



July 25, 2017

US Department of Interior  
Att: Secretary Ryan Zinke  
1840 C Street NW  
Washington DC 20006  
Via 1st Class Mail and electronic submission

Bureau of Land Management  
Att: Director Mike Nedd  
1849 C Street NW #5660  
Washington DC 20006

Re: Input regarding BLM planning process

Dear Secretary Zinke and Director Nedd:

The above Organizations are contacting your Offices' to provide more detailed information and input on our experiences with the BLM 2.0 planning process and planning processes on a wide range of public lands in the hope that previous mistakes will not be repeated. The Organizations are providing these more extensive comments to supplement our electronic submissions as we are aware that often the "why" behind a position that is taken is as important as the position itself. In these comments, the Organizations are targeting changes that can be undertaken in the planning process under the current legislative systems. While the Organizations support changes to the Legislative structure that governs planning, such as revising and updating the Endangered Species Act, the Organizations are also aware that such changes are outside the scope of the request from your Offices'.

Prior to addressing the specific concerns, our Organizations have regarding the BLM planning process to date and revision of the process moving forward , we believe a brief summary of

each Organization is needed. The Colorado Off-Highway Vehicle Coalition ("COHVCO") is a grassroots advocacy organization of approximately 2,500 members seeking to represent, assist, educate, and empower all OHV recreationists in the protection and promotion of off-highway motorized recreation throughout Colorado. COHVCO is an environmental organization that advocates and promotes the responsible use and conservation of our public lands and natural resources to preserve their aesthetic and recreational qualities for future generations.

The Trail Preservation Alliance ("TPA") is a 100 percent volunteer organization whose intention is to be a viable partner, working with the United States Forest Service (USFS) and the Bureau of Land Management (BLM) to preserve the sport of trail riding. The TPA acts as an advocate of the sport and takes the necessary action to insure that the USFS and BLM allocate to trail riding a fair and equitable percentage of access to public lands.

Colorado Snowmobile Association ("CSA") was founded in 1970 to unite winter motorized recreationists across the state to enjoy their passion. CSA currently has 2,500 members. CSA has also become the voice of organized snowmobiling seeking to advance, promote and preserve the sport of snowmobiling through work with Federal and state land management agencies and local, state and federal legislators telling the truth about our sport.

The Off-Road Business Association ("ORBA") is a national not-for-profit trade association of motorized off-road related businesses formed to promote and preserve off-road recreation in an environmentally responsible manner and appreciates the opportunity to provide comments on this issue.

The Idaho Recreation Council ("IRC") is a recognized, statewide, collaboration of Idaho recreation enthusiasts and others that will identify and work together on recreation issues in cooperation with land managers, legislators and the public to ensure a positive future for responsible outdoor recreation access for everyone, now and into the future.

One Voice is a non-profit national association committed to promoting the rights of motorized enthusiasts; improve advocacy in keeping public and private lands open for responsible recreation through strong leadership, advocacy, and collaboration. One Voice provides a unified voice for motorized recreation through a national platform that represents the diverse off-highway vehicle (OHV) community. For purposes of this correspondence TPA, COHVCO, CSA, ORBA, IRC and One Voice will be referred to as "The Organizations".

The Organizations submit that any new planning rule for the BLM must: 1. Have large amounts of public participation both in the development of the rule and subsequent implementation of more localized planning efforts; 2. Planning efforts must strive for development of a high quality planning documents that remain relevant over the expected life of the Plan rather than

planning documents that are quickly developed; 3. Regional planning documents must provide regional guidelines on regional issues and avoid becoming a replacement for local planning; 4. BLM planning should streamline NEPA processes with clarification of lower levels of NEPA analysis such as the use of Categorical Exclusions and expand good neighbor authority in planning; 5. Historical uses of any area should be addressed with a presumption that the usage be continued unless a credible scientific basis can be provided to rebut the presumption; and 6. Credible partner resources must be utilized while a high level of scrutiny must be applied to citizen science in order to develop high quality planning documents in partnership with local communities that effectively address long term protection and utilization of public lands while avoiding science that advances a particular agenda without relying on valid scientific processes.

**1. The Organizations would like to thank you for changes made to date.**

The Organizations would like to thank your Offices' for your efforts subsequent to the repeal of BLM Planning 2.0 by President Trump. The Organizations welcome this additional public process and input in developing the new planning rule, as the Organizations were very concerned regarding the exceptionally limited public input provided in the BLM 2.0 process and the direction that Field Office planning had already taken since the adoption of the BLM 2.0 process. The early implementation of the BLM 2.0 plan simply confirmed many of our concerns regarding the imbalance in the new planning process and we welcome the opportunity to create the proper balance between resource utilization and resource protection.

The Organizations would also like to thank your Offices' for the staffing changes at various state offices that have been undertaken since the election. The Organizations believe that these new managers will bring new ideas and new solutions to these Offices as they work to resolve the monumental challenges faced by public land managers in the western US.

**2a. The Organizations submit a vigorous public process in all phases of public lands planning is an important component of successful planning.**

The Organizations submit a vigorous public process in all phases of public lands planning and meaningfully addressing this input in a timely manner are important components of successful planning. Too often the goal of finalizing a plan quickly is placed higher on a planning priority list than developing a quality plan with a long life expectancy and wide public support. It has been the Organizations experience that the vigorous public process develops higher quality planning documents and increases public support for the end result of the planning effort. With the expanded reliance on the public/private partnership for the management of public lands, public support for any plan during implementation will remain an important component of long term plan success. The development of meaningful public input is often time

consuming and costly in the early stages of plan development but these costs are offset with reduced operational costs and increased levels of partnership when any plan is implemented.

