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APR 15 1980



Department of Energy  
Washington, D.C. 20461

March 5, 1980

I am pleased to forward to you a copy of the Department of Energy's final regulation for the Geothermal Loan Guaranty Program. It contains many of the constructive suggestions received in response to our earlier request to interested parties for comments on the Department's proposed regulation.

The final regulation contains features which improve the distribution of requirements and risk among borrowers, lenders and the Department of Energy (DOE). It resolves program and policy concerns expressed by potential applicants--concerns which in the past may have served to restrict your use of the Geothermal Loan Guaranty Program. I believe that this restructured program is worthy of your consideration as it represents a viable tool for financing the development and use of geothermal energy.

We share the concern which has been expressed by potential applicants over the length of time taken in the past to process applications for a guaranty on loans for geothermal projects. Our current goal is to complete the evaluation process and reach a decision on an application within 4 to 6 months after it is accepted by DOE's San Francisco Operations Office. To achieve that goal will require the assistance and cooperation of applicants in the timely submission of data and other backup material. Program staff at the San Francisco Operations Office are available to assist you in delineating DOE's requirements for a geothermal loan guaranty.

I want to assure you that DOE is fully committed to providing assistance and encouragement to projects that will accelerate the commercialization of geothermal energy. By working together we can realize the benefits that have been identified with geothermal energy.

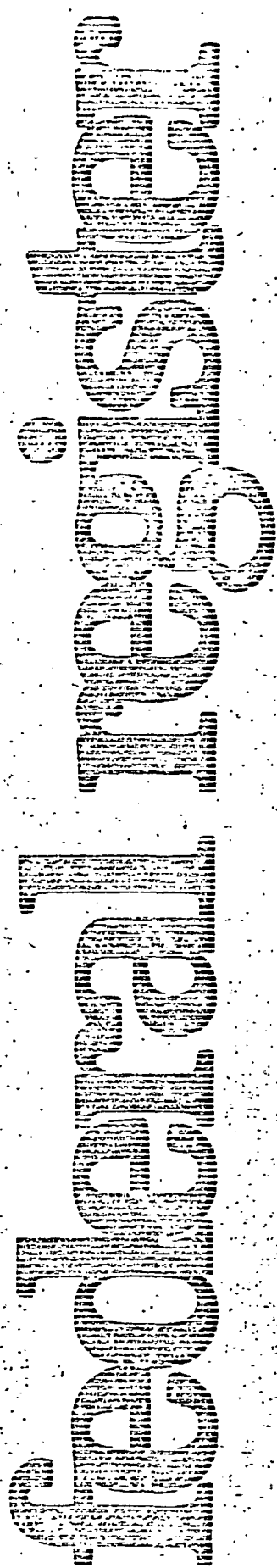
Sincerely,

A handwritten signature in cursive script that reads "Ruth M. Davis".

Ruth M. Davis  
Assistant Secretary  
Resource Applications

Enclosure

Monday  
November 23, 1981



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**Part III**

**Department of the  
Interior**

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**Bureau of Land Management**

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**Amendments to the Planning Regulations**

## DEPARTMENT OF THE INTERIOR

## Bureau of Land Management

## 43 CFR Part 1600

## Amendments to the Planning Regulations; Elimination of Unneeded Provisions

AGENCY: Bureau of Land Management, Interior.

ACTION: Proposed rulemaking.

**SUMMARY:** This proposed rulemaking would eliminate burdensome, outdated and unneeded provisions in the existing planning regulations. The decision as to which provisions should be eliminated was arrived at after a thorough review of public comments received in response to a request by the Secretary of the Interior and after an extensive review of the existing regulations by Bureau of Land Management personnel. The proposed rulemaking would also renumber the regulations.

**DATE:** Comments by January 22, 1982.

**ADDRESS:** Comments should be sent to: Director (140), Bureau of Land Management, 1800 C Street, N.W., Washington, D.C. 20240.

Comments will be available for public review in Room 5555 of the above address during regular working hours (7:45 a.m. to 4:15 p.m.) on regular business days.

