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DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 1600

[A2407-014-004-065516, #O2509-014-004-125222.1]

RIN 1004-AF53

Revision of Regulations for Planning, Programming, Budgeting

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of proposed rulemaking.

SUMMARY: The BLM proposes to amend existing regulations that establish the procedures to prepare, revise, or amend land use plans pursuant to the Federal Land Policy and Management Act, as amended (FLPMA). We solicit comment on all aspects of this proposed rule.

DATES: Send your comments on this proposed rule to the BLM on or before **[INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]**. The BLM is not obligated to consider any comments received after this date in making its decision on the final rule.

If you wish to comment on the information-collection requirements in this proposed rule, please note that the Office of Management and Budget (OMB) is required to make a decision concerning the information-collections contained in this proposed rule between 30 and 60 days after publication of this proposed rule in the *Federal Register.* Therefore, comments should be submitted to OMB by **[INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].**

ADDRESSES: You may submit comments by one of the following methods:

Mail, personal, or messenger delivery: U.S. Department of the Interior, Director (630), Bureau of Land Management, 1849 C St. NW, Room 5646, Washington, DC 20240, Attention: 1004-AF53.

Federal eRulemaking Portal: https://www.regulations.gov. In the Search box, enter "BLM-2026-0298" and click the "Search" button. Follow the instructions at this website. Pursuant to the Administrative Procedure Act at 5 U.S.C. 553(b)(4), a plain language summary of the proposed rule is also available on the Federal eRulemaking Portal.

COMMENTS ON INFORMATION-COLLECTION REQUIREMENTS: Written comments and recommendations for the information-collection requirements should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this information-collection by selecting "Currently under Review - Open for Public Comments" or by using the search function.

FOR FURTHER INFORMATION CONTACT: Stacie McIntosh, Deputy Assistant Director of Resources and Planning, The BLM Directorate of Resources and Planning, Division of Decision Support, Planning, and NEPA, by phone at (208) 373-3818, or by email at blm_hq_planningrule@blm.gov for information relating to the BLM planning program and information about the proposed rule. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION:

I. Background

The BLM manages more than 245 million acres of land, the most of any Federal agency. This land, known as the National System of Public Lands, is primarily located in 12 Western states, including Alaska. The BLM also administers 700 million acres of sub-surface mineral estate throughout the nation.

FLPMA is the BLM's "organic act" that directs management of the public lands on the basis of multiple-use and sustained yield, unless otherwise specified by law (43 U.S.C. 1732(a)).

Multiple use as defined in FLPMA "means the management of the public lands and their various resource values so that they are utilized in the combination that will best meet the present and future needs of the American people; making the most judicious use of the land for some or all of these resources or related services over areas large enough to provide sufficient latitude for periodic adjustments in use to conform to changing needs and conditions; the use of some land for less than all of the resources; a combination of balanced and diverse resource uses that takes into account the long-term needs of future generations for renewable and nonrenewable resources, including, but not limited to, recreation, range, timber, minerals, watershed, wildlife and fish, and natural scenic, scientific and historical values; and harmonious and coordinated management of the various resources without permanent impairment of the productivity of the land and the quality of the environment with consideration being given to the relative values of the resources and not necessarily to the combination of uses that will give the greatest economic return or the greatest unit output" (43 U.S.C. 1702(c)). FLPMA defines "public lands" as "any land and interest in land owned by the United States within the several States and administered by the Secretary of the Interior through the Bureau of Land Management, without regard to how the United States acquired ownership" (43 U.S.C. 1702(e)). FLPMA defines "sustained yield" to mean "the achievement and maintenance in perpetuity of a high-level annual or regular periodic output of the various renewable resources of the public lands consistent with multiple use" (43 U.S.C. 1702(h)).

Section 202 of FLPMA (43 U.S.C. 1712) directs the Secretary of the Interior to "develop, maintain, and, when appropriate, revise land use plans which provide by tracts or areas for the use of the public lands" (43 U.S.C. 1712(a)) and outlines requirements for developing and revising land use plans. Section 202(f) (43 U.S.C. 1712(f)) directs the Secretary of the Interior, by regulation, to "establish procedures . . . to give Federal, State, and local governments and the public, adequate notice and opportunity to comment upon and participate in the formulation of plans and programs relating to the management of the public lands."

The BLM administers its planning program under the regulations at Title 43 Code of Federal Regulations (CFR) part 1600, *Planning, Programming, Budgeting*. The BLM first developed land use planning regulations in 1979 (44 FR 46386, August 7, 1979). These regulations established the term "resource management plan" for the land use plans directed by FLPMA, to replace the then-existing "management framework plans." The BLM made significant revisions to the regulations in 1983 to clarify the planning process and "eliminate burdensome, outdated, and unneeded provisions" (48 FR 20364, May 5, 1983) and revised them again in 2005 to make clear the role of cooperating agencies in the land use planning process and to emphasize the importance of working with Federal and State agencies and local and tribal governments through cooperating agency relationships in developing, amending, and revising the BLM's resource management plans (70 FR 14561, March 23, 2005). The BLM conducted a substantial revision to the land use planning regulations in 2016 (70 FR 89580, December 12, 2016) which was subsequently disapproved under the Congressional Review Act (82 FR 60554, December 21, 2017). In 2024, the BLM revised the portion of the planning regulations governing the designation and management of areas of critical environmental concern, 43 CFR 1610.7-2 (89 FR 40308, May 9, 2024). In 2026, the BLM completed a deregulatory rulemaking process regarding the designation and management of areas of critical environmental concern, issuing a final rule that returned the BLM to the previous text of this regulation (91 FR 25787, May 12, 2026).

This proposed rule is intended to streamline, modernize, and better align the BLM's land use planning process with section 202 of FLPMA (43 U.S.C. 1712). The proposed rule would eliminate procedures not required by statute that impose delays and roadblocks and remove unnecessary program-specific procedures that could be better addressed in other parts of the regulations while improving the BLM's coordination with Federal, State, and local governments, and tribes. The proposed rule would also improve the readability of the planning regulations.

II. Section-by-Section Discussion

The proposed rule would revise part 1600, including subparts 1601 (Planning) and 1610 (Resource Management Planning), and establish a new subpart at 1611 (Amending Land Use Plans to Address Emergencies). The BLM is proposing a number of minor changes to modernize language, clarify ambiguities, and eliminate redundancies.

The proposed rule includes revisions to section designations and organization of the provisions to bring the proposed regulations into compliance with the Office of the *Federal Register's* Document Drafting Handbook requirements. This includes the removal of hyphens in the existing section designations and adding structural symmetry in which we insert some [Reserved] sections to fill in gaps in the CFR numbering.

The BLM also proposes the following substantive changes to individual sections of Part 1600.

PART 1600—PLANNING, PROGRAMMING, BUDGETING

The BLM is proposing to remove "programming" and "budgeting" from the title of this part to accurately reflect that the existing and proposed regulations do not address agency programming or budgeting.

Subpart 1601—Planning

Section 1601.0-1 Purpose.

The BLM is proposing to redesignate this section as 1601.10 and revise it to clarify land use planning terminology consistent with BLM practice and to include specific direction from FLPMA for the establishment of land use plans.

In § 1601.10 and throughout these proposed regulatory changes, the BLM is proposing revisions to use consistent terminology concerning the "development, revision, amendment, and maintenance" of land use plans. The "development" of a land use plan occurs when BLM first establishes a land use plan for an area of public lands or first establishes a land use plan under new authority, such as for lands within the boundaries of a new area designated for special management by Congress. The "revision" of a land use plan occurs when the BLM makes

substantial changes to the scope of the decisions for public lands currently managed under a land use plan. The "amendment" of a land use plan occurs when the BLM makes limited changes to a land use plan. The BLM is proposing to clarify that "maintenance" of a land use plan occurs when the BLM corrects errors and is limited to further refining the documentation of a decision of the approved plan. These corrections and refinement of documentation must not result in an expansion in the scope of resource uses or restrictions or change the decisions. Maintenance of land use plans is also being proposed to document land use or restrictions of uses on the public lands established by law or Presidential Proclamation.

The BLM is also proposing to remove the phrase "use of existing plans" to clarify that the purpose of these regulations is to provide the process for approving or changing land use plans, not the procedures for implementing land use plans.

Section 1601.0-2 Objective.

Section 1601.0-2 establishes the objective of land use planning. The BLM is proposing to redesignate this section as 1601.20 and edit it to clarify that land use plans "provide by tracts or areas for the use of the public lands" (43 U.S.C. 1712) and to remove clauses not necessary in regulation. The BLM is also proposing to relocate the last sentence in existing § 1601.0-2 that explains that "resource management plans are designed to guide and control future management actions and the development of subsequent, more detailed and limited scope plans for resources and uses" to a new proposed § 1610.10, "Land use plans." The intent of this section is to state the objective of these regulations not the resource management plans themselves.

Section 1601.0-3 Authority.

The BLM is proposing to redesignate this section as 1601.30 and make minor changes to include all sections of FLPMA that authorize establishing these land use planning regulations and to remove the reference to the Public Rangelands Improvement Act of 1978 because it does not provide authority for land use planning procedures. With this proposed regulatory revision, the BLM is removing all references to non-planning requirements from the part 1600 regulations

and has removed all regulations specific to coal and mining from this part. With these proposed changes, the Federal Coal Leasing Amendments Act of 1976 and the Surface Mining Control and Reclamation Act of 1977 are not specific authority for this Part of the regulations. While these other statutes provide authority relevant to the BLM's management of the public lands, they are not necessary in this section. Moreover, as described in more detail in the associated sections below, the BLM is proposing to relocate portions of existing §§ 1610.5-7(c) and 1610.2(j) and (k) to 43 CFR 3420. These changes also reduce barriers to efficiently completing land use plans by eliminating unnecessary references.