One of the primary concerns that must be addressed in the development of a new BLM Planning Rule is insuring that meaningful public input is developed, all input properly balanced to avoid any user group being provided a priority position in the process. Public input must be address in a timely and meaningful manner. The development process for the BLM 2.0 Rule was entirely too short and many in the public perceived that the objective of the process was to create a new Planning Rule quickly rather than developing a high quality balanced plan. The Organizations must note that partner involvement at the Denver meeting was surprisingly limited, which compounds concerns about limited public/partner involvement in the new planning process and overreliance on contractors as a substitute for public input. The meeting was well attended by environmental organizations, but traditional partners who provide ongoing funding and support to BLM, such as State and local government agencies and user groups were almost non-existent. This should have been a red flag that the process for developing public input was not working, but this flag was overlooked.

The new planning rule must also insure that no user or interest group should be provided a priority position in the planning process and unsolicited public input provided outside an active request must not be allowed to delay or alter the implementation of a plan after the planning process has been finalized. Our concerns on these points is not abstract as the Organizations are aware of a Field Office where an unsolicited inventory of Wilderness Characteristics areas and Areas of Critical Environmental Concern was submitted by the public almost 10 years after the Field Office Plan was finalized. No action was taken on this document until protests raising the lack of response to the inventory were filed in response to an oil and gas development plan on a small portion of the Field Office several years later. Rather than clarify the inventory was never timely submitted, this protest was confirmed and moved forward in a recent Field office travel plan, more than 10 years after the citizen inventory was originally filed. All actions were taken under the guise of the new BLM 2.0 process. Compounding the inappropriate nature of this entire public process was the fact that the local County was developing a landscape plan for the management of the FO lands in partnership with the County and BLM FO. Direction of the collaborative community efforts was directly contradictory to the direction of the ACEC and WCA inventory and there was no mention of the inventory to the County in the collaborative efforts. The faults with this process are many but highlight the need to respond to public input in a timely manner, even when the public input is unsolicited and to work with partners in a transparent manner.

The determination that the BLM 2.0 Planning Rule could be developed under a Categorical Exclusion, given the long term vision and results from the Rule on BLM lands for decades to

come, placed the planning process at a disadvantage from the beginning. The Organizations submit that public outreach for the development of the new BLM planning rule must be far more like USFS used for development of the USFS 2012 Planning Rule, where extensive public input was obtained with dozens of public meetings throughout the Country rather than BLM 2.0 efforts that provided only two meetings for public input. Targeting public input should include the development of any new national planning rules and implementation of the planning rule in smaller planning efforts at the regional or field office level in the future.

The Organizations believe that public input must be a priority in planning and the Planning Rule should also encourage land managers to reach out to impacted user groups to insure their input is obtained due to nature of planning efforts. Many times users are familiar with traditional planning efforts, such as a travel management plan, but often plans are expanding in scope and identified under a wider range of planning process, such as Recreation Access Management Plans or merged with a timber sale. While the scope of the process may be different, the need to engage affected user groups and obtain public input on all issues remains critical and land managers should be encouraged to reach out to partners when planning could impact them and that partner may not be aware of the scope of planning.

While current review efforts are targeting the BLM national planning rule, the Organizations submit this review must be expanded to include not only land planning rules but also BLM handbooks, as often these documents direct policy and are directly applied in local planning efforts. Often these important guiding documents are developed with little to no public input, which results in standards and guidelines being directly moved into lower level plans that lack public support and often in direct contradiction to more localized reviews.

#### **2b. Quality and not speed must be the goal for any planning efforts.**

The Organizations have participated in a wide range of planning efforts with the Department of Interior and very frequently these planning efforts are plagued by an artificial urgency to comply with often unrealistically short deadlines for the planning process. As a result of the artificial urgency, the development of a quality planning document that will remain relevant and useful over its anticipated life span is placed lower than developing a decision quickly. This type of prioritization must be avoided.

The artificial elevation of short timelines also creates a planning environment where it is simply impossible to utilize partner resources to address questions that arise in planning efforts. Again this is an issue where an example of this conflict would be very valuable. In the development of the Greater Sage Grouse RMP amendment and listing process, Garfield County Colorado expressed significant concerns regarding the accuracy of habitat inventory information being provided by the BLM planners early in the RMP and listing process. Immediate concerns were

raised regarding the overly broad nature of the habitat modeling and that in many areas the species was simply was not present. As a result Garfield County hired nationally recognized experts and embarked on mapping of habitat in the County at a much finer scale than that of the BLM efforts, which resulted in significantly more accurate habitat mapping. While clearly this effort was the type of highly valuable local information sought from partners, often the development of this information was unnecessarily confrontational and driven by the artificial need to complete the RMP revision rather than the desire to develop a proposal based on the best available science to most accurately benefit the species. Too often similar time constraints are placed on planning, even outside an ESA listing related planning effort. Again this situation simply must be avoided.