**FOR FURTHER INFORMATION CONTACT:** David Williams, (202) 653-8824

or

Robert C. Bruce, (202) 343-8735

**SUPPLEMENTARY INFORMATION:** In February 1981, as part of the effort to reduce the burden imposed on the public by burdensome and counter-productive regulations, the Secretary of the Interior asked the public and agencies of the Department of the Interior to identify those regulations that were burdensome or counter-productive so they could be reviewed for revision or elimination. Several of the comments from the public identified concerns with the Bureau of Land Management's land use planning regulations. The areas identified in these comments were in addition to areas of the regulations identified through the experience gained by the Bureau of Land Management in operating under the regulations and areas suggested in comments from Department of the Interior agencies. This proposed rulemaking would implement the changes identified by all these sources.

The planning regulations that became effective on September 8, 1979, are the basis of the Bureau of Land Management's land use planning process. Prior to the issuance of the

existing regulations, the Bureau has prepared, since 1969, land use plans to provide multiple use direction for public lands. As a result, approximately 80 percent of the public lands, exclusive of Alaska, are covered by land use plans called "management framework plans" prepared under guidelines that were in use before the passage of the Federal Land Policy and Management Act of 1976. Section 202 of the Federal Land Policy and Management Act specifically authorized land use planning as a program to be carried out by the Bureau of Land Management on the public lands. The land use plans mandated by the Federal Land Policy and Management Act and issued under the planning regulations are called "Resource Management Plans." Six pilot resource management planning projects were initiated in October 1979. These pilot projects have been used to gain ongoing experience in the implementation of the planning regulations and to provide a basis for developing a more detailed planning procedure for use Bureau-wide. Using the experience gained from the pilot projects, twenty-two resource management plans were started in the fall of 1980. A procedural manual implementing the regulations is now being compiled, based on experience with the pilots and experience with the California Desert Conservation Area Plan.

The Bureau of Land Management's experience to date, coupled with a strong commitment by the Department of the Interior to make the planning process as streamlined and responsive to program needs as possible, has revealed a number of areas in the existing regulations that can be improved so as to facilitate the planning process. This proposed rulemaking incorporates those changes as well as those that were suggested in the comments received in response to the Secretary of the Interior's request for the public to point out provisions that were burdensome and counter-productive.

The changes that would be made by the proposed rulemaking cover several areas of the existing regulations and will make them more responsive to program needs and public understanding. The first change will permit the existing base of management framework plans that were developed prior to the issuance of the existing regulations to continue to be used until such time as they can be replaced with resource management plans prepared under the procedure created by the planning regulations. This is accomplished by modifying the definition of "conformance" and providing for greater flexibility in the sections dealing with plan maintenance

and plan amendment so that existing plans and their supporting data base can be fully utilized while permitting expeditious handling of minor changes in those plans. The regulations also provide for decisions in the absence of a management framework plan or a resource management plan.

Another change would be the removal of the bulk of the sections dealing with public participation in the planning process and substituting a requirement for compliance with the provisions of the regulations of the Council on Environmental Quality issued pursuant to the National Environmental Policy Act. The amendment recognizes that the Council on Environmental Quality regulations have set standards for public involvement when the environmental analyses are involved so that it is possible to remove the duplicative language. The amendment does include additional instructions on public participation beyond those required by the regulations of the Council on Environmental Quality.

Other changes made by the proposed rulemaking would expedite the preparation of resource management plans by dropping the separate requirement for public comment on the planning criteria. Since there is adequate opportunity for public participation in the planning process, this additional step is not needed and does extend the process. The proposed rulemaking also modifies the inventory criteria to focus inventory on issues identified in the planning process, and on data needed for decisions. This is to ensure that the time and money spent on the inventory stage are cost effective.

Another proposed change would modify the management situation analysis provisions of the existing regulations to ensure that this process does not generate analysis beyond that needed to address management issues.

A change in the proposed rulemaking would provide that the public comment period for the draft environmental impact statement shall comply with the requirements of the Council on Environmental Quality regulations. Those regulations provide for a period of at least 45 days for review of a draft environmental impact statement after it has become available to the public and the Environmental Protection Agency has published a notice of that availability in the Federal Register.

The consistency provisions of the existing regulations generated a large number of comments. A proposed rulemaking addressing consistency was published in the Federal Register of December 16, 1980 (54 FR 82679) but no

final regulation was issued. That proposal now has been included in this proposed rulemaking. The changes also provide two new definitions that clarify consistency and establish what non-Bureau of Land Management plans are to be considered for consistency. Another change proposed for this area of the regulations clarifies how the Bureau will also attempt to arrive at consistency with other Governmental policies and programs not embodied in a land use plan. These changes are designed to meet the public's concern about the existing regulations not fully implementing the requirements of section 202 of the Federal Land Policy and Management Act as they relate to consistency with State and local resource-related plans, policies and programs.

