UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Oregon State Office
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Information Bulletin No. OR-2004-005

To: District Managers: Coos Bay, Eugene, Lakeview, Medford, Roseburg and Salem

From: Deputy State Director for Resource Planning, Use and Protection

Subject: Western Oregon Resource Management Plans and Environmental Analyses; Documentation of Periodic Reviews and Evaluations

Bureau planning regulations (43 Code of Federal Regulations Part 1610.4-9) require periodic land use plan evaluations to determine whether mitigation measures are satisfactory, whether there has been significant change in the related plans of other Federal agencies, State, or local governments or Indian tribes, or whether there is new data of significance to the plan. This type of interdisciplinary and interoffice review is considered a formal "special evaluation" and results in an approved document, which becomes part of the formal evaluation file, as well as the Field Office planning records. Conclusions typically identify what is working well, where there are additional opportunities to either clarify or streamline procedures, and any major public or intergovernmental issues or management concerns which may trigger a formal land use plan amendment or revision. Evaluations are guided by the Bureau's H-1601-1 Land Use Planning Handbook at sections V and VI. Your staff should be requested to review these (attached) handbook sections for the types of questions asked in evaluations and the types of new information or circumstances which could warrant consideration of a Resource Management Plan (RMP) amendment or revision.

The six western Oregon RMPs were approved in 1995 and formally evaluated by interdisciplinary teams based on the first three full fiscal years of implementation. All six RMPs must be evaluated again as a part of our periodic review process and to assist in determining inventory needs for RMP revision efforts. Although the American Forest Resource Council vs. Bureau of Land Management (BLM) settlement agreement directs us to prepare revisions to address specific issues, not all land use allocations or management prescriptions may be explicitly required to have RMP revisions. In other words, completion of formal RMP evaluations will allow us to focus any plan revision efforts on resources or program elements that clearly merit consideration of change, versus being carried forward as common to all action alternatives.

The staff discussions will help us identify where new information or analyses, changing circumstances, resource use trends or demands, federal policies, litigation, or legislation suggests the need to maintain, amend, or revise the plan. Information Bulletin No. OR-2003-237 provided information on specific evaluation schedules and participating team members. The evaluations will focus on RMP level allocations and management direction, with progress measurements and reports as documented in the Annual Program Summaries and available FY 2003 end-of-year

reports. In-depth discussions on various programs will be limited but will address aspects of forest and woodland health, wildfire suppression, use of prescribed fire and related emissions, wildlife (and livestock, where appropriate) management, and riparian area management and realty, including land tenure and renewable energy. We will also review the energy minerals and renewable energy and transmission program, in part to support the analytical needs associated with the Energy Policy and Conservation Act.

The field phase of the evaluations will be conducted in the period October 28 through November 21, 2003. We generally open and close the field phase of the evaluation with a meeting with line managers and resource program leaders. Subsequent resource or program discussions will be conducted with an interdisciplinary team approach. The following is our current schedule of specific visits:

1. Klamath Falls, October 28-30, 2003 (travel by air);
2. Salem, November 3-4, 2003;
3. Eugene, November 6-7, 2003;
4. Medford, November 12-14, 2003 (travel by air);
5. Roseburg, November 17-19, 2003 (split days); and
6. Coos Bay, November 19-21, 2003 (split days).

A sample discussion schedule, based on the five recent eastern Oregon RMP evaluations, is attached and proposed to allow your staff to meet other obligations and still ensure adequate time to examine and document all significant concerns. Oregon State Office (OSO) staff participants include Eric Stone, interim Project Manager (as the lead evaluator); Larry Larsen, Forester; Craig MacKinnon, Range Conservationist; George Buckner or Barbara Hill, Wildlife Biologists; Ron Price, Off-Highway Vehicle program leader; and Duane Dippon, ARD/GIS Specialist. A planner from another District will also be part of the evaluation team, with interoffice “exchanges” requested as follows: Salem-Eugene, Coos Bay-Roseburg, and Medford-Lakeview, expected to fill those roles. Since evaluations are considered interdisciplinary, your staff experts should plan to participate to facilitate identification of common issues, data needs, and regional resource assessment opportunities. However, it should be noted that due to the time constraints, a single spokesperson for each resource program will be expected to have the RMP-wide perspective and be able to answer all of the evaluation inquiry areas within the sample agenda timeframes.

