limits, including Environmental Impact Statements (EIS) for which a Notice of Intent has already been published by the issuance date of the IM and those EISs associated with the following:</p> <ul style="list-style-type: none"> ● resource management plans¹ (RMP); ● RMP amendments; ● programmatic reviews; ● major energy, transmission line, utility corridor, transportation, or other infrastructure projects that require amendment of a land use plan or plans; and ● where BLM is the co-lead with a non Department of the Interior agency (federal or state) that is not subject to the order².

¹ The exemption for planning actions is based in part on timeframe requirements established in 43 CFR 1601 and 1610 that govern RMPs and RMP amendments (e.g., scoping, 90-day comment period on draft RMPs, 60-day governor’s consistency review, 30-day protest period, and 60-day review for Areas of Critical Environmental Concern (ACECs)). This makes completing an RMP or EIS level amendment in 12 months virtually impossible. Moreover, issue complexity and size of affected planning area automatically require greater scope and breadth of analysis, which require lengthy review for the RMPs; RMP amendments; programmatic reviews; and major energy, transmission line, utility corridor, transportation, and other major infrastructure projects.

² Executive Order 13807 on “Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure” establishes a target timeline of 2 years to complete environmental reviews or analysis associated with major infrastructure projects. Executive Order 13807 does not apply to

SPECIFIC BUREAU OF LAND MANAGEMENT ITEMS ADDRESSING SECRETARIAL ORDER 3355

<p>approve any deviations from this policy. To meet the page limitations, each preparer should focus on various techniques such as tiering or incorporation by reference.</p> <p>(2) To ensure timely completion of EISs, and consistent with the timelines established for major infrastructure projects in E.O. 13807, each bureau shall have a target to complete each Final EIS for which it is the lead agency within 1 year from the issuance of a Notice of Intent (NOI) to prepare an EIS. The initial timeline must be developed by the lead bureau before issuing the NOI in accordance with 43 C.F.R. 46.240, taking into account all relevant timing factors listed therein, including any constraints required by cooperating agencies. An updated timeline should be prepared as needed during the development of the EIS (e.g., at the completion of scoping or if additional time is provided for public comment). Timelines exceeding the target by more than 3 months must be approved by the Assistant Secretary with responsibility for the matter. In instances of EISs prepared with bureaus serving as co-leads, each responsible Assistant Secretary must approve any deviations from this policy.</p>	
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non-infrastructure projects. Coordinating and cooperating agencies outside of the Department of the Interior may not have the same 12 month time constraints as agencies within the Department.

Section 4.b. Setting Target Page and Timing Limitations for the Preparation of Environmental Assessments.	
<p>Within 30 days, each bureau head shall provide to the Deputy Secretary through its supervising Assistant Secretary a proposal for target page limitations and time deadlines for the preparation of environmental assessments. Any common impediments to achieving the proposed targets should also be identified. In developing its proposal, each bureau should consider guidance from CEQ on the page length of environmental assessments. (Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations, 46 Fed. Reg. 18,026, 18,037, Question and Answer 36a. (Mar. 23, 1981)).</p>	<p>Both the Council on Environmental Quality's (CEQ) regulations implementing NEPA³ and DOI's NEPA regulations⁴ include considerations related to establishing time limits associated with NEPA documents, including those that would apply to Environmental Assessments (EAs). In addition, CEQ guidance provides a general page range and additional considerations regarding the appropriate length of EAs.⁵</p> <p>The BLM solicited field input when developing recommendations for EA page and time limits associated with this Directive. BLM State offices identified several tools, such as incorporation by reference⁶ and applying principles of Process Improvement and Operational Risk Management, that can save time and page length; however, they also identified risks if these approaches require the decision maker and public to review several documents to understand the full context of an issue.</p> <p>Additionally, State Offices requested that consequences of page and time limits be considered relative to approaches which are intended to provide flexibility in project implementation, such as adaptive management strategies, that requires more rigorous analysis at the site-specific stage.</p>

³ Although the CEQ has decided that prescribed universal time limits for the entire NEPA process are too inflexible, Federal agencies are encouraged to set time limits on a case-by-case basis appropriate to individual actions, considering the factors in the CEQ regulations at 40 CFR 1501.8 and 40 CFR 1506.10.