A proposed rulemaking would remove the policy criteria regarding areas of critical environmental concern from the existing planning regulations. This action is being taken because of the belief that the policy criteria for any specific program or resource value do not belong in the planning regulations. Those criteria can be found in the guidance for the program involved. The guidance on areas of critical environmental concern was published in the Federal Register on August 27, 1980 (45 FR 57318), and will be given appropriate policy consideration. This proposed rulemaking differs from that published in the Federal Register of December 16, 1980 (45 FR 82679), in that it does not include policy criteria for areas of critical environmental concern.

If several instances, provisions are proposed to be deleted from the regulations because they are operational in nature. These deleted provisions will be incorporated in the Bureau of Land Management's operational manual or other directives.

The planning regulations would be totally renumbered by the proposed rulemaking. This renumbering is needed to provide sufficient numbers in the Bureau of Land Management's manual system to allow supplemental guidance that will be issued by the Director, Bureau of Land Management, in Bureau manuals.

Finally, a number of minor editorial changes and corrections have been made to the existing regulations by this proposed rulemaking.

The principal author of this proposed rulemaking is David Williams, Office of Planning and Environmental Coordination, assisted by the staff of the Office of Legislation and Regulatory Management, Bureau of Land Management.

It is hereby determined that the publication of this document is not a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is required.

The Department of the Interior has determined that this document is not a major rule under Executive Order 12291, and will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (Pub. L. 96-354).

**Part 1600—Planning, Programing, Budgeting**

Under the authority of sections 201 and 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1711 and 1712), it is proposed to amend Part 1600, Subchapter A, Chapter II, Title 43 of the Code of Federal Regulations as set forth below:

1. The sections of subpart 1601 are renumbered as described in the redesignation table below.

Old section	New section
1601.0-1	1601.0-1
1601.0-2	1601.0-2
1601.0-3	1601.0-3
1601.0-4	1601.0-4
1601.0-5	1601.0-5
1601.0-6	1601.0-6
1601.0-7	1601.0-7
1601.0-8	1601.0-8
1601.1	1611
1601.1-1	1611.1
1601.1-2	1611.2
1601.1-3	1611.3
1601.3	1614
1601.4	1615
1601.4-1	1615.1
1601.4-2	1615.2
1601.4-3	1615.3
1601.5	1616
1601.5-1	1616.1
1601.5-2	1616.2
1601.5-3	1616.2-1
1601.5-4	1616.3
1601.5-5	1616.4
1601.5-6	1616.5
1601.5-7	1616.6
1601.5-8	1616.7
1601.5-9	1616.8
1601.6	1617
1601.6-1	1617.1
1601.6-2	1617.2
1601.6-3	1617.3
1601.6-4	1617.3-1
1601.6-5	1617.3-2
1601.6-6	1617.3-3
1601.6-7 (removed)	1617.4
1601.7 (removed)	1617.5
1601.7-1 (removed)	1617.6
1601.7-2 (removed)	
1601.7-3 (removed)	
1601.8	1618

<sup>1</sup> Subpart 1610—Resource Management Planning (new).  
<sup>2</sup> New.

2. Section 1601.1-1 is revised as follows:

**§ 1601.0-1 Purpose:**

The purpose of this subpart is to establish in regulations a process for the development, approval, maintenance, amendment and revision of resource management plans, and the use of existing plans for public lands administered by the Bureau of Land Management.

**§ 1601.0-2 [Amended]**

3. Section 1601.0-2 is amended by removing the first sentence and replacing it with the sentence "The objective of land use planning by the Bureau of Land Management is to maximize resource values for the public through a rational, consistently applied set of regulations and procedures which promotes the concept of multiple use management and ensures consultation with the public, state and local governments, Indian tribes and appropriate Federal agencies."