**3a. Regional planning should target regional issues to streamline more localized planning and avoid issues beyond the scope of regional planning.**

While the Organizations commend the DOI for their interest and lead in addressing global climate change in the planning process, the Organizations must question the value of even a large regional plan for BLM lands seeking to address climate change. While climate change may garner a large amount of news coverage, there are many factors that are impacting DOI lands and specific species that are not related to climate change which must still be managed and are more suited to regional or local planning efforts. Regional planning can address regional issues in a cost effective manner and provide high levels of consistency in local planning efforts if that planning is meaningfully undertaken and addressing regional issues. - Effective regional planning can insure that healthy landscapes are addressed such as the major threat throughout the Western United States of poor forest health and invasive species, rather a particular usage or challenge which can often be focused on in local planning efforts such as pursuing travel management for western states without addressing the exceptionally poor forest health.

The Organizations vigorously support the idea that certain management issues can be effectively addressed with general standards or guidelines at the landscape level and the converse is also true as some challenges are beyond the scope of regional planning. This balance must be maintained in any regional plan and the Organizations believe that State Wildlife Action plans and the NOHVCC motorized action plans represent regional planning documents that streamline local planning and do not serve as a replacement for local planning. An example of an effective landscape level standard in the new Colorado State Wildlife Action Plan would involve the lynx where the Colorado State Wildlife Action plan clearly provides:

"Lynx have successfully been re-established in Colorado and a self-sustaining population is believed to persist in the region. The management actions taken to re-establish the population to Colorado were done considering the landscape of

the time – there is no intention of attempting to change, alter or remove historic and current land uses from the landscape. Many of these industries can and have developed practices that have the potential to allow the long term persistence of the lynx within the context of existing land use."<sup>1</sup>

The Organizations further support the fact that if a usage is not a landscape level challenge it should be clearly stated as such, in order to avoid further analysis of non-issues at the local level. The recently released 2013 Lynx Conservation Assessment and Strategy provided effective standards to streamline subsequent site specific planning with standards as follows:

- Road and trail density does not impact the quality of an area as lynx habitat;<sup>2</sup>
- There is no information to suggest that trails have a negative impact on lynx;<sup>3</sup>
- Snow compaction from winter recreational activity is not likely to change the competitive advantage of the lynx and other predators;<sup>4</sup>
- Snow compaction in the Southern Rocky Mountain region is frequently a result of natural process and not recreational usage;<sup>5</sup>

Rather than providing meaningful guidance on regional issues, many planning efforts started at the regional level are seen as replacement for local planning and seeks to address local usages or issues with highly specific local standards applied through regional planning. Rather than seeing the need for site specific local boundaries in regional planning as a red flag that regional planning is becoming too localized, many in regional plans see this as effective implementation of the Plan. The Organizations vigorously disagree with this position and believe that when regional planning seeks to plan at local levels and address specific routes or areas, this is a strong indication that local planning must be moved forward with to insure that the proper communities are engaged on the issue.

The Organizations submit that the utilization of a regional planning effort to address site specific issues became on the large weaknesses with the development of the Desert Renewable Energy Planning efforts in the Southern California desert which attempted to apply area specific local standards under the guise of regional planning. An example of the improper application of local standards in regional planning is provided in the preferred alternative of the DRECP precludes all energy development in NLCS areas as follows:

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<sup>1</sup> See, Colorado Parks and Wildlife; *2015 Colorado State Wildlife Action Plan* at pg 175.

<sup>2</sup> See, Interagency Lynx Biology Team. 2013. Canada lynx conservation assessment and strategy. 3rd edition. USDA Forest Service, USDI Fish and Wildlife Service, USDI Bureau of Land Management, and USDI National Park Service. Forest Service Publication R1-13-19, Missoula; at pg 95. (Hereinafter referred to as the 2013 LCAS)

<sup>3</sup> See, 2013 LCAS at pg 84.

<sup>4</sup> See, 2013 LCAS at pg 83.

<sup>5</sup> See, 2013 LCAS at pg 26.

**"Conservation and Management Actions in National Conservation Lands  
Renewable energy projects and related ancillary facilities are not allowed"**<sup>6</sup>

The DRECP also applies a disturbance cap to all NLCS areas as follows:

**"Disturbance caps** - Development in National Conservation Lands would be limited to 1% of total authorized disturbance, or to the level allowed by collocated ACEC, whichever is more restrictive."<sup>7</sup>

This DRECP standard has a note as follows:

"Wildlife habitat disturbance caps only apply to lands not already included under ACECs or Wildlife Allocation disturbance caps, as described in the Special Unit Management Plans in Appendix L."<sup>8</sup>

No information is provided in the DRECP to explain the scientific basis for the 1% disturbance cap, which viewed in isolation, is only somewhat problematic. When the DRECP standard is compared to Greater Sage Grouse planning disturbance caps more concern is provided as the GRG efforts stimulated significant discussion regarding disturbance caps ranging from 3% to 5% **and the significant change in impacts that could result from differences in the disturbance caps.** The direct contrast to the extensive discussions regarding possible impacts resulted in the GSG efforts, the implications of a 1% disturbance cap in the DRECP was simply never addressed as there was significant pressure on the DRECP process to simply get the DRECP completed.

No analysis was provided to inform the public regarding areas that might be within DRECP planning jurisdiction that were currently in compliance with the 1% disturbance cap and areas that already exceeded this disturbance cap. Additionally, these site specific management standards were also provided without mention of the California Desert Conservation Act requirements that the California desert contains historical, scenic, archeological, environmental, biological, cultural, scientific, educational, recreational, and economic resources that are uniquely located adjacent to an area of large population.<sup>9</sup> Clearly meaningful public process should clarify how standards applied in the regional plan are addressing relevant federal laws for the area.