⁴ On a case-by-case basis, each proposed action shall set target time limits, in consultation with cooperating agencies, that reflect the availability of Department and bureau personnel and funds (43CFR46.240).

⁵ CEQ guidance indicates that 10-15 pages is generally appropriate for EAs (See Question 36a in Forty Most Asked Questions). In addition, subsequent guidance expanded upon the subject and allows for greater page length when preparing complex EA. (See Final Guidance on Improving the Process for Preparing Efficient and Timely Environmental Reviews Under the National Environmental Policy Act, 2012).

⁶ Incorporation by reference is useful when a BLM office needs to utilize an analysis prepared by a non-DOI agency or for a previous BLM action. For example, the Anchorage Field Office incorporated by reference a CX prepared by the US DOT's Federal Highway Administration (FHWA) on a cooperating agency project. BLM NEPA regulations do not allow the BLM to adopt a CX prepared by a non-DOI Agency, and BLM cannot tier off a CX-level document. However, the Anchorage FO was able to incorporate the CX into their own CX to save on the time of preparing two different federal analyses. This is also helpful when an agency such as the FHWA prepares a CX with an EA-level analysis, and the BLM wants to incorporate the analysis into their own EA. The BLM NEPA Handbook also states you cannot tier an EA off of a CX.

	<p>Based on the considerations included in the CEQ and DOI NEPA regulations and guidance and feedback from the field, the BLM recommends the following EA page and time limits.</p> <p>Simple proposals (such as wildlife improvement projects, recreation permits, minor timber sales with no critical habitat, Applications for Permit to Drill (APD) in already disturbed areas) for which only a few issues are identified can generally be adequately analyzed within 10-25 pages (not including appendices) and, unless a planning decision is needed, take 1-2 months to produce (depending on the amount of public involvement included).</p> <p>Complex or controversial proposals , oil and gas full field development projects, timber sales in spotted owl habitat, RMP decisions supported by an EA, and programmatic EAs) typically require 25-50 pages (or more on a case-by-case basis) to adequately analyze the environmental impacts associated with issues related to the proposal (page length does not include appendices) and should generally take no more than 5 months to produce (depending on the amount of public involvement included).</p> <p>Achieving the timeline targets noted above will require streamlined compliance with Section 106 of the National Historical Preservation Act and Section 7 of the Endangered Species Act.</p> <p>Examples of concise, focused EA analyses include:</p> <ul style="list-style-type: none">● Applications for Permit to Drill, Midway-Sunset, Bakersfield Field Office in California; Oil APD Drilling EA● Timber Harvest in Godiva Rim Area from Little Snake Field Office in Colorado; Timber Harvest Focused EA● Focused EA example from the Forest Service: Commercial Harvest of Spruce Tips (Special Forest Products) from Sitka Ranger District, Tongass National Forest; Special Recreation/Forest Product Focused EA <p>Instances where analyses extend beyond 50 pages should be exceptions, and represent a minor fraction of analyses performed. Offices are strongly encouraged to utilize programmatic NEPA to address instances where projects are typically of a complex or controversial nature.</p>
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<p>Section 4. c. Additional NEPA-Streamlining Review.</p> <p>(1) The Deputy Secretary will coordinate a review of the Department's NEPA procedures to identify additional ways to streamline the completion of NEPA responsibilities. The review will include, but is not limited to, the following areas:</p> <p>(a) bureau/office NEPA regulations, policies, guidance, and processes to identify: 1) impediments to efficient and effective reviews; 2) best practices and whether they can be implemented more widely; and 3) whether the Department should consider establishing additional categorical exclusions or revising current ones;</p>	<p><u>Impediments to Efficient and Effective Reviews</u></p> <p>Recommendations contained elsewhere in the body of the BLM <i>Report in Response to Secretarial Memorandum on Improving Planning and NEPA Processes and Secretarial Order 3355</i> cover a spectrum of approaches to improve the BLM's resource management planning and NEPA processes. Based on a review of BLM NEPA procedures, policies and guidance, the following were identified as impediments to efficient and effective reviews:</p> <ul style="list-style-type: none"> ● Underuse of existing Categorical Exclusions (CX) and a lack of newly developed CXs for routine actions conducted by many BLM programs. ● Lack of a robust analysis of resources at the planning level, which restricts the ability to utilize a Determination of NEPA Adequacy (DNA) to cover certain implementation level decisions, especially for oil and gas leasing decisions. ● Current policies and guidance, specifically BLM's NEPA handbook, do not effectively promote mechanisms for streamlining such as tiering to related NEPA analyses that have already been prepared; conducting issue-based analyses; and engaging external stakeholders earlier in the process. ● Limited or no involvement of cooperating agencies, particularly from regulatory agencies whose participation may be required due to their own statutory obligations (e.g., Endangered Species Act Sec. 7 consultation), early in the NEPA process-specifically before scoping. ● Lack of accountability for the development of competencies related to a BLM employee's role in the NEPA review process (e.g., line officer, NEPA practitioner, ID Team member, project manager). ● Limited access to a national contracting vehicle for use on future actions requiring compliance with NEPA. ● Inefficient, inconsistent, or untimely State and/or Washington Office briefings and Federal Register Notice reviews and procedures. <p><u>Best Practices for NEPA Streamlining</u></p> <p>The following recommendations were identified elsewhere in the body of the BLM <i>Report in Response to Secretarial Memorandum on Improving Planning and NEPA Processes and</i></p>
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SPECIFIC BUREAU OF LAND MANAGEMENT ITEMS ADDRESSING SECRETARIAL ORDER 3355

