

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

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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

Input: 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 no 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.

Boilster 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 FLMAs, counties and other stakeholders. G one 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(l) 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 Burros', 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 misrepresents 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 1326(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.