

Preliminary Categorical Exclusion Documentation
2016 Proposed Rule
43 CFR Part 1600

A. Background

The Bureau of Land Management (BLM) proposes to amend existing regulations that establish the procedures used to prepare (including revision) or amend land use plans pursuant to the Federal Land Policy and Management Act (FLPMA). The proposed rule would improve the BLM's ability to address landscape-scale resource issues and to respond more effectively to environmental and social changes. The proposed rule would also update existing provisions for public involvement in the planning process, including new opportunities for public involvement and requirements for increased transparency during the preparation of Resource Management Plans (RMPs). Finally, the proposed rule would amend part 1600, including the existing definitions section, to clarify existing text, improve readability, introduce new concepts, standardize use of FLPMA statutory terms, and reflect current style guidelines.

In addition to the proposed rule, the BLM is also revising its Land Use Planning Handbook (H-1601-1) to provide more extensive guidance. The BLM has taken a coordinated approach to ensure that these two efforts provide consistent requirements and guidance for developing resource management plans. These combined efforts are referred to as the "Planning 2.0" initiative. This categorical exclusion documentation supports the rulemaking action only and does not address the forthcoming revision to the Land Use Planning Handbook.

B. Proposed Action

The BLM proposes to modify Title 43 Code of Federal Regulation (CFR) part 1600 as issued under the authority of Sections 201 and 202 of FLPMA (43 U.S.C. 1711-1712); the Public Rangelands Improvement Act of 1978 (43 U.S.C. 1901); Section 3 of the Federal Coal Leasing Amendments Act of 1976 (30 U.S.C. 201(a)); Sections 522, 601, and 714 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 *et seq.*); and consistent with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*).

Proposed modifications are described in the Preamble to the proposed rule.

B. Public Involvement

The BLM has conducted outreach and public engagement activities as a part of the Planning 2.0 initiative. The outreach was for the overall Planning 2.0 initiative, which includes the proposed rule and a forthcoming revision of the Land Use Planning Handbook. The BLM launched the Planning 2.0 initiative in May 2014, by seeking public input on how the land use planning process could be improved. The BLM developed a Web site for the initiative (www.blm.gov/plan2) and issued a national press release with information on how to provide input to the agency. The BLM held two public listening sessions in Denver, Colorado (October 1, 2014) and in Sacramento, California (October 7, 2014). Both meetings were led by a third-party facilitator and were available to remote participants through a live broadcast of the event over the Internet (livestream). The goals of these meetings were to share information about the Planning 2.0 initiative with interested members of the public, to provide a forum for dialogue about the initiative, and to receive input from the public on how best to achieve the goals of the

initiative. The agency also conducted extensive outreach to State and Tribal governments along with various Federal Advisory Committee Act-chartered Resource Advisory Councils.

Since May 2014, over 6,000 groups and individuals have submitted written comments for BLM's consideration. This information was summarized into a written report and made available on the Planning 2.0 Web site on February 3, 2015. The BLM has considered this information and worked to find an appropriate balance between different needs and perspectives in the development of the proposed rule. This consideration is not, however, intended to replace the formal comment period associated with the rulemaking process.

The BLM will provide additional outreach and opportunities for public involvement associated with the Planning 2.0 Initiative.

C. Compliance with the National Environmental Policy Act

The action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 43 CFR 46.201(i):

Policies, directives, regulations, and guidelines that are of an administrative, financial, legal, technical, or procedural nature; or whose environmental effects are too broad, speculative, or conjectural to lend themselves to meaningful analysis and will later be subject to the NEPA process, either collectively or case-by-case.

The existing planning rule is entirely procedural in character, and implements Section 202 of FLPMA. The actual planning decisions reached through the planning process are themselves subject to compliance with NEPA's analytical requirements, as well as with the statute's public involvement elements. Likewise, the proposed modifications of this rule are entirely procedural. Any decisions that might be reached through the planning process, as proposed for revision through this rulemaking, would be subject to compliance with NEPA. For this reason, the BLM's reliance upon this categorical exclusion is appropriate.

Examples of some of the proposed changes include: distinguishing between plan components and implementation strategies; adjusting the planning process such that RMPs are designed to focus on planning-level management direction (i.e., plan components); and revising the procedures for the preparation and amendment of an RMP. For example, modifications to 43 CFR subpart 1601 establish responsible and deciding officials' roles and responsibilities and revise definitions; modifications to 43 CFR subpart 1610 describe plan components and revise procedures for public involvement and preparation of an RMP.

D. List of Preparers

Leah Baker	Acting Branch Chief, Planning & NEPA; BLM Washington Office
Shasta Ferranto	Project Manager; BLM Washington Office
Nicollee Gaddis	Planning & Environmental Coordinator; BLM Southern Nevada District Office

Review of Extraordinary Circumstances

The Department of the Interior regulations implementing NEPA require review of the following “extraordinary circumstances,” to determine if an otherwise categorically excluded action, such as proposed modification to BLM’s planning regulations, would require additional environmental analysis/documentation. (43 CFR 46.205(c)(1); 43 CFR 46.215)

1) *Does the proposed action have significant impacts on public health or safety?*

Yes No

Comments: The proposed rule would not have any impacts on public health and safety as it is specifically procedural in nature. The proposed rule modification would affect how the BLM prepares and amends RMPs. Since the preparation and amendment of RMPs is subject to NEPA analysis, any potential impacts to public health and safety would be analyzed and considered during the development, revision, or amendment of individual RMPs.