After the evaluation is approved by the evaluation team and concurred by the applicable Resource Area Field Managers and District Managers, a copy will be sent to the applicable field office for official filing. This allows formal documentation of the findings and appropriate actions by the State Director, District and Field Managers, and applicable staff to further improve plan implementation or assist in the initiation of plan amendments or revisions or documentation of plan maintenance. Eric Stone at 503-808-6087 is the interim Western Oregon RMP Revision Project Manager and will be your lead staff contact in the OSO as we organize, conduct, approve, and implement the evaluations.

If you have any further questions or need support in arranging inter-District support staff, please contact Judy Nelson, Acting Deputy State Director for Resource Planning, Use and Protection, at 503-808-6056.

Districts with Unions are reminded to notify their unions of this Information Bulletin and satisfy any bargaining obligations before implementation. Your Servicing Personnel Office or Labor Relations Specialist can provide you assistance in this matter.

Signed by
Judy Ellen Nelson
(Acting)

Authenticated by
Mary O'Leary
Management Assistant

2 Attachment(s)
1 - H-1601-1 Land Use Planning Handbook: Section V, Monitoring and Evaluation;
Section VI, Determining if New Decisions are Required (subsections A-D) (6pp)

2 - Anticipated Western Oregon District Resource Management Plan Evaluation Agenda (1p)

Distribution
WO-210 (1075LS)

H-1601-1 Land Use Planning Handbook (excerpts), Release 1-1667, 11/22/00

V. Monitoring and Evaluation

The regulations in 43 CFR 1610.4-9 require that land use plans establish intervals and standards for monitoring and evaluations, based on the sensitivity of the resource decisions involved.

A. Monitoring.

Land use plan monitoring is the process of tracking the implementation of land use planning decisions. In Appendix C, each resource program identifies desired land use plan decisions. BLM Field Offices must determine what actions are needed to implement those decisions. Sometimes actions occur just once, e.g., the development of an implementation plan; actions occur on a fairly regular basis, e.g., steps taken to repair a damaged watershed. Monitoring is the process of following up on these actions and documenting BLM's progress toward full implementation of the land use plan decision. Field offices are encouraged to involve tribes, State and local governments, and the public if they express an interest in participating in this process.

A monitoring schedule must be developed in BLM's land use plans to periodically (annually is recommended) revisit plan decisions and track progress toward accomplishment. Land use plan monitoring should be documented with a plan implementation tracking log or report. This report must be available for review by the public. In the log or report, field staff can describe actions proposed to implement plan decisions; this information can also be used to develop annual budget documents. In subsequent years, staff can document whether these actions were actually completed and what further actions are needed to continue implementing the plan decisions. Monitoring helps to create a "living plan" and accountability for full plan implementation.

The land use plan may also identify intervals and standards for "resource" monitoring. Where resource monitoring intervals are established, plan monitoring must address whether these resource monitoring activities are being carried out.

B. Evaluation.

Evaluation is the process of reviewing the land use plan and the periodic plan monitoring reports to determine whether the land use plan decisions and NEPA analysis are still valid and whether the plan is being implemented. Land use plans are evaluated to determine if: (1) decisions are current, (2) any decisions need to be revised, (3) any decisions need to be dropped from further consideration, and (4) any areas require new decisions.

LUP evaluations determine if decisions are being implemented, whether mitigation measures are satisfactory, whether there are significant changes in the related plans of other entities, whether there is new data of significance to the plan, and if decisions should be changed through amendment or revision. Plan evaluations should also be completed prior to any new planning starts that will replace an existing plan, for plan revisions, and for major plan amendments. However, if existing monitoring data, along with previously completed evaluations, substantiates the need for a plan revision or amendment, proceed with the revision or amendment.