**§ 1601.0-3 [Amendment]**

4. Section 1601.0-3 is amended by inserting immediately after the phrase "the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1711-1712);" the phrase "the Public Rangelands Improvement Act of 1978 (43 U.S.C. 1901);"

**§ 1601.0-4 [Amended]**

5. Section 1601.0-4 is amended by:  
a. Revising paragraph (c) as follows:

(c) Resource management plans, amendments, revisions and related environmental impact statements shall be prepared by District or Area Managers, and reviewed and concurred in by State Directors. Resource management plans, amendments, revisions are then approved by District Managers. Specific roles and responsibilities of District and Area Managers and their staffs for planning shall be as assigned through Bureau of Land Management functional statements of responsibility. In general, Area Managers will be responsible for supervising the preparation of the plan, and the District Manager for providing direction and for approving resource management plans, amendments and revisions." and

(b) Amending paragraph (d) by inserting immediately after the word "coordinate" the phrase "planning activities."

**§ 1601.0-5 [Amended]**

6. Section 1601.0-5 is amended by:  
(a) Removing paragraphs (a), (d), (e), (h), (n), (o) and (p) in their entirety and renumbering paragraphs (b) and (c) as

paragraphs (a) and (b), renumbering paragraphs (f) and (g) as paragraphs (d) and (e) and renumbering paragraphs (i), (j), (k), (l), and (m), as paragraphs (g), (h), (i), (j) and (k);

(b) Amending paragraph (a), formerly paragraph (b), by removing the phrase "(when such areas are developed or used or where no development is required) to" and replacing it with the phrase "to manage";

(c) Amending paragraph (b), formerly paragraph (c), by substituting the word "or" for the word "of" where it appears the first time, and by amending the phrase "shall be clearly consistent with" to read "shall clearly not contradict";

(d) Adding a new paragraph (c) as follows:

"(c) 'Consistent' means that Bureau of Land Management plans will clearly not contradict the terms, conditions and decisions of officially approved and adopted resource related plans, or in their absence, with policies and programs, subject to the qualifications in § 1615.3 of this title."

(e) Amending paragraph (d), formerly paragraph (f), by removing the word "which" in the two places it appears and replacing it with the word "that" and by inserting after the word "District" the phrase "and Area";

(f) Adding a new paragraph (f) as follows:

"(f) 'Officially approved and adopted resource related plans' means plans prepared and approved pursuant to and in accordance with Federal or State legislation enabling planning."

(g) Paragraphs (j) and (k), formerly paragraphs (l) and (m), are revised as follows:

"(j) 'Resource area' means a geographic portion of a Bureau of Land Management district, under the supervision of an Area Manager. It is the administrative subdivision which has primary responsibility for day-to-day resource management activities and resource use allocations and is, in most instances, the area for which resource management plans are prepared and maintained."

"(k) 'Resource management plan' means a land use plan as described by the Federal Land Policy and Management Act. It is not a final implementation decision on actions which require further specific plans, process steps or decisions under specific provisions of law and regulations."

#### § 1601.0-6 [Amended]

7. Section 1601.0-6 is amended by removing the last sentence thereof.

#### § 1601.0-7 [Amended]

8. Section 1601.0-7 is amended by:

(a) Amending paragraph (a) by replacing the letters "BLM" with the phrase "Bureau of Land Management"; and

(b) Amending paragraph (b) by removing in the second sentence the phrase "have a major";

9. Section 1601.0-8 is revised as follows:

#### § 1601.0-8 Principles.

The development, approval, maintenance, amendment and revision of resource management plans shall be consistent with the principles described in section 202 of the Federal Land Policy and Management Act of 1976.

#### § 1611.1 [Amended]

10. Section 1611.1, formerly § 1601.1-1, is amended by:

(a) Amending the first paragraph of the section by removing the phrase "and District offices" and replacing it with the phrase "District and Resource Area offices";

(b) Amending paragraph (a) by revising the last sentence as follows: "This policy may include appropriately developed resource management commitments which are not required to be reexamined as part of the planning process." and

(c) Revising paragraph (b) as follows:

"(b) Guidance which has been developed at the State Director level, with necessary and appropriate governmental coordination as prescribed by § 1615 of this title. Such guidance shall be reconsidered by the State Director at any time during the planning process if it is found, through public involvement or other means, to be inappropriate when applied to the resource values and conditions found in a specific area being planned. Such change shall not violate national policy."

11. Section 1611.2, formerly § 1601.1-2, is revised as follows:

#### § 1611.2 Planning area.

A resource management plan shall be prepared and maintained on a resource area basis, unless the State Director authorizes a more appropriate planning area.