The Organizations submit that the DRECP provides regional guidance that truly is site specific planning decisions that simply have no place in the development of a regional plan. The DRECP

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<sup>6</sup> See, Dept of Interior; Bureau of Land Management; Draft Desert Renewable Energy Conservation Plan; September 2014 at pg II.3-382. (Hereinafter referred to as "DRECP").

<sup>7</sup> See, DRECP at II.3-382

<sup>8</sup> See, DRECP at pg II.3-382.

<sup>9</sup> See, 43 U.S.C. 1781 (a)

site specific standards are a stark contrast to the regional guidance that has been provided in both the State Wildlife Action plans and other regional planning documents. The BLM planning efforts to develop a new BLM planning rule must focus on developing regional plans that address regional issues and avoid combining local planning efforts under the claim of regional planning.

**3b. Landscape level planning will only be effective if it is meaningfully undertaken.**

Recently, the development of new landscape level plans on a variety of issues to guide the subsequent development of field office level plans has occurred, which the Organization support as an effective tool to deal with regional issues and streamlining local planning specific issues. The Organizations have been actively involved with the USFS and USFWS regional efforts on various species including the Canadian Lynx, Greater Sage Grouse, Wolverine and numerous aquatic species and recognize that these landscape level plans have been reasonably effective in benefitting the species and provided clear guidance on best available science on these issues. These were extensive documents with significant partner and public input that were based on best available science for a wide range of multiple usages, which took years to develop. While the benefits of such a vigorous process should be immediately apparent, this level of analysis and review does not appear to be present in many other planning efforts, as exemplified in the development of the Rapid Ecological Assessments ("REA") and Landscape Conservation Cooperatives ("LCC"). Rather than being examples of how the objectives of effective application of landscape level principals, it is the Organizations position the REA and LCC efforts are examples of what can happen when the principals and objectives of the Landscape level are **not** applied properly.

The Organizations have been involved in the BLM Sage Grouse planning process over the last several years, and believe declaring that planning process a success and the model for a new planning process is somewhat premature. The Organizations submit the GSG planning process was at least meaningfully undertaken and highlighted the value of landscape level planning efforts, the GSG efforts also highlighted numerous areas for improvement in future planning. While the GSG Planning efforts have effectively brought together a diverse range of interests on the issue, these efforts have not been without challenges and may not be able to be replicated again in the future either due to limited partner resources or smaller issues being addressed. The Greater Sage Grouse efforts highlighted the need to provide the proper balance for local flexibility while addressing landscape level issues and provide a good comparison tool for other planning efforts undertaken at the same time. Rather than delving into site specific local planning, regional plans should streamline local planning not replace it - often overly specific landscape plans make local planning more difficult rather than streamlining it

The Greater Sage Grouse planning process provided highlights an ongoing concern regarding the lack of public participation in the planning process. This concern was highlighted by the Western Governors Association summary of state and local participation in the landscape Sage Grouse planning process as an "afterthought" in correspondence to the BLM and USFS<sup>10</sup>. Often stakeholders in the Sage Grouse process were not meaningfully engaged and input was not meaningfully incorporated in final versions of the RMP. Similar sentiments have been vigorously expressed from a large number of Congressman and Senators in response to the Sage Grouse planning process. It is the Organizations position that there is significant room for improvement in the process relied on in the GSG initiatives.

In the GSG Planning process, many local partners in the habitat areas have effectively managed local sage grouse issues for years and have significant data to support the effectiveness of this management in a manner that has directly and clearly benefitted sage grouse populations. Simply reconciling the BLM landscape level planning with these highly effective local planning efforts has proven problematic, resulting in frustration of partners. Many local partners have expressed serious concerns about basic information relied on in the BLM landscape level Sage Grouse planning process, such as population of Sage Grouse and threats to the species identified in the National Technical Team ("NTT") Report. The NTT report often relied on **theoretical information that seriously conflicted with significant portions of high quality localized data available**. Localized threats to the Sage Grouse is an issue where there appears to be significant conflict between the various BLM landscape plans and best available science from local partners. These conflicts were so severe that the BLM was forced to issue a 66 page supplement to the NTT report to address the issues that were raised by partners once the NTT report was released. This change would require at least a review of more localized Sage Grouse plans developed in the amendment process to insure the revised NTT has been properly addressed in these more localized plans. This type of process would indicate a serious concern about collaborating with partner organizations and that development of an effective and efficient plan will be the result of the Sage Grouse Planning.

While there was room for improvement in the public engagement in the GSG process, the development of the REA and LCC provide another landscape level planning effort that has caused concern for the Organizations. The process for development of many of the REA and LCC provide concrete examples of processes that completely fail to engage the public in manners far worse than those criticized in the GSG process and provide examples of how NOT to undertake regional planning. The Organizations' are aware that the principal of an REA has been effectively applied to management of a wide range of parks and other issues, but this process is not a replacement for quality public input. The Organizations are very concerned

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<sup>10</sup> See, <http://www.westgov.org/news/298-news-2014/800-western-governors-concerned-federal-work-with-states-on-sage-grouse-conservation-an-afterthought-see-clear-concise-input>

with the process that has been relied on by BLM in the development of the REA plans, as BLM appears to have chosen to merely hire a contractor to prepare the Colorado Plateau Rapid Ecological Assessment ("CPREA") rather than involve the public and partners<sup>11</sup>. The Organizations are not aware of any public/partner input being sought for the development of these documents, despite these documents now being relied on to guide the development of field office plans on a variety of issues. The Organizations must question the basic value of a regional plan that has been developed in this manner.