Section 1601.0-4 Responsibilities.

The BLM is proposing to remove § 1601.0-4 because it provides internal BLM procedures and delegations that are more appropriate in the BLM's delegation manual and policy and are not required by statute. Removal of this section reduces the regulatory burden on the BLM and allows State Directors to manage internal work for land use planning as appropriate for their State.

Section 1601.0-5 Definitions.

The BLM is proposing to remove § 1601.0-5 to remove definitions in this section that are already provided in statute (e.g., repetition of FLPMA's definition of 'multiple use'); to remove terminology no longer used in these proposed regulations due to other changes the BLM is proposing (e.g., 'resource area or field office'); and, where relevant, to relocate regulatory requirements in the existing 'definitions' section (e.g., 'conformity or conformance') that the BLM wants to retain to other sections of the regulations. Removal of this section substantially streamlines the planning regulations and reduces redundancies that add length and not clarity to the existing regulatory procedures.

Section 1601.0-6 Environmental impact statement.

The BLM is proposing to redesignate this section as 1601.40, retitle it to "Environmental compliance," and to remove the existing language in this section that requires the BLM to

prepare an environmental impact statement every time the BLM develops or revises a plan. Instead, the BLM would be guided by the Department of the Interior's NEPA procedures, 91 FR 8738 (February 24, 2026) to ensure that it complies with NEPA when completing land use planning. This proposed change is deregulatory and it would not prevent the BLM from preparing an environmental impact statement for a plan revision; rather, it would allow the BLM to determine how best to comply with NEPA during land use planning, consistent with applicable law and agency NEPA procedures and the specific facts of the individual planning process the BLM is undertaking consistent with the procedures in these regulations.

Section 1601.0-7 Scope.

The BLM is proposing to redesignate this section as 1601.50 and edit it for clarity, including changes to reflect the terminology the BLM has historically used for land use planning work. The BLM is specifically proposing to add language to paragraph (a) to clarify that these regulations apply only to BLM-administered lands that are subject to section 202 of FLPMA. Thus, for example, these regulations do not apply to public lands on the north slope of Alaska within the National Petroleum Reserve-Alaska because those lands are exempt from section 202 of FLPMA per the Naval Petroleum Reserves Production Act of 1976.

Section 1601.0-8 Principles.

The BLM is proposing to redesignate this section as 1601.60 and edit it for clarity, including changes to incorporate terminology for planning work to align more consistently with language in sections 103 and 202 of FLPMA. The BLM proposes removing the statement regarding the scope of impacts because the scope of impacts is driven by the BLM's determination of what is necessary to understand significance and make an informed decision for compliance with NEPA.

Section 1601.70 Administrative remedy.

The BLM is proposing a new § 1601.70 to relocate and clarify existing regulatory direction in existing § 1610.5-2(b) that a land use plan decision is the final decision of the

Department of the Interior and not subject to appeal or review to the Office of Hearings and Appeals (OHA), including the Interior Board of Land Appeals. The proposed language adding "and is not reviewable by the Office of Hearings and Appeals" is not a substantive change but merely clarifies the existing scope of OHA's jurisdiction.

Subpart 1610—Resource Management Planning

The BLM is proposing an editorial change to the title of this subpart to restore use of the term "land use planning" as it appears in FLPMA rather than continuing to refer to new terminology in the regulations of "resource management planning."

Section 1610.1 Resource management planning guidance.

The BLM is proposing to remove existing § 1610.1 because it provides internal BLM procedures and delegations that are more appropriate in the BLM's delegation manual and policy and are not required by statute. For example, the current regulations instruct *how* the State Director would communicate instructions to a Field Manager regarding the planning effort and describe the permissive scope of an interdisciplinary team. This internal process is not required by law or necessary or appropriate for inclusion in the regulations. The early identification of key information during the planning process, such as information needed for analysis, is also duplicative of proposed § 1610.41, which would require the BLM to assemble resource, environmental, social, economic, and institutional data when preparing for planning. The BLM would still require early identification of key information, but this change eliminates internal workload procedures that are more appropriate for policy.

Removing this section also removes the existing regulatory direction that a resource management plan be prepared and maintained on a resource or field office areas basis, unless the State Director authorizes a more appropriate area. While under the current regulations the State Director may determine the appropriate planning area, this change removes internal delegations that are more appropriate for policy and provides more flexibility for the BLM to determine a planning area boundary that is appropriate for the particular planning effort.

Additionally, the BLM is proposing a new section to be located at 1610.10 called "Land use plans" which would incorporate language from FLPMA's definition of land use plans and clarify the role and content of those plans. To clarify and ensure consistency across the BLM, paragraph (a) of this proposed section provides that land use plans consist of: (1) desired resource use and condition objectives, (2) designations identified by statute, regulation, or national policy of land areas for exclusive purposes or uses (e.g., establishment of areas of critical environmental concern under FLPMA; establishment of herd management areas under BLM regulations for Protection, Management, and Control of Wild Free-Roaming Horses and Burros at 43 CFR § 4710.1; or establishment of corridor designations for BLM scenic and backcountry byways, consistent with BLM's Byways Handbook 8357-1), (3) lands allocated for allowable uses, and (4) management direction for the general management practices or program constraints needed to achieve the resource use and condition objectives. Language in existing § 1601.0-5(n)(8) providing that the BLM will establish intervals and standards for monitoring and evaluating the plan to determine the effectiveness of the plan and the need for amendment or revision is proposed for relocation to paragraph (b) of this proposed section. Most of the concepts in this section are currently scattered across the existing planning regulations, including the definition section. This proposed section would also clarify that BLM does not generally make implementation-level decisions through the land use planning process, which is consistent with the BLM's practice. Direction in the existing regulations that approval of land use plans is the responsibility of State Directors would be clarified and added to paragraph (c) of this proposed section. Finally, paragraph (d) would clarify that land use plans are titled as resource management plans to reduce any confusion about these two terms and to ensure consistent use of these terms across the BLM.

Section 1610.2 Public participation.

The BLM is proposing to redesignate this section as 1610.20 and edit it to outline procedures for meaningful participation opportunities consistent with FLPMA section 202(a),

which requires the BLM to develop and revise land use plans "with public involvement" and section 309(e) which requires the BLM by regulation, to establish "procedures, including public hearings where appropriate, to give the Federal, State and local governments and the public adequate notice and an opportunity to comment upon the formulation of standards and criteria for, and to participate in, the preparation and execution of plans and programs for, and the management of, the public lands" while greatly reducing internal administrative workflows and overburdensome procedures that were not providing meaningful benefits to the process.

The BLM is proposing to remove references to NEPA in this section and throughout the proposed rule to allow the BLM to comply with NEPA as appropriate for the individual planning effort. The BLM is also proposing to remove the requirement to publish notice in the *Federal Register* at the initiation of the planning process and the existing requirement for public review of the proposed planning criteria and a 30-day public comment period on any significant changes made to a proposed plan or amendment prior to issuing a decision. The 90-day public comment period requirement for all draft land use plans, revisions and amendments supported by environmental impact statements in existing § 1610.2(e) is also proposed for removal. A 90-day comment period is not required by statute and will make it more difficult for the BLM to meet the statutory deadlines set by NEPA, as amended (42 U.S.C. 4336a(g)), including the direction to complete an environmental assessment in one year and an environmental impact statement in two years, unless the deadlines are extended in accordance with that Act.

Consistent with direction in section 202 of FLPMA and 309(e), the BLM would continue to provide opportunities for public involvement, but the proposed rule would allow greater flexibility to determine public participation that is appropriate to the areas and people involved in the specific planning process. The BLM is proposing that opportunity for public participation, at a minimum, must be provided at the outset of the planning process (consistent with proposed § 1610.42) and the BLM would provide a public involvement opportunity through the protest process upon publication of a proposed plan, revision, or amendment (consistent with proposed §

1610.51). The BLM proposes to retain a minimum 30-calendar-day comment period when a public comment period is required (consistent with proposed § 1610.20(a)(1)) or the BLM elects to provide one, and an ability to extend the comment period. Under proposed paragraph (b)(1), an extension may not exceed an additional 30-calendar-days to help ensure BLM can meet the deadlines established in NEPA. The current regulations require a greater number of minimum required public comment periods and can result in delays to the planning process that also do not benefit informed decision-making. For example, the current regulations require planning efforts, including amendments, that are supported by environmental impact statements to hold a minimum of a 90-day public comment period on the draft plan. A 90-day minimum public comment period is more than double the public comment period formerly required under Council on Environmental Quality's regulations for implementing the procedural requirements of NEPA, which the Council on Environmental Quality rescinded (91 FR 618, January 8, 2026), and there is no corresponding requirement in either NEPA (42 U.S.C. §§ 4321–4347) or the Department of the Interior's 2026 NEPA procedures (91 FR 8,738, February. 24, 2026). With the requirement to complete environmental impact statements in two years absent an extension (42 U.S.C. § 4336a(g)(1)), a 90-day public comment period is burdensome to BLM's ability to comply with NEPA. Furthermore, use of a long comment period as reliance for quality public engagement is not always the right approach for each planning effort. The proposed procedures introduce flexibility to the process so that the BLM can formulate public involvement in a manner that appropriately supports the planning effort. The proposed text would allow the BLM the flexibility to determine for each planning effort if the minimum required public engagement would be adequate or what public engagement beyond the minimum required would best support the planning effort while also ensuring the BLM can meet our statutory requirements under NEPA for timely completion of analysis.