	<p><i>Secretarial Order 3355</i> as best practices that can be applied more broadly throughout the BLM to improve the NEPA process. These best practices demonstrate greater responsiveness to local needs, achieving cost and time savings, and reducing litigation risk, while continuing to fulfill the BLM’s legal and resource stewardship responsibilities.</p> <ul style="list-style-type: none">● Conduct the lowest level of NEPA review required.● Maximize opportunities for adopting NEPA documents, tiering from completed NEPA documents, and using DNAs.● Utilize an issue-based approach to identifying and eliminate specific issues for detailed analysis.● Conduct outreach prior to publication of a Notice of Intent (NOI) to develop an EIS to identify and address issues early in the NEPA process, with a particular focus on outreach to impacted regulatory agencies that may affect the project outcomes.● Provide a public review period on preliminary EIS alternatives, prior to formal publication of preferred alternatives in a notice of availability of the EIS. This “front loading” may add time initially, but time will be saved at the end by greater consensus and lessening chances for protest/appeal.● Institute a corporate approach to document and data management for core data, while still allowing for incorporation of locally generated data that meets established data quality standards.● Enhanced use of contracting, including utilizing nation-wide contracts and improved protocols and guidance for evaluating NEPA contract performance. <p><u>Categorical Exclusions (CXs)</u></p> <p>Based on BLM’s review, there are significant opportunities to expedite the NEPA process by exploring new and modifying existing categorical exclusions (CXs), either through issuance of legislation or policy, in order to provide greater clarity and efficiency to NEPA compliance. BLM’s NEPA and Planning Streamlining Report proposed the modification or creation of specific CXs for many routine actions undertaken by various BLM programs; including wild horse and burro, oil and gas, fire and fuels management, range management, recreation, and land use planning. (see Section on Improving the NEPA Process).</p>
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SPECIFIC BUREAU OF LAND MANAGEMENT ITEMS ADDRESSING SECRETARIAL ORDER 3355

<p>(b) requirements and process improvements under Title 41 of the Fixing America's Surface Transportation (FAST) Act, 42 U.S.C. 4370m-1(c)(1)(D), to determine whether any best practices can be broadly applied, including to projects beyond the terms of the FAST Act;</p>	<p>Title 41 of the FAST Act identified several efficiencies to streamline the NEPA process. Some of these efficiencies are already in use by the BLM, while others are new concepts that can be applied as best management practices, some of which are articulated elsewhere in the body of the <i>BLM Report in Response to Secretarial Memorandum on Improving Planning and NEPA Processes and Secretarial Order 3355</i>. Best management practices applicable and new to the BLM include:</p> <ul style="list-style-type: none"> ● Enhance current capabilities in ePlanning⁷ to schedule and track permit processing and other required authorizations with other Federal agencies; allow the public to receive notifications of upcoming projects; and track progress of existing ones. ● Initiate cooperating agency status with State agencies no later than 60 days after receiving a complete project application package. Work closely with State agencies and Tribes as cooperating agencies to identify and address issues early in the planning process.⁸⁹ ● Adopt, or incorporate by reference, a State agency-created analysis/document to meet BLM NEPA requirements.¹⁰
<p>(c) requirements and process improvements required by E.O. 13807, to determine whether any best practices can be broadly applied, including to any projects beyond the terms of E.O 13807; and</p>	<p>E.O. 13807 identified several process improvement requirements and best practices to streamline the NEPA process in support of infrastructure permitting, some of which are articulated elsewhere in the body of the <i>BLM Report in Response to Secretarial Memorandum on Improving Planning and NEPA Processes and Secretarial Order 3355</i>. Novel best management practices applicable to the BLM include:</p>