12. Section 1611.3, formerly § 1601.1-3, is revised as follows:

#### § 1611.3 Interdisciplinary approach.

An interdisciplinary approach shall be used in the preparation, amendment and revision of resource management plans as provided in 40 CFR 1502.6.

13. Section 1614, formerly § 1601.3, is revised as follows:

#### § 1614 Public participation.

The public shall be provided with early notice and given an opportunity to

participate in and comment on the preparation of plans and related guidance. Regulations published by the Council on Environmental Quality (40 CFR Parts 1500-1508; specifically §§ 1501.7, 1502.19, 1503.1-1503.4 and 1508.6) shall guide public participation in the preparation, amendment and revision of resource management plans and associated environmental statements. In addition, the following is directed:

(a) The Director shall, early in each fiscal year, publish a planning schedule which shall advise the public of the status of each plan in process of preparation or to be started during that fiscal year, the major action on each plan during that fiscal year and projected new planning starts for the 3 succeeding fiscal years. The notice shall call for comments on planning priorities for those 3 fiscal years so that such comments can be considered in refining priorities for those years.

(b) Upon starting the preparation, amendment or revision of resource management plans, public participation shall be initiated by a notice published in the Federal Register and appropriate media, including newspapers of general circulation in the State, adjoining States where the District Manager deems it appropriate, and the district. This notice may also constitute the scoping notice required by 40 CFR 1501.7. The notice shall include the following:

- (1) Description of the proposed planning action;
- (2) Identification of the geographic area for which the plan is to be prepared;
- (3) The general types of issues anticipated;
- (4) The disciplines to be represented on the interdisciplinary team;
- (5) The kind and extent of public participation opportunities to be provided;
- (6) The times, dates and locations scheduled or anticipated for any public meetings, hearings, conferences or other gatherings, as known at the time;
- (7) The name, title, address and telephone number of the Bureau of Land Management official who may be contacted for further information; and
- (8) The location and availability of documents relevant to the planning process.

(c) All public participation activities scheduled by the Bureau of Land Management shall be documented by a record or summary of the principal issues discussed. The documentation, together with a list of attendees, shall be available for public review and open for addition of comment by any participant

who wishes to clarify or add to the view he/she expressed.

(d) Copies of an approved resource management plan and amendments shall be reasonably available for public review. This includes copies at the State Office for that district, that District Manager's office, the Area office for lands directly involved, and additional locations determined by the District Manager. Plans, amendments and revisions shall be published and single copies shall be available to the public during the public participation process. After approval, a fee may be charged for additional copies at a rate established by the Director.

(e) Supporting documents to a plan shall be available for public review at the office where the plan was developed.

(f) Fees for reproducing requested documents beyond those used as part of public participation activities and other than single copies of the printed plan, amendment or revision, may be charged according to the Department of the Interior schedule for Freedom of Information Act requests in 43 CFR Part 2.

(g) When resource management plans involve areas of potential mining for coal, by means other than underground mining, and the surface is private, the Bureau of Land Management shall consult with all surface owners who meet the criteria in §3400.0-5 of this title. Contact shall be made in time to fully consider the surface owner's views. This contact may be made by mail or in person by the District or Area Manager or his/her appropriate representative. A period of at least 30 days from the time of contact shall be provided for the surface owner to provide his/her preference to the Area or District Manager.

(h) If the plan involves potential for coal leasing, a public hearing shall be provided prior to the approval of the plan, if requested by any person having an interest which is, or may be, adversely affected by implementation of such plan. The hearing shall be conducted as prescribed in § 3420.1-5 of this title and may be combined with a regularly scheduled public meeting.

#### § 1615 [Amended]

14. Section 1615, formerly § 1601.4, is amended by removing the figure "§ 1601.3" where it appears and replacing it with the figure "§ 1614" and by inserting after the phrase "District Managers," the phrase "and Area Managers".

#### § 1615.1 [Amended]

15. Section 1615.1, formerly § 1601.4-1, is amended by:

(a) Removing from paragraph (c) the figure "1601.1-1" where it appears and replacing it with the figure "1611.1"; and

(b) Renumbering paragraph (c)(i) as paragraph (c)(1) and revising it as follows:

"(1) Ensure that it is consistent, to the extent required by § 1615.3 of this title, with existing officially adopted and approved resource related plans, policies or programs of other Federal Agencies, State agencies, Indian tribes and any local governments that may be affected; and"

(c) Renumber paragraphs (c)(ii) and (c)(iii) as paragraphs (c)(2) and (c)(3).