The BLM recognizes that its approach to providing opportunities for public involvement in the proposed rule represents a change from the approach in the existing rule. While both

approaches are consistent with the requirements of FLPMA, based on its experience the BLM believes that its proposed approach is likely to provide greater flexibility to tailor the public participation process to each planning effort, reduce regulatory burdens, and allow the BLM to more efficiently meet other statutory requirements. The BLM specifically seeks public comment on these proposed changes and how the BLM can structure opportunities for public involvement, including public comment in a manner that meets BLM's statutory obligations, reduces regulatory burden and allows for completion of the planning process in an efficient manner consistent with all applicable laws.

The BLM is also proposing an option in paragraph (b)(2) of this section for a public meeting in lieu of a public comment period when permissible under other authorities -- such as NEPA -- and when adequate notice to the public is provided. This proposed paragraph does not prevent the BLM from offering both a public meeting and public comment period when deemed appropriate. This proposed paragraph provides flexibility for the BLM to streamline planning efforts when appropriate. For example, the BLM may need to conduct amendments to consider changes to land tenure decisions to allow small parcels of public lands to be made available for disposal, sometimes as small as a half-acre, to address unintentional trespass or sales to communities. A plan amendment of this nature is generally only of interest to the highly localized community, and a public meeting may provide for more engaging public involvement than a 30-day written comment period and allow the process to progress more quickly. The proposed paragraph opens flexibility to the BLM to avoid delays to planning efforts, particularly where there is only localized interest in the decision BLM is considering.

In order to focus these regulations on planning procedures, the BLM is proposing to remove paragraphs (j) and (k) of this section, which relate specifically to coal resources. The BLM planning regulations are not an appropriate location for this program-specific regulation, and it would decrease confusion by moving these coal related provisions to the program specific regulations. Specifically, the BLM proposes relocating the last three sentences of paragraph (j) to

appear verbatim at the end of the current paragraph at 43 CFR 3420.1-4(e)(4)(i). The BLM also proposes relocating the second and third sentences in paragraph (k) and the three subsequent parts to 43 CFR 3420.1-5 verbatim, excepting the removal of the internal reference "§ 3420.1-5 of" from the relocated sentence as the cross-reference is no longer necessary. The BLM is proposing to remove the first sentences of paragraphs (j) and (k) because they are duplicative of existing regulations in part 3420. These proposed changes are not substantive and would not change existing practice.

Section 1610.3 Coordination with other Federal agencies, State and local governments, and Indian tribes.

The BLM is proposing to redesignate this section as 1610.30 and edit it to introduce the following subsections that clarify differences between coordination and consistency as required by FLPMA, and to make clear that these FLPMA responsibilities are separate from responsibilities of other authorities, such as involving government entities through NEPA's cooperating agency status.

Section 1610.3-1 Coordination of planning efforts.

The BLM is proposing to redesignate this section as 1610.31 and make changes to better align this provision's description of the BLM's responsibilities for coordination during the land use planning process with the BLM's obligations under FLPMA section 202(c)(9). The proposed regulations provide a clear definition of coordination with other Federal agencies, State and local governments, and Tribes that is distinct to the BLM's land use planning process and is based on Congress's recognition that state, local, and tribal government entities play a unique and necessary role in land use planning. As stated by the Public Land Law Review Commission[1] in the 1970 Report to Congress[2]: "First, these governments represent the people and institutions that

[1] The Public Land Law Review Commission was established as an independent federal agency by an act of September 19, 1964 (78 Stat. 982). Its function was to review the federal public land laws and regulations and recommend a public land policy. For more background, see National Archives, Records of the Public Land Law Review, available at http://www.archives.gov/research/guide-fed-records/groups/409.html.

[2] Public Land Law Review Commission. *One third of the Nation's land; a report to the President and to the Congress*. 1970. https://archive.org/details/onethirdofnation3431unit.

will be most directly affected by Federal programs growing out of land use planning" (page 61). This intent is reflected in the proposed paragraph (a)(1), which explains that coordination in the planning process means inviting the participation of governmental entities regarding the general approach of the planning effort as representatives of people and institutions that are impacted by the BLM's management of public lands.

The BLM is also proposing to clarify the direction to consider plans of State and local governments and Indian tribes in this section. The BLM believes that the consideration of these plans is part of the coordination process that occurs during land use planning. The BLM would also clarify that the definition of "approved resource-related plans" in paragraph (b)(1) of this section includes approved resource-related "policies." These proposed regulations also use the term "approved resource-related plans" or "plans" when referring to plans or policies adopted by State, local, and tribal governments in discussions at § 1610.41 "Preparing for planning", § 1610.52 "Governor's consistency review", and § 1610.53 "Local governments' consistency review."

The BLM also proposes a terminology change from "officially approved and adopted resource related plans" to just "approved resource-related plans" based on changes in paragraph (b)(1) of this section that a plan must be "prepared and approved pursuant to and in accordance with authorization provided by State, local, or Tribal constitutions, legislation, or charters for the relevant governmental entity" and, as such, believes the qualifiers of "officially" and "adopted" as unnecessary. This change occurs throughout the regulatory text.

FLPMA's coordination requirements ensure the BLM coordinates its planning with the planning and management programs of other federal agencies, state and local governments, and tribes. While this coordination may inform consistency, FLPMA has a separate requirement that BLM land use plans be consistent with State and local plans to the maximum extent the Secretary finds consistent with Federal law and the purposes of FLPMA, as discussed in further detail below.

Section 1610.3-2 Consistency requirements.

The BLM is proposing to redesignate this section as 1610.32 and make general revisions to focus this section on consistency and complement changes proposed to other sections. The BLM is proposing specific changes to clarify that FLPMA's consistency requirements are distinct from the BLM's coordination responsibilities contained in proposed § 1610.31. To clarify that this section outlines procedures for how the BLM should seek consistency with State and local plans, the BLM is proposing to change the section title to "Seeking consistency with State and local plans." The BLM has also made editorial revisions to the existing regulatory text to include the terms "to the maximum extent consistent with Federal law and the purposes of [the Federal Land Policy and Management Act]" when describing consistency with approved state and local resource related plans. This language more closely tracks section 202(c)(9) of FLPMA, which states, "[l]and use plans of the Secretary under this section shall be consistent with the State and local plans to the maximum extent [the Secretary] finds consistent with Federal law and the purposes of this Act." The BLM is also clarifying in paragraph (a)(1) that BLM should seek consistency with plans of state and local governments "that are germane in the development of land use plans for public lands" (43 U.S.C. 1712(c)(9)).

The current regulations at § 1610.3-1(d)(1) direct the BLM to determine consistency with "other Federal agencies, State agencies, Indian tribes and local governments that may be affected." The BLM proposes to remove consistency requirements from both other Federal agency plans and tribal plans because § 202(c)(9) of FLPMA provides that, to the maximum extent the Secretary finds consistent with Federal law and the purposes of FLPMA, land use plans "shall be consistent with State and local plans." 43 U.S.C. § 1712(c)(9). The BLM specifically requests comment on these proposed changes and the appropriate scope of consistency in these regulations, including those entities that should be included in the consistency review.

In clarifying that consistency obligations are distinct from coordination, the BLM is proposing to incorporate the definition of "consistency," a principle identified in the 1970 Public Land Law Review Commission Report to Congress, which informed the development and passage of FLPMA. The Report stated, "As a general rule, no use of public land should be permitted which is prohibited by state or local zoning. There may be exceptions, however, and the federal agency should be authorized to allow such a use, but only when the agency makes a finding that overriding national interest requires the use." (Public Land Law Review Commission, *One Third of the Nation's Land,* 63 (1970)). The proposed changes to the definition of "consistency" clarify that the BLM would not allow uses on the public lands that would be prohibited under State or local laws or that would otherwise conflict with an approved resource-related plan of a State or local government, except when required by Federal law or it is in the national interest to do so. This clarification would not change the BLM's practice of continuing to work with State and local governments to manage the impacts of management on public lands, but the proposed rule clarifies how this consistency process would occur. The BLM also seeks to clarify that the definition of approved resource-related plans are plans and policies approved in accordance with State and local constitutions, legislation or charters.

The BLM is also proposing to relocate and revise the Governor's consistency review procedures in existing § 1610.3-2 to new proposed § 1610.52, which is described in more detail below. The BLM is also proposing a new § 1610.53 described below, which would establish a local government consistency review process.

Section 1610.4 Resource management planning process.

The BLM is proposing to redesignate this section as 1610.40, retitle it "Land use planning process," and edit it to simplify the required steps of the land use planning process by removing unnecessary procedures for compliance with NEPA, emphasizing the importance of preparing for planning and outlining steps required to meet FLPMA's requirements. The BLM is also proposing to remove overly prescriptive procedures that present barriers to efficient

completion of land use planning and regulatory requirements not directed by FLPMA. The BLM proposes as the new subsections of § 1610.40 a more streamlined planning process responsive to FLPMA's requirements that allows the BLM greater flexibility to conduct a land use planning process that is tailored to the scope of and specific issues presented in an individual planning effort.

Section 1610.4-1 Identification of issues.