⁷ ePlanning is a web-based software application that helps BLM users to create, write, manage, and publish National Environmental Policy Act (NEPA) documents and planning documents. It also allows for the public to easily search and view these types of documents and provide comments electronically. The application includes functionality to manage the content in documents, publish the content for printing or create web formats, create and enable documents for comments, and analyze comments. See ePlanning public website: https://eplanning.blm.gov/epl-front-office/eplanning/nepa/nepa_register.do

⁸ While including cooperating agencies may not save time upfront, it will help with both litigation and future NEPA by identifying upfront with States and local governments/Tribes anticipated issues the local BLM office is not aware of, and ensuring consistency with local/Tribal and State plans.

⁹ Also note that BLM direction on local and Tribal governments being cooperating agencies needs to be explored further. The FAST Act focused on State agencies with a resource focus, i.e. a State Fish and Wildlife office. Some local and Tribal governments indicated in the Streamlining NEPA comments that they do not have the resources to be cooperating agencies, while others indicated they want to be. Offices may need to deal with cooperating agency status with local and Tribal governments on a case-by-case basis.

¹⁰ The FAST Act only addressed adopting/incorporating by reference State agency documents. Adopting/incorporating by reference local and Tribal government documents/plans will need to be explored further.

SPECIFIC BUREAU OF LAND MANAGEMENT ITEMS ADDRESSING SECRETARIAL ORDER 3355

	<ul style="list-style-type: none">● Ensure that the BLM and cooperating agencies follow transparent and coordinated processes with State, Tribal, and local agencies for conducting environmental reviews and making authorization decisions. Coordination can be conducted outside of the timeframes for the preparation of an EA.● Use a performance accountability system for EIS-level projects (possibly as a new feature in ePlanning) involving cooperating Federal agencies. Use the following criteria to evaluate performance accountability:<ul style="list-style-type: none">○ EIS-level projects shall use a permitting tracking system;○ BLM and cooperating agencies shall track the time it takes to complete the processing of environmental reviews and authorizations for each EIS-level project;○ EIS-level projects shall follow an effective process that automatically elevates instances in which permitting tracking milestones are missed or extended, or are anticipated to be missed or extended, to appropriate senior agency officials;○ BLM and cooperating agencies shall meet established dates for their permitting requirements; and○ BLM and cooperating agencies shall develop and utilize a process to routinely track costs¹¹ of the environmental reviews and authorizations for each EIS-level project.● The BLM and cooperating/lead Federal agencies will record all agency decisions in one combined Record of Decision (referred to in E.O. 13807 as “One Federal Decision,”), unless:<ul style="list-style-type: none">○ Project sponsor/applicant requests that each agency prepare a separate decision○ NEPA obligations of a cooperating/lead agency have already been met, or○ Lead Federal agency determines that a single ROD would not best facilitate completion of the project's environmental review and authorization process
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¹¹ While the BLM as a lead agency may not have the authority currently to require other agencies to track their costs, the BLM is mandated to do so on ‘infrastructure projects’ under Executive Order 13807.