2) *Does the proposed action have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas?*

Yes No

Comments: Because it is procedural in nature, the proposed rule modification would not have any impacts on natural resources and unique geographic characteristics, such as historic or cultural resources; park, recreation, or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas. The proposed rule would affect how the BLM prepares and amends RMPs. Since the preparation and amendment of RMPs is subject to NEPA analysis, any potential impacts to these resources would be analyzed and considered during the preparation or amendment of individual RMPs.

3) *Does the proposed action have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources (NEPA Section 102(2)(E))?*

Yes No

Comments: The proposed rule would not have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources (NEPA Section 102(2)(E)) as this rule is specifically procedural in nature. The proposed rule modification would affect how the BLM prepares and amends RMPs. Since the preparation and amendment of RMPs is subject to NEPA analysis, any highly controversial environmental effects or unresolved conflicts concerning alternative uses of available resources would be analyzed and considered during the preparation or amendment of individual RMPs.

4) *Does the proposed action have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?*

Yes No

Comments: The proposed rule would not have highly uncertain and potentially significant

environmental effects or involve unique or unknown environmental risks as this rule is procedural in nature. The proposed rule modification would affect how the BLM prepares and amends RMPs. Since the preparation and amendment of RMPs is subject to NEPA analysis, any potentially uncertain and significant environmental effects of unknown environmental risks would be analyzed and considered during the preparation or amendment of individual RMPs.

5) *Does the proposed action establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects?*

Yes No

Comments: The proposed rule would not establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects as this rule is procedural in nature. The proposed rule modification would affect how the BLM prepares and amends RMPs. Since the preparation and amendment of RMPs is subject to NEPA analysis, any potentially significant effects would be analyzed and considered when informing decisions associated with the preparation or amendment of individual RMPs.

6) *Does the proposed action have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects?*

Yes No

Comments: The proposed rule would not have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects as this rule is procedural in nature. The proposed rule modification would affect how the BLM prepares and amends RMPs. Since the preparation and amendment of RMPs is subject to NEPA analysis, any potentially significant cumulative effects would be analyzed and considered during the preparation or amendment of individual RMPs.

7) *Does the proposed action have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the bureau or office?*

Yes No

Comments: The proposed rule would not have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the bureau or office as this rule is procedural in nature. The proposed rule modification would affect how the BLM prepares and amends RMPs. Since the preparation and amendment of RMPs is subject to NEPA analysis, any potential impacts to properties listed or eligible for listing on the National Register of Historic Places would be analyzed and considered during the preparation or amendment of individual RMPs.

8) *Does the proposed action have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat?*

Yes No

Comments: The proposed rule would not have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat as this rule is procedural in nature. The proposed rule modification would affect how the BLM prepares and amends RMPs. Since the preparation and amendment of RMPs is subject to NEPA analysis, any potential impacts to threatened or endangered species

or related critical habitat would be analyzed and considered during the preparation or amendment of individual RMPs.

9) *Does the proposed action violate a Federal law, or a State, local, or Tribal law or requirement imposed for the protection of the environment?*

Yes No

Comments: The proposed rule would not violate a Federal law, or a State, local, or Tribal law or requirement imposed for the protection of the environment. The proposed rule modification would affect how the BLM prepares and amends RMPs. Since the preparation and amendment of RMPs is subject to NEPA analysis, any potential violations of Federal, State, local or Tribal law imposed for the protection of the environment would be considered during the preparation or amendment of individual RMPs.

10) *Does the proposed action have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898)?*

Yes No

Comments: The proposed rule would not have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898) as this rule is specifically procedural in nature. The proposed rule modification would affect how the BLM prepares and amends RMPs. Since the preparation and amendment of RMPs is subject to NEPA analysis, any disproportionately high and adverse effects to low income or minority populations would be analyzed and considered during the preparation or amendment of individual RMPs.

11) *Does the proposed action limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).*

Yes No

Comments: The proposed rule would not limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007) as this rule is procedural in nature. The proposed rule modification would affect how the BLM prepares and amends RMPs. Since the preparation and amendment of RMPs is subject to NEPA analysis, any potential limitation of access to and ceremonial use of Indian sacred sites on Federal lands or adverse effects to the physical integrity of such sites would be analyzed and considered during the preparation or amendment of individual RMPs.

12) *Does the proposed action contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112)?*

Yes No

Comments: The proposed rule would not contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112) as this rule is procedural in nature. The proposed rule modification would affect how the BLM prepares and amends RMPs. Since the

preparation and amendment of RMPs is subject to NEPA analysis, any potential introduction, support of continued existence, or spread of noxious weeds and non-native species would be analyzed and considered during the preparation or amendment of individual RMPs.