Another example of concerns regarding landscape level planning to date was the development of LCC partnerships. The Organizations were not familiar with BLM efforts regarding the development of LCC until well after many plans were in place. Subsequent evaluation of this issue recognized that the LCC website identifies 22 LCC plans currently in place in the country, and that several have been in place for multiple years. As a result, one would expect detailed examples of how these LCC are working with partners to be easily available for public discussion. That simply is not the case and providing meaningful comments on these initiatives is difficult as many of the links on the LCC website<sup>12</sup> are dead or provide at best general information. Only two non-DOI partners are even identified in the national brochure on the program.

The national LCC guidance brochure further provides quality examples regional standards that will not streamline local planning, as often the national LCC brochure provides information in the form of somewhat random comments of DOI agencies that often do not relate to the goals and objectives of the LCC process. Examples of these comments include:

"Glorious fall foliage provides a backdrop for foraging Sandhill cranes."<sup>13</sup> Or

"A majestic bull elk pauses for a drink in the southern Rockies."<sup>14</sup>

These types of random statements are often highly frustrating to many partners and more properly suited as a note to a picture in a travel brochure rather than part of a mission statement for meaningfully undertaken landscape planning that will result in effective and efficient management of issues on the ground. The Organizations assert these efforts fall well short of seeking best available science and a more dynamic and streamlined planning process with expanded collaboration of the public and partners, even if the statements are largely

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<sup>11</sup> See, <http://consbio.org/products/projects/blm-rapid-ecological-assessment-rea-colorado-plateau>

<sup>12</sup> <http://lccnetwork.org/> accessed 10/15/14

<sup>13</sup> See, Department of Interior, Landscape Conservation Cooperatives Brochure - undated at page 3. available at [http://lccnetwork.org/Media/Default/Misc/LCC\\_brochure\\_web.pdf](http://lccnetwork.org/Media/Default/Misc/LCC_brochure_web.pdf)

<sup>14</sup> See, Department of Interior, Landscape Conservation Cooperatives Brochure - undated at page 1. available at [http://lccnetwork.org/Media/Default/Misc/LCC\\_brochure\\_web.pdf](http://lccnetwork.org/Media/Default/Misc/LCC_brochure_web.pdf)

symbolic. The goals for regional planning must seek to obtain higher quality regional documents than are currently being provided.

Further numerous comments in the national LCC brochure attribute issue specific statements to agencies that are completely unrelated to that agency's mission or expertise. An example of such a quote would be the following quote attributed to NOAA:

"Preserving cultural artifacts and traditions creates vibrant, healthy communities."<sup>15</sup>

While NOAA is an impressive organization that does great work, NOAA's expertise is not in cultural resources and the Organizations must question any decision that sought to rely on NOAA in such a capacity. There are a wide range of true partner organizations that have long histories of effective management of this issue, such as state historic preservation offices and the national register of historic places, and failing to rely on these organizations for their expertise may complicate partnerships with them in the future.

Clearly these statements are largely symbolic, development of landscape plans and related coordination with partners will require significant efforts to develop high quality decisions that can be effectively applied. The implications of these types of statements to partners should not be overlooked as many partners operate with limited budgets and are highly interested in "on the ground" success in managing issues rather than moving generalized and abstract concepts forward. These type of statements would not indicate a similar desire from BLM. Rather partners could easily conclude high quality landscape level planning is *not* being developed, as much of this information provided to date appears to fall well short of high quality analysis necessary for more efficient and dynamic planning.

The Organizations are very concerned regarding the failure to develop meaningful public/partner input in the development of the REA development process and the long term implications of these failures. This failure will result in limited funds for the management of challenges being directed away from resolution of the true factors towards other issues. These concerns have already manifested themselves in response to the REA as the Wilderness Society has asserted that REA are now the proper basis for all management.<sup>16</sup> Given the prima facie failures of the REA development process to address a wide range of issues, the Organizations are not optimistic that any management undertaken would be effective. Rather than streamlining the process, the application of inaccurate and out of date will be an additional barrier development of effective management on the ground at the field office level.

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<sup>15</sup> See, Department of Interior, Landscape Conservation Cooperatives Brochure - undated at page 2. available at [http://lccnetwork.org/Media/Default/Misc/LCC\\_brochure\\_web.pdf](http://lccnetwork.org/Media/Default/Misc/LCC_brochure_web.pdf)

<sup>16</sup> [http://wilderness.org/sites/default/files/TWS%20--%20BLM%20report\\_0.pdf](http://wilderness.org/sites/default/files/TWS%20--%20BLM%20report_0.pdf)

**3d. Planning efforts should strive to remain consistent with the scope and objectives of the Process.**

In the development of any planning efforts, maintaining the scope and goals of the planning effort is critical as the planning effort moves forward, as often planning efforts can drift away from the original goals and objectives of the plan. This issue is of more significant concern in larger planning efforts as often when landscape level planning efforts drift away from the original intent of the process seeking to address numerous localized issues, the public is not properly engaged and there are numerous collateral impacts. Also this mission drift makes it harder to avoid artificially inflated management issues in the planning process.