SPECIFIC BUREAU OF LAND MANAGEMENT ITEMS ADDRESSING SECRETARIAL ORDER 3355

	<p>If a combined ROD is chosen, the BLM and cooperating/lead agencies will all agree to a timeframe and dates for the completion the of the ROD, as well as timeframes and dates for federally required permits and authorizations.</p> <ul style="list-style-type: none"> ● All Federal authorization decisions for the construction of an EIS-level project shall be completed within 90 days of the issuance of a ROD by the BLM or lead Federal agency, provided that the final EIS includes an adequate level of detail to inform agency decisions pursuant to their specific statutory authority and requirements. The BLM/lead Federal agency may extend the 90-day deadline if: <ul style="list-style-type: none"> ○ BLM/lead Federal agency determines that Federal law prohibits the agency from issuing its approval or permit within the 90-day period ○ The project sponsor/applicant requests that the permit or approval be delayed past 90 days ○ There is an appeal under BLM regulations or to IBLA ○ BLM/lead Federal agency determines that an extension would better promote completion of the project's environmental review and authorization process¹²
<p>(d) Recommendations for actions to streamline CEQ NEPA regulations and guidance to assess whether to recommend changes to facilitate agency processes.</p>	<p>In order to facilitate agency processes, elsewhere in the body of the BLM <i>Report in Response to Secretarial Memorandum on Improving Planning and NEPA Processes and Secretarial Order 3355</i> identified the following potential changes to CEQ NEPA regulations and guidance:</p> <ul style="list-style-type: none"> ● Modify CEQ NEPA regulations to allow for adoption of state and tribal environmental documents. ● Provide guidance on further defining "reasonably foreseeable future actions" so as to address the scope of a cumulative impacts analysis and clarify the effects of connected non-federal actions on the determination of significance for federal actions.
<p>(2) Within 30 days of the effective date of this Order, each Assistant Secretary, in coordination with bureau heads, should</p>	<p>See above items that address this action.</p>

¹² Note that while this BMP may allow flexibility on non-infrastructure EIS projects, this BMP is taken from Executive Order 13807. Infrastructure projects as defined in Executive Order 13807 mandate the BLM to follow the 90 day deadline, and be required to demonstrate why they cannot meet such a deadline.

SPECIFIC BUREAU OF LAND MANAGEMENT ITEMS ADDRESSING SECRETARIAL ORDER 3355

<p>provide recommendations for actions to streamline the NEPA process to include potential regulatory revisions, development of revised or additional categorical exclusions, revised or new guidance or policies, and recommendations on streamlining the surnaming process.</p>	
<p>4. d. Implementation of E.O. 13807. The Deputy Secretary will also coordinate implementation of E.O. 13807.</p>	
<p>(1) In order to begin implementation of E.O. 13807, each Assistant Secretary, in coordination with the bureau heads, is hereby directed to identify:</p> <p>(a) potential impediments to efficient and effective reviews for ... infrastructure and develop an action plan to address such impediments as a subset of the review required in Sec. 4c(l)(a) above;</p> <p>(b) potential actions that could be taken by CEQ to facilitate a review of major infrastructure projects, as a subset of the review required in Sec. 4c(l)(d) above; and</p>	<p>The BLM identified the following impediments and potential solutions to implementing E.O. 13807:</p> <p>Reasonable alternatives: CEQ guidance is not clear on how agencies should address alternatives outside of their jurisdiction.</p> <ul style="list-style-type: none"> ● Solution: Provide clarity on when agencies must consider alternatives outside of their jurisdiction, especially when such alternatives conflict with laws, policy, or guidance. <p>Timeframes working with the Federal Energy Regulatory Commission (FERC): FERC has more critical timeframes for completing its EISs than the BLM, and its NEPA documentation does not always include all the information BLM needs to meet its own NEPA requirements. As a result, the BLM often must complete supplemental NEPA analysis to cover what FERC has omitted. The BLM is also often not contacted by, for instance, a pipeline company for a right-of-way (ROW) across BLM land until FERC is months into its review.</p> <ul style="list-style-type: none"> ● Solution: CEQ has been tasked with creating an interagency working group under Executive Order 13807 to identify and recommend solutions to impediments to successful interagency infrastructure projects. BLM and FERC should implement solutions that the working group formulates. ● Solution: Develop/update MOU with FERC on roles and responsibilities on interagency projects. Include Western Area Power Administration, Bonneville