The BLM is proposing to redesignate this section as 1610.41, retitle it "Preparing for planning," and to revise it to address three steps the BLM must take to prepare for planning to provide a more informed and efficient planning process.

First, as described in proposed paragraph (a)(1), the BLM must gather and review its existing resource, environmental, social, and other relevant data and information. These edits remove the reference to collecting data at this point in the process, consistent with direction in section 202(c)(4) of FLPMA to "rely, to the extent it is available, on the inventory of the public lands, their resources, and other values on the existing inventories of public lands."

Second, as described in proposed paragraph (a)(2), the BLM must request all relevant approved State and local government and Tribal plans. If any such government would like its plans to be considered during the BLM planning process, it must, within 45 days of the BLM's request, provide all relevant approved plans and a summary of the uses that the State, local, or Tribal government generally prohibits or restricts within its jurisdiction. The BLM should seek this information before the State Director identifies guidelines for the plan or revision and prior to the development of alternatives. This early outreach and information collection would engage these government entities earlier in the process and facilitate a stronger working relationship throughout the planning process, which would lead to a more efficient process. It would also provide more information early in the process where it is most useful to inform the planning process and associated environmental review.

Third, as described in proposed paragraph (a)(3) of this section, the BLM must document a planning area profile and analysis framework when developing or revising a land use plan. This profile and analysis framework would include information about current conditions, trends, forecasts for resources, resource uses, existing uses, social and economic uses, and other information about the area to inform the approach for the planning effort. The BLM would make this document publicly available for transparency.

Section 1610.4-2 Development of planning criteria.

The BLM is proposing to remove this section from the regulations, eliminating the development of planning criteria as a distinct step in the planning process. The development of planning criteria adds additional time to the planning process and is overly prescriptive. The new direction in proposed § 1610.41(a)(3) to document and make publicly available a framework for analysis as part of preparing for planning would provide information that is more relevant and useful to the planning process earlier in the process.

Section 1610.42 Public notice of planning.

The BLM is proposing a new § 1610.42, titled "Public notice of planning." This new section requires the BLM to provide public notice when it initiates the development, revision or amendment of a land use plan and request public participation. This proposed new section and the proposed changes in public participation in § 1610.20 would remove extraneous requirements for multiple *Federal Register* notifications, allow for a more efficient planning process, ensure public participation early in the planning process where it is most helpful to the BLM, and allow the BLM to manage public notification and additional public involvement in a manner consistent with the scope of a planning effort.

Section 1610.4-3 Inventory data and information collection.

The BLM is proposing to relocate the direction in this section to proposed § 1610.41(a)(1) to clarify that the BLM assembles data to support a planning effort when preparing for planning.

Section 1610.4-4 Analysis of the management situation.

The BLM is proposing to remove this subsection from the regulations because it is unnecessarily prescriptive and imposes procedure not required by FLPMA, and its removal will provide the BLM with more flexibility to compile this information for a particular planning effort. For example, subparts (a) through (i) identify a list of "factors to be considered" in identifying the issues and opportunities for a planning area that are more appropriate for policy to provide guidance on rather than a regulatorily established list. Additionally, the current regulations state that "the analysis of the management situation shall provide… the basis for formulating reasonable alternatives." FLPMA provides no instruction for the formulation of alternatives and this procedure complicates the authorities under NEPA for the development of alternatives (42 U.S.C. § 4332(2)(C)(iii)). Proposed § 1610.41(a)(3) includes a requirement to document and make publicly available a planning area profile as part of preparing for planning, which the BLM believes would better inform the BLM's decision-making.

Section 1610.4-5 Formulation of alternatives.

The BLM is proposing to remove this section from the regulations, consistent with the overall intent of this deregulatory effort to remove procedures of other programs from the planning regulations and to reduce duplication, redundancy, confusion, and unnecessary regulation. The formulation of alternatives is governed by NEPA procedures and this section is duplicative of those procedures and unnecessary to repeat in the planning regulations since it does not establish any additional or planning-specific procedures. This direction for NEPA compliance in the planning regulations was developed based on the BLM's interpretation of its obligations under the Council on Environmental Quality's regulations in effect at the time. Since then, the Council on Environmental Quality has amended and, most recently, rescinded its regulations. Similarly, the Department of the Interior has updated its NEPA procedures, including by amending its own NEPA regulations. To avoid duplication and inconsistency, and to reduce confusion and ensure compliance with statutory requirements and Department of the

Interior NEPA procedures, the BLM proposes to remove sections addressing NEPA compliance from these regulations. The BLM is required to comply with NEPA when developing, revising, or amending land use plans.

Section 1610.4-6 Estimation of effects of alternatives.

The BLM is proposing to remove this section consistent with the overall intent of this deregulatory effort to remove procedures of other programs from the planning regulations and to reduce duplication, confusion, and unnecessary regulation. The estimation of effects of alternatives is governed by NEPA procedures. The existing regulations do not establish any additional or planning-specific procedures but instead repeat how the BLM will generally consider alternatives in an environmental impact statement or environmental assessment. Removing this section would eliminate duplication, create consistency with NEPA requirements, and reduce confusion.

Section 1610.4-7 Selection of preferred alternatives.

The BLM is proposing to remove this section, consistent with the overall intent of this deregulatory effort to remove procedures for other BLM programs from the planning regulations and to reduce duplication, confusion, and unnecessary regulation. The BLM's current planning regulations at this section direct the identification of a preferred alternative in a draft environmental impact statement. This is not required by NEPA or the Department's NEPA procedures and removing this provision would eliminate confusion caused by these discrepancies.

Section 1610.4-8 Selection of resource management plan.

The BLM is proposing to retain this section, redesignate in the revised sequence as 1610.43, and retitle this section as "Proposed land use plan, revision, or amendment." The BLM is proposing to remove internal administrative workflows in the existing regulation and focus this section on the requirement to prepare and release a proposed land use plan, revision, or amendment that is subject to protest. The existing regulations require a protest process for

proposed land use plans and amendments, and the BLM is also proposing to clarify that proposed land use plans and amendments must establish intervals and standards as appropriate for future monitoring and evaluation of the plan. These changes would clarify and better organize the existing regulations and are not substantive.

Section 1610.4-9 Monitoring and evaluation.

The BLM is proposing to remove this subsection and has incorporated the relevant text for development of a monitoring plan for the proposed land use plan, revision, or amendment into proposed § 1610.43.

Section 1610.5 Resource management plan approval, use and modification.

The BLM is proposing to redesignate this section as 1610.50, insert "pre-decisional review" into the section heading, and organize pre-decisional review procedures that are currently scattered throughout the existing regulations in this section. This reorganization would clarify the procedures at this end-stage of the planning process prior to the BLM issuing a decision.

Section 1610.5-1 Resource management plan approval and administrative review.

The BLM is proposing to relocate the provisions for land use plan approval to proposed § 1610.54, "Land use plan approval," to have the procedures occur sequentially in the regulation.

In the relocated text in proposed § 1610.54, the BLM proposes removing the internal administrative workflows contained in these regulations and NEPA procedures which were developed under the Council on Environmental Quality's NEPA now-rescinded regulations. The BLM is proposing to retain the language that clarifies approval must be withheld on any portion of a plan, revision, or amendment being protested until the protest is resolved through issuance of a response.

Section 1610.5-2 Protest procedures.

The BLM is proposing to redesignate this section as 1610.51 to appear sequentially to the land use planning process and to update its existing protest procedures to make them less

burdensome to the public and the BLM. The changes proposed acknowledge technological and other changes since 1985 when these regulations were first promulgated and remove requirements that the Office of the BLM Director respond to protests via certified letter. Instead, the BLM's response to a protest would be made available to the public, generally through the BLM.gov website. The BLM is proposing to modify the current regulations, which permit protests to be submitted in hard copy or electronically, to require that all protests be submitted electronically through the BLM's NEPA register and be received by the BLM by the end of the 30-calendar-day protest period. These changes would create a clear and efficient method for the public to submit protests and would allow the BLM to manage the land use planning process more efficiently by eliminating the time the BLM currently has to wait to receive protests that are postmarked by the close of the protest period, but not received until after the period has closed. Under the current regulations, the BLM has experienced delays of 10 business days or more closing out protest periods where few or no protests were received by the close of the period, while it awaited the possible receipt of a timely postmarked protest letter. The BLM welcomes comments on moving protest filings to an electronic-only format.

The BLM is also proposing to reduce the paperwork the public must provide in a protest. Rather than requiring protesting parties to provide redundant copies of "all documents addressing the issue or issues submitted during the planning process by the protesting party" as currently required under § 1610.5-2(a)(2)(iv), the BLM would require that protestors submit only that information necessary to address the protest. Specifically, the proposed regulations would require a protest to contain the name and interest of the person filing a protest, a statement of the issue or issues being protested, and a concise statement explaining why the proposed decision is believed to be inconsistent with relevant law, regulation, or policy. These proposed changes would retain the meaningful opportunity for involvement in the land use planning process, make it less burdensome to the BLM and the public, and build efficiencies by allowing the planning process to keep moving with better understanding of timeframes.

Section 1610.52 Governor's consistency review procedures.