#### § 1615.2 [Amended]

16. Section 1615.2, formerly § 1601.4-2, is amended by:

(a) Inserting immediately after the word "District" the phrase "and Area";

(b) Amending paragraph (a) by removing the phrase "The District Manager shall submit a" and replacing it with the word "A", by inserting immediately after the word "District" the phrase "and Area" and by removing the figure "§ 1601.3(g)" where it appears in the last sentence of the paragraph and replacing it with the figure "§ 1614(b)";

(c) Amending paragraph (c) by adding at the end of the first sentence the phrase "as prescribed in § 1615.3 of this title." and by removing the second sentence in its entirety; and

(d) Revising paragraph (d) as follows: "(d) Federal agencies, State and local governments and Indian tribes shall have the time period prescribed under § 1614 of this title for review and comment on resource management plan proposals. Should they notify the District or Area Manager, in writing, of what they believe to be specific inconsistencies between the Bureau of Land Management resource management plan, and their officially approved and adopted resource related plans, the resource management plan documentation shall show how those inconsistencies were addressed and, if possible, resolved."

#### § 1615.3 [Amended]

17. Section 1615.3, formerly § 1601.4-3, is amended by:

(a) Revising paragraphs (a) and (b) as follows:

"(a) Guidance and resource management plans shall be consistent with officially approved or adopted resource related plans, and the policies and programs contained therein, of other Federal agencies, State and local governments and Indian tribes, so long

as the guidance and resource management plans are also consistent with the purposes, policies and programs of Federal law and regulations applicable to public lands, including Federal and State pollution control laws as implemented by applicable Federal and State air, water, noise and other pollution standards or implementation plans.

(b) In the absence of officially approved or adopted resource related plans of other Federal agencies, State and local governments and Indian tribes, guidance and resource management plans shall, to the extent practical, be consistent with officially approved and adopted resource related policies and programs of other Federal agencies, State and local governments and Indian tribes. Such consistency will be accomplished so long as the guidance and resource management plans are consistent with Secretarial policies and programs and the provisions of Federal law and regulations applicable to public lands, including Federal and State pollution control laws as implemented by applicable Federal and State air, water, noise and other pollution standards or implementation plans; and

(b) Amending paragraph (c) by inserting after the word "District" the phrase "and Area".

#### § 1616.1 [Amended]

18. Section 1616.1, formerly § 1601.5-1, is amended by inserting after the word "District" in the second sentence the phrase "and Area", by removing the phrase "This action" at the beginning of the third sentence and replacing it with the phrase "Issue identification" and by removing in the fourth sentence the phrase "plus the development of planning criteria (§1601.5-2)".

19. Section 1616.2, formerly § 1601.5-2, is revised as follows:

#### § 1616.2 Development of planning criteria.

§ 1616.2-1 Purposes and use of criteria. The District or Area Manager shall prepare criteria to guide development of the resource management plan, or revision, to ensure that it is tailored to the issues previously identified and to ensure that unnecessary data collection and analyses are avoided. Planning criteria shall be written and, upon request, shall be available for public review. Planning criteria may be changed as planning proceeds based on public suggestions and findings of the various studies and assessments.

20. Section 1616.3, formerly § 1601.5-3, is revised as follows:



**§ 1616.3 Inventory data and information collection.**

The District or Area Manager shall arrange for resource, environmental, social, economic and institutional data and information to be collected, or assembled if already available. Information and inventory data collection will emphasize significant issues and potential decisions with significant impact. When a planning decision is made, but there is insufficient inventory data or other information, the decision shall preserve, to the degree practical, future resource options and avoid irreversible commitments.

21. Section 1616.4, formerly § 1601.5-4, is revised as follows:

**§ 1616.4 Analysis of the management situation.**

(a) The District or Area Manager shall analyze the inventory data and other information available, including plans and information from other Federal agencies, State and local governments, and Indian tribes. The manager shall relate these materials to the issues, planning criteria and guidance in a way which will provide a basis for formulation of alternatives.

(b) The inventory data shall be analyzed to determine whether there are areas containing resources, values, systems or processes or hazards eligible for further consideration for designation as an ACEC.

