**Fact Sheet** – **Land Use Planning – Final Rule**

***December 1, 2016***

The BLM manages more than 10% of the nation’s land and 30% of the nation’s subsurface minerals under the authority granted in the Federal Land Policy and Management Act of 1976 (FLPMA). FLPMA requires the BLM to manage the public lands for multiple-use and sustained yield. To accomplish those management goals, FLPMA requires the BLM to prepare land use plans in coordination with other Federal agencies and state, local, and tribal governments. Resource management planning is an essential tool for balancing the many competing uses and values of the public lands.

The BLM’s regulations that guide the planning process have not been updated significantly in more than thirty years. State, local and tribal governments and the public have told the BLM that the planning process is too slow – plans take an average of eight years to complete – and is not responsive or transparent to the public. By the time resource management plans are completed, they often are outdated or challenged in court, further delaying implementation. Concerns were also expressed that the plans are not responsive to the changing circumstances and demands on the public lands and do not use best practices to deal with new or ongoing issues.

 The BLM developed the final planning rule through significant outreach and discussion with State and local governments, communities, stakeholders, other governmental partners, and the public. The goal of the final rule is to allow the BLM to more effectively address the complex issues facing the public lands in a timely manner and increase engagement.

**Highlights of the Final Rule**

* **Involving the Public Early.** The final rule enhances opportunities for public involvementin a number of ways, includingthe addition of a planning assessment as the first step in the process. The BLM will first solicit input from stakeholders to help identify public views, define the planning area boundary, and collect the best available information. In another new opportunity for public involvement, the BLM will develop preliminary alternatives, which will be made available for public review before the draft resource management plan is published. These new steps are in addition to, not replacements for, all of the public involvement opportunities previously available in the planning process.
* **Promoting Efficiency** We believe that early feedback from the public will make the planning process more efficient and effective. Supplemental analyses will be needed less often, and litigation should be reduced by identifying and addressing concerns and conflicts earlier.
* **Public Comment Periods Appropriate to the Task.** The final rule increases the minimum period that public comments will be accepted on often-complex draft resource management plans from 90 days to 100 days. In order to increase efficiency and in recognition of the fact that plan amendments are typically a lot shorter and less complex than full plans, the rule reduces the minimum comment period for draft amendments from 90 days to 60 days. In appropriate circumstances any comment period also can be extended.
* **Strengthening Partnerships.** The final rule preserves and enhances the BLM’s partnerships with state, local, and tribal governments. FLPMA and the National Environmental Policy Act give other Federal agencies and state, local, and tribal governments a special role in the planning process and include coordination and consistency requirements. If other governmental entities choose to participate as cooperating agencies, they work side-by-side with the BLM at every stage of the process, sharing information and draft documents that are not available to the public. The rule also recognizes the unique coordination that will occur with other Federal agencies and state, local and tribal governments even if they choose not to be cooperating agencies so that the BLM keeps apprised of and considers their plans, policies, and management programs and assists in resolving any inconsistencies between their plans and BLM plans. Finally, the new opportunities for public involvement discussed above also will be available to other Federal agencies and state, local, and tribal governments at early stages of the process.
* **Planning With High Quality Information and at an Appropriate Scale.** The final rule encourages planning at a scale that makes sense given the resources involved. It ensures adequate flexibility to obtain high quality information about those resources at all stages of the process and to identify planning area boundaries and decision makers that are most relevant to the resource issues presented. The decision maker will in most cases still be the State Director, as it is today, but the rule provides for other configurations when that makes sense. In addition, the rule supports the use of best practices developed over the years to consider the breadth of resource values, the uses that people make of those resources, environmental and ecological conditions on the ground, and the social and economic needs and concerns of local communities.
* **Adapting to Change.** Pressures on BLM lands have increased due to growing demand for use, more competing uses, and resource issues such as invasive species and wildfire. The final rule will better enable the Bureau to respond to change by providing for the use of adaptive management. Under the final rule, resource management plans will set clear goals and objectives to guide future management and allow for the use of adaptive management techniques.
* **Reaffirming Essential FLPMA Policy.** The final rule revises and clarifies the existing planning rule. It reinforces the policy direction in FLPMA requiring management of the public lands for multiple use and sustained yield and includes a definition of the concept of sustained yield, emphasizing this core tenet of the BLM’s approach to public land management.