An evaluation schedule shall be developed in the land use plan to periodically (at least every 5 years is recommended) evaluate the plan. Special or unscheduled evaluations may also be required to review unexpected actions or significant changes in the related plans of Indian tribes, other Federal agencies, and State and local governments, or to evaluate legislation or litigation that has the potential to trigger an RMP amendment or revision.

Evaluations will be used by the BLM to determine if LUP decisions and NEPA analyses are appropriate. Evaluations may identify resource needs and means for correcting deficiencies and addressing issues through plan maintenance, amendments, or new starts. They should also identify where new and emerging resource issues and other values have surfaced. Evaluations may also identify new and innovative practices that improve effectiveness and efficiency so that other offices may benefit.

1. **Process**. The following section outlines the recommended process for completing land use plan evaluations.
   a. State offices, with input from the field, identify reasons for evaluating the RMP.
   b. Where appropriate, State and Field Offices identify LUPs that can be grouped/batched in a geographic region or planning area to look at issues that cut across boundaries (State and Field Offices). Each plan should have its own evaluation documentation as well as a combined (grouped/batched) evaluation for all RMPs identified in the geographical region or planning area.

c. State and Field Offices identify what the evaluation is to measure. In some cases, the RMP/ROD may have identified both monitoring and evaluation measures, units, and programs, and may even have specified the monitoring/evaluation questions to be answered.

d. The State Office may develop and send questionnaires to Field Offices (specific to the State and Field Offices) to focus the evaluation, along with instructions for completing it. Evaluations must be tailored to individual land use plans; however, a comprehensive evaluation must address the following questions:

(1) Are actions outlined in the plan being implemented?

(2) Does the plan establish desired outcomes (i.e., goals, standards, and objectives)?

(3) Are the allocations, constraints, or mitigation measures effective in achieving the desired outcomes? This determination is often made based on information obtained from resource assessments.

(4) Do decisions continue to be correct or proper over time?

(5) Have there been significant changes in the related plans of Indian tribes, State or local governments, or other Federal agencies?

(6) Are there new data or analyses that significantly affect the planning decisions or the validity of the NEPA analysis?

(7) Are there unmet needs or new opportunities that can best be met through a plan amendment or revision, or will current management practices be sufficient? For example, are there outstanding requests for ACEC designations to protect resource values? Note: ACEC's must be designated through the land use planning process.

(8) Are new inventories warranted pursuant to BLM's duty to maintain inventories on a continuous basis (FLPMA, Section 201)?

(9) Are there new legal or policy mandates as a result of new statutes, proclamations, executive orders, or court orders not addressed in the plan?

e. The State and Field Office establish/identify an interdisciplinary team that will complete the evaluation(s). If available, the team should include specialists from State and Field Offices as well as adjoining State(s), and representatives from WO-210, WO-170 (if NLCS units are involved), and tribes, other Federal agencies, State and local governments, and the public. The interdisciplinary team should represent the major resources/programs present in the LUP evaluation area and should be encouraged to incorporate other (technical procedures) evaluations or analyses that address the same resources and provide useful information.

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f. The evaluation team should review both published and unpublished documents that implement or support the RMP decisions and NEPA analysis [e.g., Management Situation Analysis, area wide mineral reports, socioeconomic studies/analyses, reasonably foreseeable development (RFD) scenarios, ACEC reports, documents incorporated by reference/adoption, and other studies (wild and scenic river, wilderness, T&E, water, etc.)]. The evaluation reports should also cite examples of implementation plans (at the activity level) that incorporate new information, address new issues, and provide either more detailed decisions or additional protective management direction. These may include formal decision-making documents as well as watershed-level analyses and other landscape units or plans.

g. The evaluation team should review NEPA compliance and procedural conformance records within the LUP evaluation [e.g., Determination of NEPA Adequacy, which typically relies on the RMP and associated NEPA documents (categorical exclusions)].

h. The official who initiates the evaluation (WO, SD, or FM) should be the approving official. State Directors should concur with evaluations approved at the Field Office level.

2. **Evaluation Report**. An evaluation report documenting the findings of the evaluation must be prepared. Following State Director approval or concurrence, the report will be made available to the public. The following report format is recommended. If appropriate, use charts, diagrams, and matrixes to display or summarize information.

a. Introduction

b. Purpose of evaluation

c. Approach

d. Results and findings

(1) Document conclusions regarding achievement of desired outcomes as well as any individual program or resource management issues associated with plan implementation.