The Organizations were actively involved in development of the Desert Renewable Energy Conservation Plan ("DRECP") which sought to streamline the permitting process for large renewable energy development projects in large sections of the California desert area. A significant driver of the DRECP project was high oil prices in the marketplace when the planning efforts commenced. As the DRECP process moved forward, oil prices receded and other smaller scale priorities were elevated, often with minimal research or analysis, in an attempt to maintain political support for the project. The Plan that resulted only marginally related to the original goals and objectives of the project and addressed a wide range of local decisions that were outside the scope of the original project. The end result of the project was a Plan that was roundly criticized and was opposed by almost all local communities involved and businesses that were originally intended to be beneficiaries of the effort.

Planning efforts must strive to address challenges that can actually be addressed at the scale of planning being undertaken and avoid directing resources towards artificially elevated planning issues. Any planning rule and subsequent regional planning must be meaningfully undertaken, avoid taking what are largely symbolic gestures on issues, avoid making local site specific decisions at the landscape level and insure that the final regional plan is a high quality document that meets the original goals and objectives of the regional planning efforts.

**4. The new planning rule must streamline and clarify the applicability of Categorical Exclusions and other lower levels of NEPA for projects.**

The new planning rule must streamline and clarify the applicability of Categorical Exclusions and other lower levels of NEPA for projects in order to provide consistency in the decision making process while reducing costs and speeding the resolution of management challenges. Often single projects or events cross multiple planning boundaries or involve multiple agencies which can result in inconsistent analysis or decisions between districts for the same project. Similar projects are often analyzed differently based on target audience of the project, such as

lower levels of NEPA being required for a heavily used bicycle trail while more NEPA analysis is often required to address a minimally used multiple use trail. While this can be defended based on guidance currently in place, this application simply makes no sense on the ground.

With the high rate of transition among field staff, this clarity in guidance will also avoid significant changes in NEP necessary for a particular project which often results in conflict between partners and delayed resolution of issues with higher costs. An example of this concern is again helpful. Many times when recreational trails are crossing wetlands or other riparian areas, these crossing need periodic maintenance and this periodic maintenance provides a good example of where streamlining would be very helpful. Some land managers will see this as a wetland or riparian restoration that can clearly be done with a categorical exclusion, while other managers will see this type of project as a trail construction issue and require at least an EA. If this type of transition occurs in the middle of the project, the project may basically stall until the higher level of NEPA is satisfied and all the while the resource damage continues to occur.

When there are multiple agencies or jurisdictions involved in the planning process, any lack of clarity in the Planning Rule or implementation documents results in higher levels of NEPA being applied to the Project. This results in significant additional time and resources being directed towards analysis of the project rather than resolving the management issue on the ground. Any new planning rules should encourage managers to look at any issue in the manner that requires the least amount of NEPA analysis. This is an issue where planning rules and subsequent guidance handbooks can provide a significant opportunity to streamline and provide line officers with an identifiable agency position that allows the project to move forward and not get bogged down in NEPA analysis.

**5a. Recognize that planning in place may effectively be challenges.**

The Organizations are aware that often there is significant public pressure on land managers to enter into planning efforts in response to a wide variety of pressures or concerns. Any new planning Rule must provide the ability to local land managers to allow a decision not to move into planning in response to a challenge. As highlighted in recent Greater Sage Grouse planning habitat management was a major planning challenges are directly impacted by private lands adjacent to public lands. Often in Sage Grouse planning, habitat areas were located more than 50% of the time on private lands adjacent to public land. As a result, planning efforts required collaboration at much higher levels than planning that only addressing public lands. Managers should be allowed to recognize this issue and rather than reenter planning simply work collaboratively with private land owners as habitat management was often an issue outside the scope of federal authority.

The Organizations also vigorously assert that recognition of existing planning effectiveness will be critical in addressing the “minimization criteria” provided for in the Travel Management Rule<sup>17</sup> when new planning efforts are adopted. Under the minimization criteria, possible resource impacts from roads and trails are to be minimized while allowing managers to achieve the management objectives for the area. Too often extensive pressure is applied on managers to minimize impacts without regard to planning in that portion of the forest. The Organizations submit that there is a limited relevance of the minimization criteria to most planning efforts unless there is a significant change in management or an intervening Congressional action such as a Wilderness or Special Management area designation. Land managers should be provided with clear management direction on this issue to avoid a management issue that after most forest planning should be resolved.

**5b. Historical usages should be provided a presumption in planning that the usage will continue unless there is a compelling reason to remove the historical usage.**

The Organizations are intimately familiar with the complete failure of many planning efforts to meaningfully recognize historical usage of public lands and often these historical usages, which are often the lifeblood of many small western communities, are lost without meaningful review of the economic contributions from these actions to local communities. While historical usages are an important factor for local communities, when these actions are addressed in planning the burden of proof to allow the usage to continue simply is unrealistic. Many times planners are seeking information that was never compiled regarding the usage of the area. The Organizations submit that historical usages of an area should enjoy a presumption in planning that the usage will continue unless there is a compelling reason to remove the historical usage.

