

APPENDIX A: SUMMARY RECOMMENDATION TABLES BY TOPIC

APPENDIX A: Summary Tables by Topic

September 27, 2017

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

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

Section 1 – Improving the NEPA Process

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

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

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

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

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

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

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

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<p>Lack of effective guidance from CEQ on cumulative effects analyses and non-federal connected actions results in analyses that encompass more than what is necessary, meaningful to analysis, or truly reasonably foreseeable.</p>	<p>Request CEQ provide guidance on further defining "reasonably foreseeable future actions"² to address the scope of a cumulative impacts³ analysis and clarifying the effects of non-federal actions when determining whether on the determination of significance for federal actions have a significant impact.</p>	<p>Policy</p>	<p>CEQ</p>	<p>6-12 Months</p>
<p>Lack of effective programmatic NEPA documents and adoption procedures leads to duplicative analyses.</p>	<p>Provide mandatory training for BLM employees focused on tools to expedite the NEPA process including the appropriate use of CXs and DNAs, right-sizing analyses to develop more EAs (including those that result in mitigated Findings of No Significant Impact) rather than defaulting to EISs, and using programmatic analyses to effectively cover many similar actions in one analysis to support site-specific decision making.</p>	<p>Policy</p>	<p>BLM</p>	<p>6-12 Months</p>
<p>Findings of No Significant Impact (FONSI)s are often written vaguely and do not clearly explain why impacts are not significant.</p>	<p>Refine the criteria used to determine significant effects to facilitate clear identification of why impacts are/are not significant in FONSI.s.</p>	<p>Policy</p>	<p>CEQ, BLM</p>	<p>1-2 Years</p>
<p>Several extraordinary circumstances are overly broad and vague; findings are difficult to support without analysis, increasing litigation risk.</p>	<p>Rewrite and/or clarify extraordinary circumstances.</p>	<p>Regulation</p>	<p>DOI, CEQ</p>	<p>1-2 Years</p>

² As included in 40 CFR 1508.7

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

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<p>The cost and amount of time, including contractor support, spent on the NEPA process is not known.</p>	<p>Promote greater transparency and accountability by publishing total costs and associated contractor support at the conclusion of the NEPA process.</p>	<p>Policy</p>	<p>BLM</p>	<p>6-12 Months</p>
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Section 2 – Leveraging Data and Technology

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

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

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<p>ePlanning⁴ and eGIS⁵ results in inefficiencies due to use of parallel and potentially incompatible locally-operated systems.</p>				
<p>The current BLM website does not display important information regarding planning and NEPA activities in a way that is easy for stakeholders to understand and access.</p>	<p>Modernize BLM web sites to be easier to access, both internally and externally.</p>	<p>Policy</p>	<p>BLM</p>	<p>6-12 Months</p>

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

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

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Section 3 – Expanding Coordination and External Engagement

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

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

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<p>Committees/Councils, result in missed opportunities to engage collaboratively with groups to address issues early and minimize delays.</p>	<p>necessary, to address what you can and cannot do and best practices for engaging RACs under FACA.</p>			
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Section 4 – Effective Integration with Other Laws

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

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

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

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

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

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Section 5 – Aligning Internal Business Processes

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

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

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

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

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

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Section 6 – Improving Land Use Planning

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

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

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<p>Access to clear information about planning and NEPA documents status is not consistently available.</p>	<p>Establish a publicly available database or dashboard to track important milestones associated with planning and NEPA documents</p>	<p>Policy</p>	<p>BLM</p>	<p>1-2 Years</p>
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