	<p>Power Administration, Department of Energy, and Department of Defense in the MOU.</p> <p>Tribal Consultation timeframes: Time needed for effective government-to-government consultation can be longer than what the Secretarial Order allows for project timeframes.</p> <ul style="list-style-type: none"> ● Solution: Conduct ongoing consultation with tribes to pursue sufficient working relationships. Begin consultation on specific proposals early in the pre-application phase. Ensure that early communication with Tribes is consistently initiated.¹³ <p>Working with project applicants:</p> <ul style="list-style-type: none"> ● Impediment: Applicant requests that project be put on hold indefinitely. ● Solution: Establish a method to take these projects offline or "stop the clock" on the NEPA processing timeline until the project either continues or request is withdrawn. ● Impediment: Applicant fails to submit a complete package. ● Solution: Create a thorough application package checklist and work with applicants to ensure they submit needed materials in a timely manner. Do not start the NEPA processing "clock" until application is complete. <p>Multiple levels of NEPA: Some programs involve multiple decision points, and therefore may require multiple "layers" of NEPA to support each of these decisions. For instance, regarding one oil and gas well, lease issuance requires NEPA compliance (completed either through the resource management process, or as a stand-alone analysis) as does site-specific approval of the Application for Permit to Drill (APD) on that lease and another (or multiple) approvals for the pipelines/roads/powerlines/injection wells that might be associated with that lease or well.</p> <ul style="list-style-type: none"> ● Solution: Obtain the proposed pipeline application or application information with the APD. Change BLM regulations to require the APD applicant to provide this information if it is available, or require that those without associated pipelines be relegated to the bottom of the priority pile.
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¹³ States should note when Tribal consultation timeframes will be notably long, i.e. Tribes not available for consultation during seasonal subsistence in Alaska, and small Tribes with limited resources requiring more time with staff for effective consultation.

SPECIFIC BUREAU OF LAND MANAGEMENT ITEMS ADDRESSING SECRETARIAL ORDER 3355

	<p>Endangered Species Act Consultation: FWS biological opinions (BOs) for Section 7 consultations can be very time consuming processes (i.e. over a year).</p> <ul style="list-style-type: none"> • Solution: Establish upfront MOUs or programmatic BOs on how BLM and FWS will handle certain situations.¹⁴¹⁵ 																			
<p>(c) pending proposals for major infrastructure projects, as defined in E.O. 13807 and that are not yet the subject of a NOI issued by the Department, that could be candidates for the "One Federal Decision" process.</p> <p>projects</p> <p>(2) Within 30 days of the effective date of this Order, each Assistant Secretary, in coordination with the bureau heads, should provide the information requested in Sec. 4d(1)(a)-(c) above.</p>	<table border="1"> <thead> <tr> <th colspan="5" data-bbox="810 412 1997 492">Pending Proposals for Major Infrastructure Projects¹⁶</th> </tr> <tr> <th data-bbox="810 492 1045 532">State</th> <th data-bbox="1045 492 1278 532">Field Office</th> <th data-bbox="1278 492 1509 532">Name of Project</th> <th data-bbox="1509 492 1740 532">Applicant</th> <th data-bbox="1740 492 1997 532">Type of Project</th> </tr> </thead> <tbody> <tr> <td data-bbox="810 532 1045 1008">Alaska</td> <td data-bbox="1045 532 1278 1008">Arctic FO</td> <td data-bbox="1278 532 1509 1008">Greater Mooses Tooth Two</td> <td data-bbox="1509 532 1740 1008">ConocoPhillips Alaska, Inc. (CPAI)</td> <td data-bbox="1740 532 1997 1008">Plan of development to support up to 48 oil wells, including a production pad, pipeline, and road. A Notice of Intent has already been issued for this EIS, but the effort is still in its early stages.</td> </tr> </tbody> </table>					Pending Proposals for Major Infrastructure Projects¹⁶					State	Field Office	Name of Project	Applicant	Type of Project	Alaska	Arctic FO	Greater Mooses Tooth Two	ConocoPhillips Alaska, Inc. (CPAI)	Plan of development to support up to 48 oil wells, including a production pad, pipeline, and road. A Notice of Intent has already been issued for this EIS, but the effort is still in its early stages.
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¹⁴ The time to prepare MOUs for projects should be factored into timeframes for projects, especially EAs.

¹⁵ Note that the Fish and Wildlife Service has a minimum of 120 days to complete a Biological Opinion for a proposed action.