The BLM is proposing for § 1610.52 to sequentially insert the procedures for the Governor's consistency review from existing § 1610.3-2(e) and to make changes addressing Governor's consistency review as part of general proposed changes to address FLPMA's direction in section 202(c)(9). The new proposed process to obtain information from States outlined in § 1610.41 would provide an opportunity for States to provide information early where it is most helpful to consider and address in the BLM's planning process. Because the BLM would be able to consider and resolve issues earlier in the planning process, the BLM is proposing to shorten the Governor's consistency review period at the end of the planning process from 60 days to 30 days and is proposing to eliminate the appeal opportunity to the BLM Director and associated procedures, including publication of the response by the Office of the BLM Director in the *Federal Register*. Under the proposed regulations, the BLM would coordinate earlier in the planning process with Governors to identify concerns and gain information than it does under the present regulations. This advanced coordination would better inform the BLM's development of management alternatives that address the issues and concerns raised by the Governor. The establishment of this early engagement process is expected to result in the BLM identifying and addressing concerns early in the planning process, leading to more informed decision-making and reduce the need for a separate Governor's appeal process at the end of the planning process.

The BLM is also proposing to remove the existing requirement in § 1610.3-2(e) for the State Director to provide the public with an opportunity to comment on any recommendations of the Governor that were not raised during the public participation process. The BLM is proposing to remove this requirement to improve predictability in the duration of the land use planning process. Notably, since the establishment of this procedure in 1983, the BLM has only two recorded instances of initiating a public comment period due to receiving recommendations from the Governor's review that were not previously raised during the land use planning process.

Further, the proposed changes that provide for enhanced early coordination create another opportunity for the Governor to raise recommendations that the BLM can address earlier in the process.

The BLM is also proposing to remove the direction for the Governor to provide recommendations related to inconsistencies of local plans. Instead, a new procedure for local government officials to provide inconsistencies with local plans is proposed as described below.

Section 1610.53 Local governments' consistency review procedures.

The BLM is proposing a new section of § 1610.53, titled "Local governments' consistency review procedures." This new section establishes a new opportunity for local government officials to submit recommendations to resolve inconsistencies directly to the BLM prior to the BLM's approval of the plan, revision, or amendment. This process is separate from the Governor's consistency review process but would run concurrently with that process. Under the current regulations at § 1610.3-2(e), the BLM submits inconsistencies with local plans to the State Governor for resolution. The proposed change would provide local government officials the opportunity to directly present recommendations to the BLM to resolve inconsistencies without going through the Governor's office. The BLM welcomes comments on this new process for consistency review, including whether and how to define a local government official.

Section 1610.5-3 Conformity and implementation.

The BLM is proposing to redesignate this section as § 1610.55 and revise it to remove redundancy and non-planning program procedure in the existing regulation and to clarify the meaning of plan conformance. The BLM would retain the requirement in paragraph (a) that all future authorizations and actions must conform to the approved plan, which is consistent with direction in FLPMA. This requirement applies to all BLM implementation decisions, regardless of the BLM program making the decision. The BLM proposes to move language in existing § 1601.0-5(b) that defines conformity and conformance to this section to integrate the definition and requirements for plan conformance in one section. If a proposed action is not in conformance

with the approved plan, and warrants further consideration, the BLM should consider the action through a plan revision or amendment. This provision is retained in paragraph (b). The BLM is proposing in paragraph (c) to relocate direction in existing § 1610.4-9 to monitor and evaluate land use plans in accordance with established intervals and standards and at other appropriate times and to add language to clarify the BLM may initiate an amendment or revision based on new data, new or revised policy, or a change in circumstances.

The BLM is proposing to remove existing paragraphs (b) and (d) of this section because they are duplicative of the requirement in proposed paragraph (a) that all future BLM decisions and authorizations for all programs must conform to the approved plan. Existing direction relating to an appeal of future implementation decisions in paragraph (b) of this section is not a planning procedure and the appeal procedures for implementation decisions are duplicative of existing regulations in 43 CFR 4.400 that set forth the rules applicable to appeals before the Office of Hearings and Appeals, Interior Board of Land Appeals. Finally, the references to detailed plans for coal, oil shale, and tar sands resources in paragraph (b) are duplicative of the specific regulations for those resources and outside of the scope for these regulations; they would be removed in this proposed rule.

Section 1610.5-4 Maintenance.

The BLM is proposing to redesignate this as § 1610.56 and revise it to clarify the scope of plan maintenance. Under the existing regulations, maintenance must not result in an expansion in the scope of resource uses or restrictions, or change the terms, conditions and decisions of the approved plan. The BLM is proposing to remove the terminology of "terms" and "conditions" because land use plans typically do not include terms and conditions and the use of this term has caused confusion. The BLM is also proposing changes to this section to clarify that the BLM may maintain a plan to document management changes made for an area by a law or Presidential Proclamation. The BLM would maintain other features of this regulation, including that

maintenance does not require public involvement, interagency coordination, or preparation of an environmental assessment, environmental impact statement, or any other environmental review.

Section 1610.5-5 Amendment.

The BLM is proposing to redesignate this as § 1610.57 and revise the section to clarify land use plan amendments. NEPA terms and NEPA compliance procedures in the existing regulations are also proposed for removal consistent with the need to remove duplicative regulations and to allow the BLM to comply with NEPA as appropriate for a plan amendment. The terminology of "terms" and "conditions" would also be removed because they are not typically included in land use plans and the use of this term has caused confusion.

Section 1610.5-6 Revision.

The BLM is proposing to redesignate this as § 1610.58 and revise the section to clarify when the BLM would undertake a land use plan revision and remove unnecessary statements from the text. The language would clarify that a revision is appropriate when the BLM contemplates substantial changes to the scope of planning decisions providing for the management of public lands. These changes address confusion about when a land use plan revision (as opposed to an amendment) is appropriate.

Section 1610.5-7 Situations where action can be taken based on another agency's plan, or a land use analysis.

The BLM is proposing to remove this section because the current procedures are either duplicative of NEPA or its implementing procedures or not required by law. These changes would allow the BLM to take appropriate steps to comply with NEPA and NEPA procedures.

The BLM is proposing to remove subpart (c) of this section from the planning regulations to focus these regulations on planning procedures. The BLM planning regulations are not an appropriate location for this program-specific regulation. The BLM proposes relocating the last two sentences of (c) to appear verbatim at the end of the current paragraph at 43 CFR § 3420.1-4(a). The BLM proposes to remove from regulation the first two sentences of paragraph (c) as

duplicative of existing 43 CFR subpart 3420, which addresses coal resources. This change is not substantive and would not result in changes in the BLM's current program or practice; instead, it would reduce confusion by locating requirements specific to the coal program in the regulations governing that program.

Section 1610.6 Management decision review by Congress.

The BLM is proposing to redesignate this section as 1610.60 and make a minor change in terminology to revise the existing term "resource management plan" to "land use plan" consistent with the changes to these terms throughout the regulations. The BLM is also proposing to add the term "contiguous" to clarify that contiguous tracts of 100,000 acres or more are subject to the reporting requirements if a planning decision totally eliminates one or more principal or major uses in the area. This is consistent with BLM's current practice.

Section 1610.7 Designation of areas.

The BLM is proposing to remove this section as an organizational matter because this proposed rulemaking only addresses areas of critical environmental concern, which is the designation specifically defined in FLPMA.

Section 1610.7-1 Designation of areas unsuitable for surface mining.

The BLM is proposing to remove this subpart of these planning regulations as part of the intent of this revision is to focus these regulations on planning procedures. The BLM planning regulations are not an appropriate location for this program-specific instruction and are duplicative of procedures already established within the surface mining programs.

Section 1610.7-2 Designation of areas of critical environmental concern.

The BLM is proposing to redesignate this section as 1610.70 and remove burdensome requirements in the existing regulations for areas of critical environmental concern. Specifically, the BLM is proposing to eliminate the requirement in the existing regulations at § 1610.7-2(b) for the identification of areas of critical environmental concern in a draft land use plan, the associated 60-day comment period, and the existing requirement for a *Federal Register* notice

publication. This 60-day public comment period is redundant because there are other opportunities for public involvement in the planning process. The public would continue to be able to comment on areas of critical environmental concern during any public comment opportunity. To align with the statutory direction in FLPMA, the BLM is proposing language to clarify that special management attention is required to prevent or protect against irreparable damage in those areas designated as an area of critical environmental concern.

The BLM is also proposing changes that would clarify when the BLM would consider areas of critical environmental concern in an amendment process, considerations for boundaries, and the agency's discretion to modify or un-designate an area previously designated as an area of critical environmental concern. Other edits to this section clarify terms for consistency with FLPMA. The BLM is also considering addressing public nominations received during the planning process and specifically seeks public comment on what a valid public nomination should include and when the public should submit nominations in the planning process to inform the consideration and designation of areas of critical environmental concern.

Section 1610.8 Transition period.

The BLM is proposing to redesignate this section as 1610.80 and edit it to remove NEPA procedures and Environmental Protection Agency requirements that no longer apply. Some areas of the public lands are still managed under management framework plans (the predecessor to resource management plans) and some areas have no governing land use plan. The BLM is proposing changes to consolidate and clarify the sections of the regulations that provide procedures for areas managed under a management framework plan and where there is no governing land use plan.

Subpart 1611 Amending Land Use Plans to Address Emergencies.

The BLM is proposing to add a new subpart to address emergency procedures for land use planning.

Section 1611.10 Emergency procedures.

