

### Director's Protest Resolution Process

The following process is used to resolve protests received by the BLM Director for any Proposed Resource Management Plan. This policy and process replaces in part the protest process and procedures outlined in Appendix E of the Land Use Planning Handbook (H-1601-1). Refer to BLM Instructional Memorandum 2008-186.

#### *Phase One: Washington Office Initial Evaluation of Protests*

The first phase in the protest resolution process is to determine whether or not a protest was filed timely and if it contains the required information. This step is carried out by the BLM Protest Coordinator and BLM Washington Office Protest Lead. Protests that are either received after the protest deadline or are incomplete will be dismissed.

#### *Phase Two: State Office Evaluation and Determination of Standing*

The second phase of the protest resolution process is a BLM State Director responsibility. The State Director, through State, District and Field Office staff, will determine the standing of the protesting party as supported by the administrative record. If participation in the planning process is not supported by the record, the Washington Office Protest Lead will send a letter by certified mail to the protesting party notifying them of the determination and allowing them 10 days to contest the finding. If after evaluation of any supplemental material submitted by the protesting party, it is determined that no participation has occurred, the protest will be dismissed.

#### *Phase Three: Washington Office Identification of Protest Issues and Comments*

The third phase in the protest resolution process is the responsibility of the BLM Washington Office. The Washington Office Protest Lead, with the assistance of the State, District and Field Offices, will review each valid protest letter (i.e. letters that met the requirements of phase one and phase two above) and identify the protest issues and comments. Valid protest issues are limited to allegations that finalizing the Proposed RMP or amendment would violate an applicable statute, regulation, or BLM policy. Comments include concerns that have not been raised previously in the planning process, concerns that are not germane to the planning process, and/or statements that merely reflect disagreement, express opinions, or make demands or allegations without the support of a concise statement on why the State Director's decision is in error. Although they will be identified during the protest resolution process, comments will not result in any changes to the plan, nor will they be further analyzed as part of the protest resolution process. Protests that only contain comments will be dismissed because they have not met the regulatory threshold requirements of a valid protest.

#### *Phase Four: Director's Protest Issue Analysis*

The fourth phase of the protest resolution process is the responsibility of the BLM Washington Office. The Washington Office Protest Lead, with the assistance of State, District and Field Offices, will prepare a detailed analysis of the valid protest issues raised by the protesting parties and compile them into a Director's Protest Resolution Report. Where similar protest issues are raised by multiple protesting parties, they will be addressed through a summarized issue statement in the protest response process. Conversely, unique issues raised by protesting parties will be addressed individually in the protest

response process. The final Director's Protest Resolution Report will be made available to the public through the National BLM internet web site and through a link provided on the State Office BLM internet web site.

*Phase Five: Director's Protest Decision*

The fifth and final phase in protest resolution, which is the responsibility of the BLM Director or the Director's delegated official, is to render a decision on each protest letter received. The Director has delegated the management oversight of the protest resolution process and signing of protest decision letters to the Assistant Director for Renewable Resources and Planning (AD-200). Decisions to be made include dismissing a protest, granting a protest based on the merits of the protest issues, or denying a protest based on the merits of the protest issues. All decision letters will include instructions on how the protesting party can obtain a copy of the Director's Protest Resolution Report.