22. Section 1616.5, formerly § 1601.5-5, is revised as follows:

**§ 1616.5 Formulation of alternatives.**

Several complete, reasonable resource management alternatives shall be prepared for the resource area. One shall be for no action, which means continuation of present levels or systems of resource use. The alternatives shall reflect the variety of issues and guidance applicable to the resource area. The total number of alternatives shall be limited to a manageable number for presentation and analysis by treating all reasonable variations as sub-alternatives.

**§ 1616.6 [Amended]**

23. Section 1616.6, formerly § 1601.5-6, is amended by inserting after the word "District" the phrase "and Area" and by removing the third and fourth sentences.

24. Section 1616.7, formerly § 1601.5-7, is revised as follows:

**§ 1616.7 Selection of preferred alternative.**

The District or Area Manager shall evaluate the alternatives and their effects, and develop a preferred alternative which shall best meet national and State Director guidance.

The preferred alternative shall be incorporated into the draft resource management plan and draft environmental impact statement. The resulting document shall be forwarded to the State Director for concurrence, publication and filing with the Environmental Protection Agency. This draft plan and environmental impact statement shall be provided to the Governor of the State involved in accordance with § 3420.1-7 of this title.

25. Section 1616.8, formerly § 1601.5-8, is revised as follows:

**§ 1616.8 Selection of resource management plan.**

After publication of the draft resource management plan and draft environmental impact statement, the District Manager shall evaluate the comments received and select and recommend to the State Director, for review and concurrence, a proposed resource management plan and final environmental impact statement. After review and concurrence in the proposed resource management plan, the State Director shall publish and file the plan and related environmental impact statement.

**§ 1616.9 [Amended]**

26. Section 1616.9, formerly § 1601.5-9, is amended by removing from the second sentence the phrase "whether any established threshold levels have been met or exceeded."

**§ 1617.1 [Amended]**

27. Section 1617.1, formerly § 1601.6-1, is amended by:

(a) Revising the title as follows:

**§ 1617.1 Resource management plan approval, administrative review and protest procedure.**

(b) Removing paragraph (b) in its entirety;

(c) Renumbering paragraph (c) as paragraph (b) and revising it as follows:

"(b) Upon the receipt of concurrence from the State Director, and no earlier than 30 days after the Environmental Protection Agency publishes a notice of the filing of the final environmental impact statement in the Federal Register, and pending final action on any protest that may be filed, the District Manager shall approve the plan. Approval shall be withheld on any portion of a plan or amendment being protested until final action has been completed on such protest. Before such approval is given, there shall be public notice and opportunity for public comment on any significant change made to the proposed plan. The approval shall be documented in a concise public record of the decision,

meeting the requirements of regulation for the National Environmental Policy Act of 1969 (40 CFR 1505.2). Approval of the plan also constitutes formal designation of any recommended ACEC involved."

(d) Renumbering paragraph (d) as paragraph (c) and amending subparagraph (2)(v) by removing the word "short" where it appears;

(e) Renumbering paragraph (e) as paragraph (d) and revising the first sentence as follows:

"(d) A party adversely affected by a State Director's decision may protest to the Director within 30 days of receipt of that decision if it relates to any planned action that cannot, upon the issuance of a subsequent implementation decision, be appealed under Part 4 of this title or any other protest procedure provided for in this title"; and

(f) Amending subparagraph (1)(ii) of renumbered paragraph (d) by removing the word "short".

**§ 1617.2 [Amended]**

28. Section 1617.2, formerly § 1601.6-2, is amended by:

(a) Amending paragraph (a) by inserting after the word "District" the phrase "and Area";

(b) Amending paragraph (c) by removing the period at the end of the last sentence of the paragraph and adding the phrase "at the time that action is proposed"; and

(c) Adding a new paragraph (d) as follows:

"(d) If a proposed action is not in conformance, and warrants further favorable consideration before a plan revision is scheduled, such consideration shall be through a plan amendment in accordance with the provisions of § 1617.3-2 of this title."