The BLM is proposing a new section that would address emergency procedures to expedite the planning process for certain amendments necessary to review applications for projects that are submitted to address emergency circumstances. In emergency circumstances an officer in the Office of the Secretary that has been confirmed by the Senate could authorize modifications to otherwise-applicable procedural requirements in this Part to facilitate preparation of a land use plan amendment for the review of a proposed implementation action to address emergency circumstances. Modified procedures described in paragraphs (a)(1)-(3) could include: 1) reducing timeframes for public participation, or waiving the requirement for public participation at notice or protest, but not waiving both; 2) waiving some coordination procedures, as long as some remain; 3) reducing timeframes to respond to the BLM's request for approved plans at the outset of planning and consistency review timeframes for governor and local government consistency reviews, or (4) waiving the requirement to request plans or hold a governor or local government consistency review, but not both. Pursuant to paragraph (b), these procedures only apply for the duration of the emergency circumstances. If modified procedures under this section would be used, the BLM would be required to publish these procedures to inform the public and other agencies, State and local governments, and tribes how the requirements for public involvement, coordination, and consistency during planning would be met for the amendment. These new proposed procedures outline opportunities for officials to approve modified procedures to address emergency circumstances while still meeting the obligations for planning under FLPMA.

III. Procedural Matters

Regulatory Flexibility Act

Under the Regulatory Flexibility Act (as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996; 5 U.S.C. 601 et seq.), whenever a Federal agency is required to publish a notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment an initial regulatory flexibility analysis that describes the

reasons why the action is being considered, a statement of the objectives and legal basis for the proposed rule, and estimate of the number of small entities the proposed rule would apply to, a description of reporting and recordkeeping requirements, and an identification of overlapping rules and laws. 5 U.S.C. 603(b). The reasons, objectives, and legal basis for the proposed rescission are described above. The BLM prepared an Initial Regulatory Flexibility Analysis (IRFA) that estimates the number of small entities that could be impacted by this deregulatory action and the impacts to those small entities. Based on the IRFA, the BLM does not expect the proposed rule to have a significant impact on a substantial number of small entities. However, the BLM solicits comments from affected small entities to improve BLM's estimation for the final rule. The BLM will undertake that estimation process in consultation with the Office of Advocacy of the Small Business Administration. This proposed rule would not modify any reporting or recordkeeping requirements. There are no rules or laws that conflict with this proposed rescission that the BLM has identified.

Regulatory Planning and Review Under Executive Order 12866

Section 6(a) of E.O. 12866 requires agencies to submit "significant regulatory actions" to OIRA for review. OIRA has determined that this rulemaking is significant under E.O. 12866.

BLM is required to conduct an economic analysis in accordance with section 6(a)(3)(B) of E.O. 12866. More can be found in the document titled, "Economic Analysis for Proposed Rule: Revision of Regulations for Planning, Programming, Budgeting," which is part of the eRulemaking docket.

Review Under Executive Order 13175

In accordance with E.O. 13175 ("Consultation and Coordination with Indian Tribal Governments"), and the Department of the Interior's manual at 512 DM 2, 512 DM 4 and 512 DM 6, we acknowledge our responsibility to communicate meaningfully with federally recognized Tribes and Alaska Native Corporations on a government-to-government basis. Through this notice we invite Tribes and Alaska Native Corporations to participate in

government-to-government consultation on this proposed rule. Consultation may be arranged by contacting the individual listed in the "For Further Information Contact" section above and may take the form of an in-person meeting or via teleconference or virtual web meeting. In addition, we will send communication via electronic mail to all 575 federally recognized Indian Tribes in and to approximately 200 Alaska Native Corporations soliciting their input as to whether or not they would like the BLM to consult with them on the proposed changes to the regulations at 43 CFR Part 1600, *Planning, Programming, Budgeting* and to notify them of the opportunity to participate in an informational webinar. The opportunity for government-to-government consultation will remain open for the duration of the rulemaking, and BLM welcomes Tribal input at any time before the final rule is issued. Tribes may be particularly interested in reviewing §§ 1610.30 "Coordination of planning efforts;" 1610.32 "Seeking consistency with State and local plans;" 1610.41 "Preparing for planning;" and 1611.10 "Emergency procedures."

Paperwork Reduction Act

The Paperwork Reduction Act (PRA) (44 U.S.C. 3501–3521) generally provides that an agency may not conduct or sponsor and, not withstanding any other provision of law, a person is not required to respond to a collection of information, unless it displays a currently valid OMB control number. Collections of information include any request or requirement to obtain, maintain, retain, or report information to an agency, or disclose information to a third party or to the public (44 U.S.C. 3502(3) and 5 CFR 1320.3(c)).

OMB has approved the existing information-collection requirements contained in 43 CFR Part 1600 under OMB control number 1004-0212. The proposed rule would add one new information collection and revise two existing information collections. These changes, along with the associated information-collection burden impacts, are discussed below.

Proposed New Information Collection

Section 1610.41(a)(2) - Preparing for Planning – State, Local, or Tribal Resource Plans: This proposed section would provide that State and local governments and Indian tribes and that the

State and local governments or Indian tribes identify uses germane to the development of land use plans for public lands which are prohibited in the approved resource-related plans. State and local governments and Indian tribes would have 45 calendar days to provide the requested information for it to be considered by the BLM. This proposed information collection is expected to result in 16 new annual responses and 975 new annual burden hours.

Proposed Revised Information Collections

Section 1610.51 – Protest procedures: The proposed rule would reduce the amount of information collected when filing a protest. The proposed rule would reduce redundancy and streamline the information requirements for protests. This proposed change would result in a reduction of 520 annual burden hours (from 1,560 to 1,040).

Section 1610.52 – Governor's consistency review procedures: The proposed rule would reduce a governor's timeframe to respond to a proposed land use plan, revision, or amendment in which to identify additional inconsistencies and provide recommendations from 60 to 30 calendar days. This change is not expected to change the burden hours associated with this IC.

Section 1610.53 – Local governments' consistency review procedures: The proposed rule would establish a 30-day timeframe for local governments to respond to a proposed land use plan, revision, or amendment in which to identify any inconsistencies and provide recommendations. This proposed change is not expected to change the burden hours associated with this IC.

Summary of Burden Changes

Currently, 131 annual response and 1,965 annual burden hours are approved under this OMB Control Number. The proposed change would result in 16 new annual responses (from 131 to 147) and 455 new annual burden hours (from 1,965 to 2,420). Therefore, the new burden under this OMB Control Number would be 147 total annual responses and 2,420 total annual burden hours.

As part of our continuing effort to reduce paperwork and respondent burdens, we invite the public and other Federal agencies to comment on new, proposed, revised, and continuing

collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

We are especially interested in public comments addressing the following:

(1) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) How the agency might minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of response.

The new total annual estimated burdens for OMB Control Number 1004-0041are provided below.

Title of Collection: Resource Management Planning.

OMB Control Number: 1004-0212.

Form Number: None.

Type of Review: Revision of a currently approved collection of information.

Respondents/Affected Public: State, Local, and Tribal governments; individuals/households; businesses; and associations.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: On occasion.

Estimated Completion Time per Response: 10 to 15 hours depending on activity.

Number of Respondents: 147.

Annual Responses: 147.

Annual Burden Hours: 2,420.

Annual Burden Cost: None.

Comments on Proposed Information-Collections in Proposed Rule

If you want to comment on the information-collection requirements of this proposed rule, please send your comments and suggestions on this information-collection by the date indicated in the DATES and ADDRESSES sections as previously described.

National Environmental Policy Act

The BLM intends to apply the Departmental categorical exclusion at 43 CFR 46.210(i) to comply with NEPA. This categorical exclusion covers 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. Further, the proposed rule does not implicate any of the extraordinary circumstances listed in 43 CFR 46.215. The BLM plans to document the applicability of the categorical exclusion concurrently with development of the final rule.

Review Under Executive Orders 14154 and 14192

DOI has examined this proposed rulemaking and has tentatively determined that it is consistent with the policies and directives outlined in E.O. 14154 "Unleashing American Energy," and E.O. 14192, "Unleashing Prosperity Through Deregulation." This proposed rule, if finalized as proposed, is expected to be an E.O. 14192 deregulatory action.

Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use (E.O. 13211)

Under E.O. 13211, agencies are required to prepare and submit a Statement of Energy Effects to the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget, for those matters identified as significant energy actions. This statement is to include a detailed statement of "any adverse effects on energy supply,

distribution, or use (including a shortfall in supply, price increases, and increased use of foreign supplies) should the proposal be implemented" and "reasonable alternatives to the action with adverse energy effects and the expected effects of such alternatives on energy supply, distribution, and use."

Section 4(b) of E.O. 13211 defines a "significant energy action" as "any action by an agency (normally published in the *Federal Register*) that promulgates or is expected to lead to the promulgation of a final rule or regulation, including notices of inquiry, advance notices of proposed rulemaking, and notices of proposed rulemaking: (1)(i) that is a significant regulatory action under E.O. 12866 or any successor order, and (ii) is likely to have a significant adverse effect on the supply, distribution, or use of energy; or (2) that is designated by OIRA as a significant energy action."

This proposed rule, if finalized as proposed, is not expected to have a significant adverse effect on the Nation's energy supply, energy distribution, or use of energy.

Severability

Each of the BLM's proposed changes to its regulations has independent utility. If any section or portion therein is stayed or determined to be invalid, or the applicability of any section to any person or entity is held invalid, it is the BLM's intention that the validity of the remainder of those parts will not be affected. The remaining sections and portions therein, should continue in effect.

List of Subjects in 43 CFR Part 1600

Administrative practice and procedure, Coal, Environmental impact statements, Environmental protection, Intergovernmental relations, Public lands.

Lanny E. Erdos,
Director, Office of Surface Mining, Reclamation, and Enforcement,
Exercising Authority of the Assistant Secretary -- Land and Minerals Management.