The Organizations believe an example of this concern would be highly valuable. In a recent permit renewal for a snowmobile grooming operation that had been permitted for decades, the historical issuance of the permit and specific recognition of the activity in the Resource Management Plan was not sufficient to renew the permit as the BLM had a new Wilderness Study area manual, that allegedly forbade motorized. Immediately the community rallied in support of the grooming activities, produced decades of local news articles, numerous documents from local guides and rental operations identifying high levels of use for generations, numerous documents regarding fundraisers based in the area such as poker runs, a manufacturer's television advertisement from the late 1960's that clearly showed local landmarks and high levels of riding in the WSA. Managers were also provided with a copy of the first round WSA inventory for the area that identified high levels of snowmobile usage of the area in the 1970's.

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<sup>17</sup> See, Executive Order 11644 as amended.

This information was alleged to be insufficient to support the continuation of the historical usage. In order to issue the permit managers asserted that an exact count of visitation to the area in the 1960's and 1970's was needed despite the fact that managers had never collected and the open admission that even if such information was collected it had been destroyed due to BLM document management protocols. While this issue eventually was resolved through Congressional action protecting the historical usage of the area, this issue highlights many of the shortcomings frequently encountered in the management of historical usages of an area. While this issue has been resolved the relationship between land managers and the local community was BADLY fractured and will need decades to repair.

**6a. Credible partner information/resources can be a great resource.**

One of the preliminary planning decisions that must be highlighted to develop high quality resource plans on public lands is identifying the distinction between high quality partner based science and citizen science that may not be based on the same level of vigor in development. Too often citizen science is developed in a process that seeks to advance a specific conclusion or idea rather than developed in a scientific process where the process leads to a conclusion. Then that group prepares various inventories for submission to a land manager to influence the planning process. Additionally, if the partner organization has developed high quality site specific information under a valid scientific method, that Organization often will remain after the planning effort and provide either direct funding resources or other partner resources. Too often high quality site specific information is overlooked in favor of generalized planning principals that may be based on limited scientific research with a high level of public pressure.

The distinct difference is the quality of these resources is provided when the Western Governor Sage Grouse Inventory, developed based on a valid scientific process with dedicated partners is compared with citizen acec/wca inventory submitted in the RMP process. Often these citizen inventory are based on habitat inventory that may have been declined to be implemented in other planning process, such as the designation of critical habitat by the Fish and Wildlife Service. The planning rule must provide clear guidance that partner inventories should not be allowed to become an alternative method of moving forward with closures of modeled but unoccupied habitat created with a high degree of scientific uncertainty. Often these citizen inventories are associated with a high level of pressure from the user groups to move forward with the information despite its questionable scientific basis.

The Organizations would note that the US Fish and Wildlife Service has recently moved forward with heightened requirements for the listing of a new species and is requiring significantly more detailed information. Allowing low quality interest group information to be developed into WCA/ACEC inventory that is consistently moved upon by land managers in planning will result in these groups moving away from the USFWS and to land management agencies like the BLM.

The Organizations submit the BLM is poorly suited to address the scientific validity of an expanded citizen science driven agenda and it would be unfortunate if the USFWS revisions to the listing process were allowed to be avoided as this would simply shift management burdens currently burying the USFWS onto land management agencies that are often in a worse position to address these issues. The Rule must provide clear guidance that site specific information from credible partners must be relied on for planning over citizen inventories that are based on a high level of scientific uncertainty to insure that high quality planning documents are developed and also to allow the development of high quality partners with that land manager for the implementation of any subsequent decisions.

**6b. Relationship of Federal lands planning and the Endangered Species listing process.**

The Organizations submit that a proposed listing of any species should not be a driver for landscape level planning as often the rush to avoid the listing results in planning that lacks scientific basis and often fails to meaningfully address many of the factors to be balanced in federal lands planning and in the identification of critical habitat for a species. The Organizations understand this issue is more a result of the inflexibility and imbalance of the Endangered Species Act, there may be opportunity to address this issue in a revision of BLM planning requirements as well. While resource plan amendments certainly assisted in avoiding a listing of the Greater Sage Grouse, the experiences with the Greater Sage Grouse are often not the normal fact pattern and probably cannot be replicated. Rather than dealing with a single species covering an entire planning area, many land managers are forced to plan for areas that that may provide small habitat areas for numerous species, some of which may be listed, some of which may be in the listing process and still others that have been declined to be listed. This is a significantly different management challenge than that provided in GSG planning.

Despite the experience with Greater Sage Grouse too often a proposed listing of a species is given an artificially elevated priority in the planning process despite numerous decisions that the species does not warrant listing. Federal lands planning should not function as a replacement for the listing process under the Endangered Species governed by US Fish and Wildlife Service. Recent reviews of USFWS listing efforts find thousands of species under a proposed listing status, with thousands more involved in petitions under development or involved in litigation after a non-listing decision has been made by the USFWS. With this volume of work related to ESA listing, allowing too strong a relationship between a proposed listing and federal lands planning, would result in a federal land planning process that was overwhelmed and even the best federal lands plans would simply never be implemented on the ground. On the ground benefits must remain the priority.

US Fish and Wildlife Service has embarked on an extensive effort to streamline and balance the listing process for a proposed species. The Organizations expect that as a result of these efforts a higher emphasis will be placed on the Federal lands planning process to serve as a replacement vehicle to achieve goals and objectives that previously had targeted the USFWS listing process. The BLM managers must be aware this issue and clear guidance must be provided at a national level not allow the land management plan development process to become a replacement for the USFWS listing process, which has already become badly out of balance and directly impacting the USFWS to provide basic services in furtherance of the agency mission.