¹⁶ This list is not comprehensive and could also include additional infrastructure development supported by locatable minerals, leasable coal, other leasable fluid mineral project authorizations not already listed herein, and in some cases timber sales. Projects listed meet the following criteria: 1) those that have not yet issued a Notice of Intent (NOI) to prepare an environmental impact statement (per SO 3355 directives); those that would require multiple agency authorizations, e.g. a ROW from the Forest Service or a Biological Opinion from the Fish and Wildlife Service (per definition of "authorization" in E.O. 13807); 3) meet the definition of "infrastructure project" in E.O. 13807, including energy projects.

SPECIFIC BUREAU OF LAND MANAGEMENT ITEMS ADDRESSING SECRETARIAL ORDER 3355

	Alaska	Central Yukon FO	Ambler Mining District Industrial Access Road	Alaska Industrial Development and Export Authority (AIDEA)	211 mile access road (subject to public scoping requirements of ANILCA). A <i>Notice of Intent</i> has already been issued for this EIS, but the effort is still in its early stages.
	Alaska	Alaska State Office	National Petroleum Reserve-Alaska Integrated Activity Plan	Alaska BLM	Oil and Gas Developments/leasing
	California	Palm Springs South Coast FO	Crimson Solar	Sonoran West	350 megawatts (MW) photovoltaic (PV) ¹⁷
	California	El Centro FO	North Gila to Imperial Valley	Southwest Trans Partners LLC	500 kilovolt (kV) line w/ loop ¹⁸
	California	Bakersfield FO	Willow to Santa Maria	Pacific Gas and Electric	230 kV / 115 kV loop
	California	Palm Springs South Coast FO	Mesa Wind Project	Brookfield Renewable	30 MW Wind Farm
	California	Palm Springs South Coast FO	Coachella Valley Whitewater	Coachella Valley Water District	Water facility

¹⁷ Photovoltaic refers to generating electricity from semiconducting materials, i.e. solar panels in a solar energy farm.

¹⁸ A loop refers to an electricity distribution system that loops around the service area and returns to the original power generating source (i.e., a power line from a wind farm looping around a town and returning to the wind farm).

SPECIFIC BUREAU OF LAND MANAGEMENT ITEMS ADDRESSING SECRETARIAL ORDER 3355

			Recharge Facility		
California	Bakersfield FO	SEIS Oil & Gas Leasing and Development in Bakersfield RMPA	Remanded by the court. Hydraulic Fracturing Analysis required.	RMP Amendment to authorize additional Oil & Gas Development	
California	El Centro FO	Gypsum Company Mine Expansion	United States Gypsum Company	Gypsum Mine Expansion (2 ROWs)	
Utah and Nevada	Fillmore FO (Utah) & Bristlecone FO (NV)	TransCanyon Cross-Tie Project	TransCanyon LLC	500 kV interstate (UT&NV) transmission line	
Utah	Cedar City FO	Pine Valley Groundwater Development and Pipeline	Central Iron County Water Conservancy District	Groundwater wells and water pipeline	
Utah	Vernal FO	Enefit American Oil Utility Corridor Project	Enefit American Oil	Right-of-way for 8 miles of natural gas pipeline, 10 miles of oil product line, 29 miles of 138 kilovolt H-frame powerlines, 19 miles of Water supply line; and upgrade 5 miles of road.	

SPECIFIC BUREAU OF LAND MANAGEMENT ITEMS ADDRESSING SECRETARIAL ORDER 3355

	Utah	Vernal FO	Crescent Point	Crescent Point Energy U.S. Corp (CPE)	Plan of development for 3,925 new O&G wells, build 863 miles of road, 693 miles of pipelines co-located with roads, 170 miles of cross country pipelines, 400 miles of trunk pipelines, 5 salt water disposal wells, 5 produced water treatment facilities, 20 central tank batteries, 4 gas processing plants, 8 oil storage areas and 4 equipment storage areas.
	Utah	Utah SO	Williams Draw LBA UTU-080043	Utah American Energy Inc.	Lease by Application to develop 32.2 million tons of Coal over 4,191 acres
	Montana	Montana SO	Coal LBA MTM-105485	Spring Creek Coal, LLC	Lease by Application to develop 170.2