**Key Differences between the Proposed Rule and Final Rule**

**Public Comment Periods Appropriate to the Task.** The proposed rule would have reduced the minimum length of formal public comment periods on draft land use plans (from 90-days to 60-days) and plan amendments when an environmental impact statement (EIS) is prepared (from 90-days to 45-days).

Public comments largely supported the new, early opportunities for public involvement, but generally did not support a reduction in formal comment periods. The final rule adopts the new opportunities for public involvement and expands the current 90-day comment period for draft land use plans to 100 days. The final rule reduces the current 90-day comment period for EIS-level plan amendments to 60-days instead of 45-days as proposed.

**Planning Areas and Responsibilities.** The existing planning regulations identify the BLM field office as the default boundary for land use plans and assign responsibility for the preparation of resource management plans to BLM Field Managers and approval of resource management plans to BLM State Directors. Under the existing regulations as well as the final rule, the BLM Director has the authority to assign these responsibilities to a higher level or to select a different boundary.

The proposed planning rule would have removed the default planning area boundary and replaced references to State Directors with “deciding official” and Field Manager with “responsible official.” Although many public comments supported these changes, other comments expressed concern that this approach would dilute local needs or concerns and reduce the ability of State and local governments to influence BLM resource management plans. The final rule adopts the proposed terminology changes to “responsible official” and “deciding official,” but provides that, when land use plans do not cross State boundaries, the default deciding official will be the BLM State Director.

**Notice Requirements.** The proposed planning rule would have replaced several requirements to publish a notice in the Federal Register with a requirement to notify the public through other means, including direct email or posting to the BLM website and at local BLM offices.

Many comments requested that the BLM retain all existing Federal Register notice requirements.In response to these comments, the final rule retains most existing Federal Register notice requirements, in addition to alternative forms of notification.

**Distinction between Plan Components and Implementation Strategies.** The proposed rule would have distinguished between planning-level decisions (referred to as plan components) and strategies to implement the plan (referred to as implementation strategies). This proposed change was intended to provide clarity on what is considered “planning-level” management direction and requires a plan amendment to change.

Many comments stated that the concept of “implementation strategies” created confusion and uncertainty, not clarity. In response, the final rule adopts the proposed “plan components” which provide planning-level management direction, but does not adopt the proposed “implementation strategies.”

**Coordination with State, Tribal, and Local Governments.** The BLM received many public comments regarding coordination with State, Tribal, and local governments, as provided in section 202(c)(9) of FLPMA. Many comments raised concerns that the proposed rule would diminish coordination requirements. Several changes are made to clarify coordination requirements in response to these comments, while retaining the existing framework for coordination, to ensure the BLM “keep[s] apprised of the plans, policies and management programs of other Federal agencies, State and local governments, and Indian tribes.” In addition, the final rule includes a new regulatory requirement to consult with Indian tribes on a government-to-government basis during the preparation and amendment of resource management plans.

**Cooperating Agency Status.**  The BLM received many public comments stating that the proposed rule contained language that commenters believed would restrict which agencies could participate as “cooperating agencies.” This was not the intention, and this language was removed. The final language tracks the Council on Environmental Quality’s NEPA implementation regulations and the Department of the Interior’s NEPA implementation regulations.

**Consistency with State, Tribal, and Local Government Plans.**  Several public comments expressed concern that the proposed language could be read to narrow inappropriately the BLM’s responsibility to maximize consistency with the plans of other Federal agencies and State, local, and Tribal governments. In response to public comments, the final rule revises the provisions related to consistency. Changes include replacing “land use plans” with “plans”; defining “officially approved and adopted plan” as a “*resource-related* plan”; and removing proposed language which would have required consistency “to the extent the BLM finds practical.”