(2) Identify decisions to be carried forward (i.e., no change needed), decisions needing to be modified, decisions needing to be dropped, and new decisions needed.

e. Recommendations, including any resource- or program-specific actions needed and other follow-up opportunities for BLM Field and State Offices or interagency consideration.

f. Approval and concurrence.

VI. Determining if New Decisions are Required

A. Specific regulatory requirements for considering new information or circumstances.

New information, updated analyses, or new resource use or protection proposals may require amending or revising land use plans and updating implementation decisions. The primary requirements for considering new information are as follows:

1. The BLM planning regulations require evaluating whether there is new data of significance to the land use plan (see 43 CFR 1610.4-9) and whether plan amendments (see 43 CFR 1610.5-5) or revisions (see 43 CFR 1610.5-6) are required.
2. The CEQ regulations (40 CFR 1502.9 (c)) require BLM to prepare supplements to draft or final EISs if the agency makes substantial changes in the proposed action that are relevant to environmental concerns, or if there are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts.

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3. Joint agency ESA regulations (see 50 CFR 402.16 (b)) require consultation to be reinitiated if new information reveals that decisions may affect listed species or critical habitat in a way or to an extent not previously considered, including exceeding the incidental take for a particular action.

B. Considering new proposals, circumstances, or information.

New data or information can include, but is not limited to:

1. Changes in status, new listings or new critical habitat designations for endangered, threatened, and other special status or sensitive species (see Appendix C, Section I.G).
2. Changes in intensity of use or impact levels for a particular resource (e.g., increased recreation use as a result of urban expansion).
3. Changes in social and economic conditions resulting from urban expansion or broad conservation efforts (e.g., open space management).
4. Public comment or staff assessments indicating that new information or changed circumstances warrant a reconsideration of the appropriate mix of uses on particular tracts of public lands.
5. A biological opinion issued by the Fish and Wildlife Service or the National Marine Fisheries Service on actions in the planning area.
6. Information from tribes, elected county officials, State agencies, or other Federal agencies on significant changes in their related plans or resource conditions that are critical to BLM land use plans and/or subordinate implementation plans.
7. New State listings of water-quality-limited streams (Clean Water Act, Section 303 (d), Total Maximum Daily Load (TMDL) developments, or non attainment area designations (Clean Air Act) that may lead to the identification of new management practices that would require additional NEPA compliance and could require new land use plan decisions.
8. New geochemical, geologic, or geophysical data.
9. New cultural resource data.
10. Environmental disturbances that significantly change natural conditions (e.g., wildfires, floods, or weed infestations).
11. Monitoring data and resource assessments associated with implementing resource management actions designed to

achieve resource objectives and land health standards.

12. Land use plan evaluations that weigh and interpret information gathered through resource monitoring.
13. Determinations as to whether mitigation measures outlined in the plan are effective.
14. New national policy or a change in legal duties resulting from laws, regulations, executive orders, or BLM directives. An example would be designation of a river segment under the Wild and Scenic Rivers Act that mandates a protection and enhancement standard that, in turn, may affect resource management objectives, conditions, or uses (e.g., livestock grazing or proposed projects) outlined in the land use plan.
15. Information from the public or others regarding conditions or uses of resources on public lands.

C. Deciding whether changes in decisions or the supporting NEPA analysis are warranted.

The determination whether to amend or revise an RMP based on new proposals, circumstances, or information depends on 1) the nature of new proposals, 2) the significance of the new information or circumstances, 3) specific wording of the existing land use plan decisions, including any provisions for flexibility, and 4) the level and detail of the NEPA analysis. A "yes" answer to any of the following five questions suggests the need to revisit existing decisions and/or the NEPA analysis:

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1. Does the new information or circumstance provide for new interpretations not known or considered at the time existing decisions were made that could measurably affect ongoing actions?

   For example: Current land use plan decisions may require that all wildland fires be suppressed to limit the fire to the smallest acreage possible and make no provision for prescribed fires.