SPECIFIC BUREAU OF LAND MANAGEMENT ITEMS ADDRESSING SECRETARIAL ORDER 3355

					million tons of Coal over 1,263 acres
	Montana	Montana SO	Coal LMA MTM-94378	Spring Creek Coal, LLC	Lease Modification to develop 7.5 million tons of coal over 150 acres
	Montana	Montana SO	Coal LBA MTM-105513	BNI Coal, LTD	Lease by Application to develop 11.6 million tons of coal over 630 acres
	New Mexico	Farmington FO	Clean Path Energy Project	Clean Path Energy Center	345 kV line, Solar (PV) generating station, natural gas generating station
	New Mexico	Socorro FO	Borderlands Catron Wind Project	Borderlands Wind, LLC	100 MW Wind Energy Facility
	New Mexico	Las Cruces DO	Copper Flat Copper Mine	New Mexico Copper Corporation	Approve a Plan of Operations for 2,190 acre copper mine.
	Nevada	LVFO	Yellow Pine Solar	NextEra	250 MWs (PV) over 6000 acres, NOI pending

SPECIFIC BUREAU OF LAND MANAGEMENT ITEMS ADDRESSING SECRETARIAL ORDER 3355

	Nevada	LVFO	Gemini Solar	Arevia Power	400 MWs (PV) over 4500 acres, NOI pending
	Nevada	LVFO	Crescent Peak Wind	Crescent Peak Renewables LLC	500 MWs (wind generated) over 8000 acres, NOI pending
	Nevada	Tonopah Field Office	Sandstone Solar Energy Project	Sandstone Energy, LLC	8 concentrating solar power (CSP) generation plants, producing 1,600 megawatts
	Nevada	Mount Lewis FO	Supplemental Mount Hope Project	Eureka Moly, LLC	Supplemental EIS for an open pit and milling operation for molybdenum for a 22,886 acre project. SEIS will reanalyze air quality impacts and cumulative air impacts analysis, and public water reserves, per court remand.
	Nevada	Humboldt River FO	Mackay Optimization Project	Marigold Mining Company (MMC)	Plan of Operations Amendment and Reclamation Permit for an additional 1,893

SPECIFIC BUREAU OF LAND MANAGEMENT ITEMS ADDRESSING SECRETARIAL ORDER 3355

					acres to an existing gold mine operation.
	Nevada	Mount Lewis FO	Greater Phoenix Mine Project	Newmont USA Limited	Approve a Plan of Operations Amendment for 1,912 acres to an existing gold and copper mine operation.
	Nevada	Mount Lewis FO	Barrick Deep South Expansion	Barrick Cortez, Inc.	Approve a Plan of Operations Amendment for an additional 4,279 acres to an existing gold mine operation. (estimated 300,000 oz over 5 years)
	Oregon	Lakeview FO	Tucker Hill Perlite Mine Expansion	Cornerstone Inc.	Approve a Plan of Operations Amendment and Reclamation Permit for an additional 340 acres to an existing perlite mine operation.
	Wyoming	Rock Springs FO	Bridger (Dead Man Wash)	Bridger Coal Co.	Lease by Application for 22.7 tons of Coal

SPECIFIC BUREAU OF LAND MANAGEMENT ITEMS ADDRESSING SECRETARIAL ORDER 3355

					over 1,720 acres
	Wyoming	Rawlins FO	Lost Creek Uranium Mine Expansion	Lost Creek ISR, LLC	Approve a Plan of Operations Amendment and Reclamation Permit for an additional 5,750 acres to an existing uranium operation. 2.2 million pounds of uranium/yr.
	Wyoming	Various	Wyoming Pipeline Corridor Initiative	BLM – WSO	Right of Way for CO2 pipelines. If approved project would facilitate network of 1,150 miles of CO2 pipelines to existing oil fields to aid in enhanced oil recovery (EOR).
	Montana and Wyoming	Various	Boreas Intertie Transmission Line Project	Absaroka Energy, LLC	Right of way 500 kV Transmission (MT & WY)

SPECIFIC BUREAU OF LAND MANAGEMENT ITEMS ADDRESSING SECRETARIAL ORDER 3355

	Arizona and Utah	AZ Strip FO, Kanab FO, St. George FO	Lake Powell Pipeline	State of Utah	Right of way for 69' Diameter Water Pipeline & Hydro System from Glen Canyon Dam, AZ, to San Hollow Reservoir, UT