43 CFR Chapter II

Accordingly, for the reasons set out in the preamble, the Bureau of Land Management proposes to revise 43 CFR part 1600 to read as follows:

PART 1600—PLANNING

Subpart 1601—Planning

Sec.

1601.10 Purpose.

1601.20 Objective.

1601.30 Authority.

1601.40 Environmental compliance.

1601.50 Scope.

1601.60 Principles.

1601.70 Administrative remedy.

Subpart 1610—Land Use Planning

1610.10 Land use plans.

1610.20 Public participation.

1610.30 Coordination with other Federal agencies, State and local governments, and Indian tribes.

1610.31 Coordination of planning efforts.

1610.32 Seeking consistency with State and local plans.

1610.40 Land use planning process.

1610.41 Preparing for planning.

1610.42 Public notice of planning.

1610.43 Proposed land use plan, revision, or amendment.

1610.50 Land use plan pre-decisional review, approval, use, and modification.

1610.51 Protest procedures.

1610.52 Governor’s consistency review procedures.

1610.53 Local governments’ consistency review procedures.

1610.54 Land use plan approval.

1610.55 Conformity and implementation.

1610.56 Maintenance.

1610.57 Amendment.

1610.58 Revision.

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Subpart 1611—Amending Land Use Plans to Address Emergencies

1611.10 Emergency procedures.

Authority: 43 U.S.C. 1702, 1711-1712, 1740.

PART 1600—PLANNING

Subpart 1601—Planning

§ 1601.10 Purpose.

The purpose of this subpart is to establish in regulations a process for the approval of the development, revision, amendment, and maintenance of land use plans, as provided for by the Federal Land Policy and Management Act of 1976, for public lands administered by the Bureau of Land Management.

§ 1601.20 Objective.

The objective of land use planning by the Bureau of Land Management is to provide by tracts or areas for the use of public lands through procedures that promote multiple use and sustained

yield management and ensure participation by the public, state and local governments, Indian tribes, and appropriate Federal agencies.

§ 1601.30 Authority.

This part is issued under the authority of sections 103, 201, 202, and 310 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702, 1711-1712, 1740).

§ 1601.40 Environmental compliance.

The Bureau of Land Management will comply with the National Environmental Policy Act for the proposed plan, revision, or amendment as part of the land use planning process and, wherever possible, the proposed plan, revision, or amendment and related environmental compliance shall be published in a single document.

§ 1601.50 Scope.

(a) This part applies to all public lands subject to section 202 of the Federal Land Policy and Management Act.

(b) This part also governs the development, revision, amendment, or maintenance of land use plans when the only public land interest is the mineral estate.

§ 1601.60 Principles.

The development, revision, and amendment of land use plans will provide for public involvement and, unless otherwise provided by law, shall be consistent with the principles of multiple use and sustained yield described in sections 103 and 202 of the Federal Land Policy and Management Act of 1976.

§ 1601.70 Administrative remedy.

A decision issued pursuant to the procedures in this Part is the final decision for the Department of the Interior and is not reviewable by the Office of Hearings and Appeals.

Subpart 1610—Land Use Planning

§ 1610.10 Land use plans.

(a) Land use plans are described by the Federal Land Policy and Management Act of 1976 and document the Bureau of Land Management's decisions for the use of public lands. A decision to approve the development, revision, or amendment of a land use plan guides and controls future management actions and does not generally authorize any uses of the public lands, which are usually approved through project-specific implementation decisions. A land use plan, in contrast, establishes a framework for the Bureau of Land Management to consider proposed uses of public lands, and consists of:

(1) Desired resource use and condition objectives;

(2) Designations identified by statute, regulation, or national policy of land areas for exclusive purposes or uses;

(3) Lands allocated for allowable resource uses; and

(4) Management direction for the general management practices or program constraints needed to achieve the resource use and condition objectives.

(b) The Bureau of Land Management will establish intervals and standards for monitoring and evaluating the plan to determine the effectiveness of the plan and the need for amendment or revision.

(c) State Directors will provide quality control and supervisory review, including plan approval, for the development, revision, and amendment of plans and related environmental review.

(d) The Bureau of Land Management refers to land use plans as resource management plans.

§ 1610.20 Public participation.

(a) The public shall be provided opportunities to meaningfully participate in and comment on the development, revision, and amendment of plans. Opportunity for public participation in land use planning shall be appropriate for the areas and people involved. Opportunities for public participation shall at a minimum be provided at the following specific points in the planning process:

(1) General notice at the outset of the process consistent with § 1610.42; and

(2) Publication of the proposed land use plan, revision, or amendment, which triggers the opportunity for protest consistent with § 1610.51.

(b)(1) Any public comment period provided will be 30 calendar days beginning the day after the notice. The Bureau of Land Management may extend a public comment period for a period not to exceed an additional 30 calendar days.

(2) The Bureau of Land Management may offer a public meeting or hearing in lieu of providing a public comment period identified at paragraph (b)(1) of this section when adequate notice is provided, except when a comment period is required by the National Environmental Policy Act.

(c) Public opportunity to protest on the proposed land use plan, revision, or amendment pursuant to § 1610.51 will be 30 calendar days beginning the day after the publication of the proposed land use plan, revision, or amendment and cannot be extended.

§ 1610.30 Coordination with other Federal agencies, State and local governments, and Indian tribes.

The following sections outline the coordination and consistency procedures for land use planning.

§ 1610.31 Coordination of planning efforts.

(a) In addition to the public involvement prescribed by § 1610.20, the Bureau of Land Management will coordinate with other Federal agencies, state and local governments, and federally recognized Indian tribes consistent with section 202(c)(9) of the Federal Land Policy and Management Act.

(1) Coordination during the land use planning process means inviting the participation of Federal agencies, State and local governments, and Indian tribes germane to the planning area in the development, revision, or amendment of a land use plan to advise on the general approach of

the planning effort as representatives of people and institutions that are affected by decisions made in land use plans.

(2) [Reserved]

(b) When developing, revising, or amending land use plans, State Directors shall consider approved resource-related plans in the land resource management programs of State, local, and federally recognized Tribal governments submitted by these entities in the land use planning coordination process.

(1) Approved resource-related plans means plans and policies for resource management programs germane to the development of land use plans for public lands prepared and approved pursuant to and in accordance with authorization provided by State, local, or Tribal constitutions, legislation, or charters for the relevant governmental entity.

(2) [Reserved]

(c) State Directors shall, to the extent practicable, keep apprised of approved State and local governmental and Indian tribal plans that are germane in the development of land use plans for public lands, but they shall not be accountable for considering plans if they have not been provided to the Bureau of Land Management in a timely manner by State and local governments or Indian tribes.

§ 1610.32 Seeking consistency with State and local plans.

(a) The development, revision, or amendment of a land use plan shall be consistent to the maximum extent consistent with Federal law and the purposes of the Federal Land Policy and Management Act with approved resource-related plans of State and local governments, so long as these plans are consistent with the purposes, policies, and programs of Federal laws and regulations applicable to public lands.

(1) Consistent means that, as a general rule, no use of public land should be permitted which is prohibited by approved resource-related plans of State or local governments that are germane

to the development of land use plans for public lands, unless such use is found by the Bureau of Land Management to be in the national interest.

(2) Approved resource-related plans means plans and policies for resource management programs germane to the development of land use plans for public lands prepared and approved pursuant to and in accordance with authorization provided by State or local constitutions, legislation, or charters for the relevant governmental entity.

(b) State Directors shall not be accountable for ensuring consistency if they have not been notified in a timely manner, in writing, by State and local governments of an apparent, specific inconsistency.

§ 1610.40 Land use planning process.

The following sections outline procedures for conducting the land use planning process.

§ 1610.41 Preparing for planning.

(a) In preparing for planning, the Bureau of Land Management will:

(1) Assemble existing resource, environmental, social, economic, and institutional data and information. Inventory data and information shall be assembled in a manner that aids application in the planning process, including subsequent monitoring requirements.

(2) Request approved resource-related plans of State and local governments and Indian tribes. The Bureau of Land Management will ask State and local governments and Indian tribes to identify plans they have approved that are germane to the Bureau of Land Management's development of land use plans, as well as a summary of the uses that each such government plan generally prohibits or restricts. State and local governments and Indian tribes have 45 calendar days to provide the requested information for it to be considered by the Bureau of Land Management.

(3) For the development or revision of a land use plan, document a profile of the planning area and analysis framework to inform the planning process. This will include the current conditions, trends, and forecasts for resources, resource uses, existing designated uses of public

lands, and social and economic conditions within the planning area. The Bureau of Land Management will provide a framework for the analysis to avoid unnecessary data collection and analysis and will present the preliminary alternatives under consideration for the planning effort. The State Director will make this document publicly available.

(b) [Reserved]

§ 1610.42 Public notice of planning.

The State Director will provide public notice when the Bureau of Land Management initiates the development, revision, or amendment of a land use plan and will request public participation consistent with § 1610.20(a) and (b).

§ 1610.43 Proposed land use plan, revision, or amendment.

Prior to approving a land use plan, revision, or amendment, the State Director will publish a proposed land use plan, revision, or amendment, which will be subject to public protest pursuant to § 1610.51. The proposed land use plan, revision, or amendment shall establish intervals and standards, as appropriate, for monitoring and evaluation of the plan.

§ 1610.50 Land use plan pre-decisional review, approval, use, and modification.

The following sections describe the procedures for pre-decisional review, approval, use, and modification of approved land use plans.

§ 1610.51 Protest procedures.