#### **6c. Leveraging of USFS resources and partner efforts.**

As funding for federal land management agencies continues to decline, the utilization of partner decisions and information must be more heavily leveraged across agency lines. Not only will this result in more cost effective planning, the leveraging of information and research minimizes the possibility of conflicting determinations on an issue, merely because of administrative differences in the planning process, as these types of differences breed conflict with partners and directly undermine the credibility of both management agencies determinations.

The Organizations are aware that the BLM has been moving towards adopting the [National Visitor Use Monitoring \(NVUM\) model and conclusions, where possible of the USFS](#). This determination provides a good example of an area where partner information could be utilized and be obtained in a cost effective manner. The Organizations vigorously assert that the NVUM process should be continued to be used at the landscape level as this process is simply far more developed than the Recreation Management Information System (RMIS) system currently utilized by the BLM. While there may be localized issues or events that are accurately and meaningfully tracked in the RMIS system, these events are not the norm.

Significant savings and streamlining of planning efforts could result from the DOI seeking to expand good neighbor authority to streamline project planning and efforts that are being undertaken on state or private lands adjacent to Federal public lands.

#### **6d. Time must be provided for any planning efforts to show results.**

Often a proposed listing of a species on the Endangered Species list or development of regional planning documents can be a major catalyst for partner planning and efforts. While a proposed listing can be a major driver of local efforts, if these efforts are meaningfully undertaken and are even holding what was thought to be a declining population at stable levels, they must be given time to be put in place and then yield results before moving forward with federal lands planning. Too often the development of this credible high quality science

from partners is subjected to the same artificial urgency concerns that have been expressed previously in these comments regarding federal lands planning. Any new planning rule should allow the flexibility in the planning process that if a credible partner agency, such as a state fish and game management agency, moves forward with resolving a valid scientific question that sufficient time will be provided in the planning process to insure the conclusions of the research is accurately implemented.

## **7. Travel management specific recommendations.**

In this section of the comments, the Organizations would like to highlight several issues or challenges that are technically outside the scope of development of the formal National Planning Rule but represent issues where significant cost savings and streamlining of the planning process could be obtained. These recommendations may provide a cost effective resolution of issues or insure that meaningful public input is provided for the project.

### **a. BLM recognition of the USFS determination that winter travel is different than summer travel**

The Organizations submit that a formal recognition by the BLM of the recent US Forest Service determination that winter over the snow travel and summer travel on federal public lands are significantly different planning issues and often provide different recreational opportunities highlights an opportunity where significant cost savings could be obtained. The Organizations submit that such a determination would further many of the local determinations that have been made as most users are not aware of BLM management of an area for winter recreation as a result of the Service First principals.

### **b. Travel management planning must occur at the local level.**

The Organizations have been significantly involved in a wide range of travel management plans developed at the Field Office level. The Organizations welcomed the repeated assertions in the Denver meeting regarding the BLM planning 2.0 proposal that the BLM was moving away from field office level travel planning in favor of more localized management decisions. After participating in numerous field office level travel plans, the Organizations believe moving to a more localized analysis level makes a lot of sense.

It has been the Organizations experience that too often meaningful public input on site specific issues or routes are lost or clouded as a result of the desire to attempt to address travel on an entire field office at once. The scope of the project simply overwhelms the public and often concerns are centered on certain issues or areas and other areas are simply overlooked despite the high levels of public interest or utilization of the area. These oversights gain significance

when the travel planning process hinges on the position that routes are closed if the route is not identified in the Field Office plan.

### 8. Conclusion.

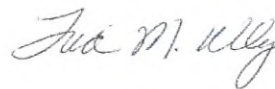
The Organizations submit that any new planning rule for the BLM must: 1. Have large amounts of public participation both in the development of the rule and subsequent implementation of more localized planning efforts; 2. Planning efforts must strive for development of a high quality planning documents that remain relevant over the expected life of the Plan rather than planning documents that are quickly developed; 3. Regional planning documents must provide regional guidelines on regional issues and avoid becoming a replacement for local planning; 4. BLM planning should streamline NEPA processes with clarification of lower levels of NEPA analysis such as the use of Categorical Exclusions and expand good neighbor authority in planning; 5. Historical uses of any area should be addressed with a presumption that the usage be continued unless a credible scientific basis can be provided to rebut the presumption; and 6. Credible partner resources must be utilized while a high level of scrutiny must be applied to citizen science in order to develop high quality planning documents in partnership with local communities that effectively address long term protection and utilization of public lands while avoiding science that advances a particular agenda without relying on valid scientific processes.

If you have questions please feel free to contact either Fred Wiley, ORBA's Executive Director at 1701 Westwind Drive #108, Bakersfield, CA. Mr. Wiley's phone number is 661-323-1464 and his email is fwiley@orba.biz. You may also contact Scott Jones, Esq. at 508 Ashford Drive, Longmont, CO 80504. His phone is (518)281-5810 and his email is scott.jones46@yahoo.com.

Respectfully Submitted,



Scott Jones, Esq.  
ORBA/TPA/COHVCO Representative  
CSA President



Fred Wiley, CNSA Past President  
ORBA President and CEO



D.E. Riggle  
Director of Operations  
Trails Preservation Alliance

Sandra Mitchell, Executive Director  
Idaho Recreation Council