

**Unit 4.1.  
Land Use Plan Decisions and Their  
Implementation**

### **Unit Objectives**

- Examine how land use plan decisions are implemented
- Identify ways in which the Plan decisions are used to guide subsequent management actions



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## Planning Scenario: Video 2 Bike Race



### Video Questions/interaction

- What are the resource issues?
- What did the BLM do to achieve a positive outcome to the situation?
- Would you consider this to be adaptive management? Why/why not?

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## General Uses of the Plan

- Establishes framework for subsequent decisions and actions
- Sets direction for BLM management
- Establishes implementation and funding priorities
- Engages political and budgetary support
- Engages public support
- Makes information available to collaborators
- Facilitates transfer of BLM plan to future participants in planning
- Serves as a first-tier EIS for subsequent NEPA review

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## Legal Effect of Plan Approval

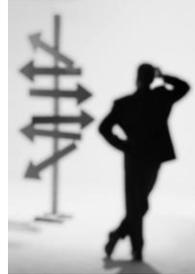
- Supplants existing RMP or MFP
- Certain decisions effective immediately
- Represents the policy of BLM
- Plan decisions no longer protestable



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## Plan Decision Distinguished from Subsequent Decisions

- Plan Decision
  - ◆ general guiding framework signed by State Director
  - ◆ protestable
- Subsequent implementation decisions
  - ◆ actions for implementation of the plan decisions
  - ◆ appealable



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## Establishing Implementation Priorities

- Objective: identify and communicate future funding and work priorities at field office for implementation of RMP
- Complete within FOUR MONTHS of ROD
- Replaces Developing Strategies to Facilitate Implementation of LUPs in BLM Planning Handbook, p 31

## **Establishing Implementation Priorities** (con't)

- Four-step process
  - ◆ Participate in implementation workshop, develop spreadsheet
  - ◆ Outline workload & establish priorities based on anticipated budget and personnel
  - ◆ Integrate specific tasks with required funding and budget sub-activities
  - ◆ Create communication strategy
- Update spreadsheets annually to aid in 5-yr RMP evaluation

## **Implementation Decisions**

- Define specific actions needed to implement Plan Decision
- Initiates further planning and NEPA review
- Signed at field-office level
- Appealable to IBLA

## How to Use the Plan

- How to review a proposal using the plan
- Determining conformance with the plan
- NEPA compliance for subsequent implementation decisions
  - ◆ Determination of NEPA adequacy (DNA)
  - ◆ Categorical exclusion/DR
  - ◆ EA/FONSI
  - ◆ EIS/ROD

See IM 2001-062 (DNA Process); NOTE: this will change in the new BLM NEPA Handbook 4.1 - 8

## Definition of Tiering

“Refers to the coverage of general matters in broader EIS with subsequent narrower statements or environmental analyses (ultimately site-specific statements) incorporating by reference the general discussions and concentrating solely on the issues specific to the statement subsequently prepared.”

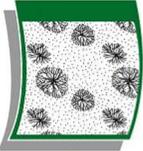
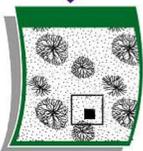
“Tiering helps the lead agency to focus on the issues which are ripe for decision and exclude from consideration issues already decided or not yet ripe ”

## Benefits of Tiering

- Eliminate repetitive discussion of material covered in the programmatic document
- Avoid need to reanalyze alternatives rejected at the programmatic level
- Delays in project approval and permitting if mitigation strategies not tiered from programmatic EIS (and RMP)

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## Tiering

Tier	Study Area	Document	Focus of Document
Tier 1 Plan Area			<ul style="list-style-type: none"> <li>• Jurisdiction-wide affected environment</li> <li>• Jurisdiction cumulative impacts</li> <li>• Jurisdiction-wide mitigation measures (policies and programs)</li> </ul>
Tier 2 Action Area within the Plan Area			<ul style="list-style-type: none"> <li>• Incorporation by reference</li> <li>• Project site setting</li> <li>• Project site impacts</li> <li>• Project-specific mitigation measures</li> </ul>

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## Program v. Project Contents

NEPA Compliance	Project-Level NEPA	Plan-Level EIS
<b>Affected Environment</b>	Emphasis on project site and immediate surroundings	Regional in scope; often crossing political boundaries and covering numerous ecosystems

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## Program v. Project Contents (Cont.)

NEPA Compliance	Project-Level NEPA	Plan-Level EIS
<b>Alternatives, including Proposed Action</b>	Typically a well-defined proposal with a known location; Range of alternatives includes different ways to meet a common objective	Typically a set of policies and maps of possible future uses, the specifics of which are not yet known; Range of alternatives includes future land use scenarios, often with differing objectives

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## Program v. Project Contents (Cont.)

NEPA Compliance	Project-Level NEPA	Plan-Level EIS
<b>Environmental Consequences</b>	Emphasis on direct and indirect effects of a single activity	Emphasis on cumulative effects of multiple future activities

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## Program v. Project Contents (Cont.)

NEPA Compliance	Project-Level NEPA	Plan-Level EIS
<b>Mitigation Measures</b>	Emphasis on minimizing impacts on a proposed action that is defined by context and intensity	Emphasis on developing broad environmental policies and programs within the plan that would apply to many future projects, the details and location of which are not yet known

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## Tiering: When Is a Later EIS Required?

- Later project may cause significant effect not *adequately addressed* in prior EIS
- Significant effect is based on context and intensity:
  - Detrimental effect of beneficial action
  - Public health
  - Unique characteristics
  - Degree of controversy
  - Degree of unique or unknown risk
  - Precedent-setting effect
  - Cumulative effect
  - Cultural/historic resource effect
  - Special-status species
  - Violations of federal, state, local environmental law

CEQ NEPA Regulations 40 CFR 1508.27

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## Tiering: When Is a Later EIS Not Required?

- When significant effects have been adequately addressed
  - ◆ Mitigated or avoided as a result of prior EIS (DNA)
  - ◆ Examined in sufficient detail in prior EIS to enable them to be mitigated in later project (CX or EA/FONSI)

See IM 2001-062

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## Tiering: Parameters for Later Analysis

- Level of detail in first tier need not be greater than that of program, plan, policy, or ordinance being analyzed
- Analysis may be deferred when sufficient information is lacking at time of first-tier EIS
- Analysis of foreseeable significant effects of future tiers must not be deferred
- Project must be consistent with RMP
- A DNA, CX, or EA/FONSI may be tiered from first-tier EIS

See IM 2001-062

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### BLM Screening Process: Six Critical Questions

Does proposal conform to existing land use plan?

YES

Is proposal an exception from BLM NEPA requirements?

NO

Is proposal listed as normally requiring an EIS?

NO

Is existing analysis and document sufficient?

NO

Is proposal listed as categorically excluded?

NO

Are environmental impacts expected to be significant?

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## Exercise N. Land Use Plan Decisions

- Each small group will be asked to evaluate one of the proposed actions and answer the following questions. Consider the applicable objectives and management actions in the table (from the ROD/adopted plan).
  1. Which objectives and management actions would be applicable to your proposed action?
  2. Would the proposed action be consistent with the applicable objectives and management activities?
  3. Would an amendment be necessary?
  4. What level of NEPA compliance would be necessary (CX, DNA, EA, EIS)?

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