   This conflicts with new Secretarial policy guidance that wildland fire, as a critical natural process, must be reintroduced into the ecosystem.
2. Are the decisions in the current land use plan no longer valid, based on new information or changed circumstances? If decisions are not valid, the decisions need to be vacated, replaced, or changed through plan amendment or revision. Examples of situations that may require new or changed land use plan decisions include, but are not limited to the following:
   a. Monitoring information may show the need to discontinue managing a herd in an existing herd management area (HMA) because it is not practical to preserve or maintain a thriving ecological balance with the multiple use relationships in that area. Conversely, new herd management areas could be established if an analysis of monitoring data show that a viable herd could be established and meet the requirements for maintaining a thriving ecological balance.
   b. The voluntary relinquishment of the grazing preference and permit on an allotment or the inability to achieve Land Health Standards under any level or management of livestock use may affect the decision identifying that allotment as being available for livestock use.
   c. Consultations resulting in new requirements or actions that are not in conformance with the existing land use plan to protect threatened or endangered species or critical habitats may require new land use plan decisions, including new or supplemental NEPA analysis.
   d. New requirements or actions that affect land use allocations or area wide constraints or restrictions established at the land use plan level would require amendment of land use plan decisions.
   e. Current scientific knowledge, as reflected in scientific literature could highlight a need to change plan decisions.
   f. Public comment or a staff assessment supporting a different mix of uses on the lands that will better promote the long-term health and sustainability of the lands and their resources could require an amendment.
3. Are implementation decisions no longer valid, based on new information or changed circumstances? Site-specific resource-use levels or management actions normally do not require a land use plan amendment if the land use plan decisions provide broad direction for these uses and actions; however, they may require appropriate NEPA analysis. For example:
   a. The level of livestock use permitted in an allotment may normally be modified based on allotment-specific resource assessment, condition, and trend-monitoring data.

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b. Resource use levels or management practices, such as permitted livestock use or pre-commercial forest thinning, may normally be modified or eliminated on a site-specific or project-level basis to satisfy the needs of threatened or endangered species or their critical habitat, as detailed in biological opinions or approved recovery plans. Elimination of livestock grazing on an entire allotment is a management decision that should be thoroughly analyzed through the plan amendment process and not through a maintenance action.

4. Are effects of ongoing actions, in light of new information or circumstances, substantially different from those projected in existing NEPA analyses? If "yes," conduct a new or supplemental NEPA analysis to the extent necessary to address the differences and document the findings.

   a. Consider direct and indirect effects and their significance.

   b. Consider cumulative effects and whether the new information or circumstances identify or produce incremental impacts added to those resulting from other past, present, and reasonably foreseeable future actions. Does the additional effect, in the context of the ongoing action, require further mitigation or new decisions?

5. In light of new information or circumstances, are there now inconsistencies between the ongoing action and the resource-related plans of Indian tribes, State and local governments, or other Federal agencies that render earlier consistency findings invalid? Changes in land use plan decisions through amendment or revision must be accompanied by new consistency determinations.

Further NEPA analysis may be conducted to help determine whether decisions are still valid. It is possible to conduct additional NEPA analysis and reach a conclusion that no change is needed in decisions, but the decisions cannot be changed without additional NEPA analysis.

D. Documenting the determination to modify, or not to modify, decisions or NEPA analysis.

It is important to document decisions to modify or not modify the land use plan or NEPA analysis when these decisions are reached as part of the formal land use plan evaluation process (Section V). In reviewing new information or circumstances that are controversial or of interest to the public, it is also important to provide all interested parties with written documentation of BLM's determination.

In response to an outside application or internal proposal, a decision not to change land use decisions will be documented in the case file and/or in the response to the applicant. If the decisions not to amend the plan was made through a NEPA analysis, then that decision can be documented in the Plan Conformance section of the NEPA document. If the decision is to change decisions or revisit the NEPA analysis, the rationale to modify, revise, or further evaluate decisions or NEPA analysis may be documented in a Notice of Intent prepared during scoping activities or in the planning or NEPA document.