29. Section 1617.3, formerly § 1601.6-3, is revised as follows:

**Sec. 1617.3 Changing the resource management plan.**  
 1617.3-1 Maintenance  
 1617.3-2 Amendment  
 1617.3-3 Revision

**§ 1617.3 Changing the resource management plan.**

**§ 1617.3-1 Maintenance.**

Resource management plans and supporting components shall be maintained as necessary. Such maintenance is limited to further refining or documenting a previously approved decision incorporated in the plan. This may include a minor change in the decision based on new data or analysis so long as that change does not significantly contradict any other

aspect of the plan. Maintenance is not considered a plan amendment and shall not require the formal public involvement and interagency coordination process described under §§ 1614 and 1615 of this title or the preparation of environmental assessments or environmental impact statements. Maintenance shall be documented in plans and supporting process records.

#### § 1617.3-2 Amendment.

A resource management plan may be changed through amendment. An amendment shall be initiated by the need to consider monitoring and evaluation findings, new data, new or revised policy, a change in circumstances or a proposed action. An amendment shall be based upon an environmental analysis of the proposed change and alternatives (unless categorically excluded by 516 DM 6), public involvement as prescribed in § 1614 of this title, interagency coordination and consistency determination as prescribed in § 1615 of this title and any other data or analysis that may be appropriate. In all cases, the effect of the amendment on the plan shall be evaluated. 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.

(a) If the environmental analysis does not disclose significant impact, a finding of no significant impact may be made by the District Manager. The District Manager shall then make a recommendation on the amendment to the State Director for concurrence, and upon concurrence, the District Manager shall issue a public notice of the action taken on the amendment. If the amendment is approved, it may be implemented 30 days after such notice.

(b) If a decision is made to prepare an environmental impact statement, the amending process shall follow the same procedure required for the preparation and approval of the plan, but limited to that portion of the plan being considered for amendment. If several plans are being amended simultaneously, a single

environmental impact statement may be prepared to cover all amendments.

#### § 1617.3-3 Revision.

A resource management plan shall be revised as necessary, based on monitoring and evaluation findings (§ 1616.9), new data, new or revised policy and changes in circumstances affecting the entire plan or major portions of the plan. Revisions shall comply with all of the requirements of these regulations for preparing and approving an original resource management plan.

#### § 1617.4 [Amended]

30. Section 1617.4, formerly § 1601.6-4, is amended by:

(a) Amending the first paragraph by inserting after the word "District" the phrase "and Area";

(b) Amending paragraph (c) by removing the figure "1601.3" where it appears and replacing it with the figure "1614", by removing the figure "1601.4" where it appears and replacing it with the figure "1615", by removing the figure "1601.6-1" where it appears and replacing it with the figure "1617.1".

#### § 1617.5 [Amended]

31. Section 1617.5, formerly § 1601.6-5, is amended by inserting a comma after the word "Implemented" where it appears in the second sentence.

#### § 1617.6 [Amended]

32. Section 1617.6, formerly § 1601.6-6, is amended by removing the figure "§ 3461.2" and replacing it with the figure "§ 3461.1".

33. Section 1618, formerly § 1601.8, is revised as follows:

#### § 1618 Validity and use of existing plans.

(a) Proposed actions may be considered on the basis of existing management framework plans as follows:

(1) The management framework plan shall be in compliance with the principle of multiple use and sustained yield and shall have been developed with public participation and governmental coordination, but not necessarily

precisely as prescribed in §§ 1614 and 1615 of this title.

(2) Within 30 days after the Environmental Protection Agency publishes a notice of the filing of final court ordered environmental impact statement—which is based on management framework plan—proposed actions may be initiated without any further analysis or processes included in this subpart.

(3) For proposed actions other than those described in paragraph (a)(2) of this section, determination shall be made by the District or Area Manager whether the proposed action is in conformance with the management framework plan. Such determination shall be in writing and shall explain the reasons for the determination.

(i) If the proposed action is in conformance, it may be further considered for decision under procedures applicable to that type of action, including requirements of regulations for implementing the procedural provisions of the National Environmental Policy Act in 40 CFR Parts 1500-1508.

(ii) If the proposed action is not in conformance with the management framework plan, and if the proposed action warrants further favorable consideration before a resource management plan is scheduled for preparation, such consideration shall be through a management framework plan amendment using the provisions of § 1617.3-2 of this title.

(b) If an action is proposed where public lands are not covered by a management framework plan or a resource management plan, an environmental analysis, if necessary, plus any other data and analysis necessary to make an informed decision shall be used to assess the impacts of the proposal and to provide a basis for a decision on the proposal.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

October 30, 1981.

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