(a) Any person who participated in the planning process and has an interest which is or may be adversely affected by the approval of a land use plan, revision, or amendment may protest such proposed land use plan, revision, or amendment. A protest may raise only those issues submitted to the Bureau of Land Management during the planning process or issues concerning substantial changes to a proposed plan, revision, or amendment made by the State Director and that could not previously have been raised during the planning process.

(1) Any protest shall be in writing and filed electronically with the Bureau of Land Management Headquarters through the agency's national register for National Environmental

Policy Act related documents. Consistent with § 1610.20(c), any protest must be received within 30 calendar days following the publication of the proposed plan, revision, or amendment on the agency's national register for National Environmental Policy Act related documents.

(2) The protest shall contain:

(i) The name and interest of the person filing the protest;

(ii) A statement of the issue or issues being protested; and

(iii) A concise statement explaining why the State Director's proposed decision is believed to be inconsistent with relevant law, regulation, or policy.

(3) The Office of the Bureau of Land Management Director shall render a decision on each protest before the Bureau of Land Management approves a plan, revision, or amendment.

(b) The Office of the Bureau of Land Management Director will publish written responses to any protests it received, setting forth the reasons for the Bureau of Land Management Director's resolution of the protest.

§ 1610.52 Governor's consistency review procedures.

(a) Prior to the public release of a proposed land use plan, revision, or amendment, the State Director shall submit to the Governor of the State involved, the proposed land use plan, revision, or amendment and shall identify known inconsistencies with approved State plans.

(b) The Governor shall have 30 calendar days beginning the day after receipt of the proposed land use plan, revision, or amendment to identify additional inconsistencies and provide recommendations for resolving inconsistencies in writing to the State Director. Recommendations from the Governor must be received within 30 calendar days to be considered by the Bureau of Land Management. If the Governor does not provide a recommendation to resolve inconsistencies, they are presumed resolved.

§ 1610.53 Local governments' consistency review procedures.

(a) Prior to the public release of a proposed land use plan, revision, or amendment, the State Director shall submit to the appropriate officials for the local governments within the planning

area, the proposed land use plan, revision, or amendment and shall identify known inconsistencies with approved local plans.

(b) The local government official shall have 30 calendar days beginning the day after receipt of the proposed land use plan, revision, or amendment to identify additional inconsistencies and provide recommendations for resolving inconsistencies in writing to the State Director. Recommendations from the local government official must be received within 30 calendar days to be considered by the Bureau of Land Management. If the local government official does not provide a recommendation to resolve inconsistencies, they are presumed resolved.

§ 1610.54 Land use plan approval.

(a) Following the resolution of any protest under § 1610.51, and the resolution of any inconsistencies identified by the Governor under § 1610.52 or local government officials under § 1610.53, the State Director will issue a decision concerning the approval of the plan, revision, or amendment.

(b) The Bureau of Land Management's decision concerning the approval of a plan, revision, or amendment under paragraph (a) of this section is the final decision of the Department of the Interior.

§ 1610.55 Conformity and implementation.

(a) All future authorizations and actions shall conform to the Bureau of Land Management's approved plan. Conformance means that the use, authorization, or action is provided for by the land use plan or, if not provided for, shall be consistent with the decisions of the approved land use plan, unless specifically authorized otherwise by law.

(b) If a proposed action is not in conformance and warrants further consideration before a plan revision is scheduled, such consideration shall be through a plan amendment in accordance with the provisions of § 1610.57.

(c) The Bureau of Land Management shall be responsible for monitoring and evaluating its approved land use plans in accordance with the established intervals and standards and at other

times as appropriate to determine whether there is sufficient cause to warrant amendment or revision of the plan based on new data, new or revised policy, or a change in circumstances.

§ 1610.56 Maintenance.

(a) In circumstances when the President or Congress establishes land uses or restrictions of land uses on public lands either through proclamation or law, the Bureau of Land Management will document maintenance to update applicable land use plans to reflect the decision of the higher-level authority. Any other changes to established land use planning decisions other than those expressly made by the proclamation or law must be reviewed through planning procedures for amendment or revision pursuant to §§ 1610.57 and 1610.58.

(b) The Bureau of Land Management may document maintenance to correct errors and is limited to further refining the documentation of a decision of the approved plan. Maintenance shall not result in expansion in the scope of resource uses or restrictions, or change the decisions of the approved plan.

(c) Maintenance is not considered a plan amendment and shall not require the formal public involvement and interagency coordination process described under §§ 1610.20 and 1610.30 or environmental review.

(d) Maintenance shall be documented in plans and supporting records.

§ 1610.57 Amendment.

A land use plan may be changed through amendment to maintain decisions providing for the management of public lands that are current. An amendment shall be initiated, as appropriate, by the Bureau of Land Management's consideration of monitoring and evaluation findings (§ 1610.55(c)) or a proposed action that would result in a change in the scope of resource uses or a change in a limited scope of the decisions of the approved plan. If the amendment is being considered in response to a specific proposal, the analysis required for the proposal and for the amendment may occur simultaneously and in the same documentation.

§ 1610.58 Revision.

A land use plan shall be revised when the Bureau of Land Management contemplates substantial changes to the scope of the planning decisions providing for the management of public lands. A revision shall be initiated, as appropriate, based on the Bureau of Land Management's consideration of monitoring and evaluation findings (§ 1610.55(c)) affecting the entire plan or major portions of the plan.

§ 1610.60 Management decision review by Congress.

Any Bureau of Land Management planning decision that totally eliminates one or more principal or major uses listed at section 103(l) of the Federal Land Policy and Management Act for two or more years with respect to contiguous tracts of 100,000 acres or more, shall be reported to Congress. This report shall not be required prior to approval of a land use plan which, if fully or partially implemented, would result in such an elimination. The required report shall be submitted as the first action step in implementing that portion of a land use plan which would require elimination of such a use.

§ 1610.70 Designation of areas of critical environmental concern.

(a) The Bureau of Land Management shall identify and evaluate if public lands have the potential for areas of critical environmental concern designation and management for protection against irreparable damage. The Bureau of Land Management evaluates and considers designation only through the process of developing or revising a land use plan, or when amending a land use plan when the evaluation and consideration falls within the scope of the amendment. If a nomination for an area of critical environmental concern is received outside of the planning process, the evaluation and consideration will be deferred to an upcoming planning process.

(b) In order for the Bureau of Land Management to designate an area of critical environmental concern, it must find that an area of public lands meets all three of the following criteria:

(1) *Relevance*. There shall be present historic, cultural, or scenic values, fish and wildlife resources or other natural systems or processes, or natural hazards.

(2) *Importance*. The resource, system, process, or hazard that the Bureau of Land Management determines to be relevant shall also have substantial value. This generally requires characteristics that demonstrate qualities of more than localized distinctiveness, especially when compared to similar resources. A natural hazard can be important if it is a threat to human life or property.

(3) *Special management attention*. The area requires special management to protect and prevent irreparable damage from a reasonably foreseeable use to those values that the Bureau of Land Management determines to be relevant and important.

(c) The boundaries of designated areas of critical environmental concern shall encompass the smallest area of public lands necessary to protect and prevent irreparable damage of the relevant and important values.

(d) The State Director, through the land use planning process, may in whole or in part remove or modify the designation of an area of critical environmental concern.

§ 1610.80 Transition period.

(a) Proposed management actions must conform to approved management framework plans until such time as those plans are superseded by land use plans or amended under § 1610.57.

(b) The Bureau of Land Management is not required to initiate land use planning in areas with no land use plan or a management framework plan, except to consider the sale of lands consistent with section 203 of the Federal Land Policy and Management Act. The Bureau of Land Management will consider proposed actions on unplanned public lands consistent with applicable Federal statutes and procedures.

Subpart 1611—Amending Land Use Plans to Address Emergencies

§ 1611.10 Emergency procedures.

(a) To address emergency circumstances, any individual in the Office of the Secretary who has been appointed by the President, by and with the advice and consent of the Senate, may, consistent with the Federal Land Policy and Management Act and other applicable law, authorize modified procedural requirements that depart from those otherwise required by this subpart for amending land use plans, to facilitate review of a proposed implementation action to address the emergency circumstances. Modified procedures may include:

(1) Public participation. Reducing the timeframes required for public participation described at § 1610.20(b) or (c), or waiving the requirement for public participation at notice described at § 1610.20(a)(1) or protest described at § 1610.20(a)(2), but not waiving both.

(2) Coordination. Waiving the specific procedures for invitation to participate in coordination described at § 1610.31(a) and the review of plans for consideration described at § 1610.31(b). If these procedures are waived, communications tailored to collect only the information needed to support the plan amendment under review must occur.

(3) Consistency. Reducing the timeframes required to respond to the Bureau of Land Management's request for approved resource-related plans of State and local governments and Indian tribes and statement of prohibited uses described at § 1610.41(a)(2) and for the Governor's consistency review described at § 1610.52(b) and local governments' consistency review described at § 1610.53(b), or waiving the requirement to request plans or hold consistency reviews for the Governor and local governments, but not waiving both.

(b) The authority to apply emergency procedures of paragraph (a) of this section applies only for the duration of emergency circumstances and only for the preparation of land use amendments supporting the review of a project(s) that respond to the emergency circumstances.

(c) At the start of the planning effort, the State Director will publish the modified planning procedures to inform the public and other Federal agencies, State and local governments, and Indian tribes how the requirements for public involvement, coordination, and consistency during planning on public lands will be met for the amendment.

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