

NEVADA ASSOCIATION OF COUNTIES (NACO)

Board of Directors'
Teleconference Meeting
May 20, 2016, 9:00 a.m.

Members of the public can participate in the meeting at the:

NACO Office
304 S. Minnesota Street
Carson City, NV 89703

AGENDA

Items on the agenda may be taken out of order. The NACO Board may combine two or more agenda items for consideration. The NACO Board may remove an item from the agenda or delay discussion relating to an item on the agenda at any time.

Call to Order, Roll Call

1. Public Comment. Please Limit Comments to 3 Minutes.
2. Approval of Agenda. **For Possible Action.**
3. NACO President's Report.
4. NACO Executive Director's Report.
5. Approval of Minutes of the April 22, 2016 NACO Board of Directors Meeting. **For Possible Action.**
6. Acceptance of NACO's March 2016 Financial Statements and April 2016 Investment Reports. **For Possible Action.**
7. Renewal of Prominence Health Plan Insurance for NACO Employees for the Period July 1, 2016 to June 30, 2017. **For Possible Action.**
8. Termination of the Payment of Premiums for Health Insurance Coverage for NACO Employee Dependents. **For Possible Action.**
9. Discussion on the Request by the Nevada Rural Housing Authority for Counties to Transfer Private Activity Bond Cap.
10. Update and Possible Action regarding the Proposal to Consolidate the University of Nevada, Reno College of Agriculture, Biotechnology and Natural Resources (CABNR), Cooperative Extension, and the Nevada Agriculture Experiment Station (NAES). **For Possible Action.**
11. Update and Possible Action on AB191 Enacted in the 2015 Legislative Session which Authorizes a County to Place on the Ballot at the General Election on November 8, 2016 a Question which Asks the Voters in the County whether to Authorize the Board of County Commissioners to Impose, for the Period beginning on January 1, 2017, Annual Increases to Taxes on Certain Motor Vehicle Fuels. **For Possible Action.**
12. Update on Interim Legislative Committees and Studies and Possible Issues for the 2017 Legislature.
13. Report from the NACO Public Lands Committee.
14. Approval of NACO Comments on the Bureau of Land Management's Proposed 2.0 Planning Regulations. **For Possible Action.**
15. NACO Board Member Updates.

16. Public Comment - Please Limit Comments to 3 Minutes

Adjournment.

Members of the public who are disabled and require special accommodations or assistance at the meeting are requested to notify NACO in writing at 304 S. Minnesota Street, Carson City, NV 89703, or by calling (775) 883-7863 at least three working days prior to the meeting.

Members of the public can request copies of the supporting material for the meeting by contacting Amanda Evans at (775) 883-7863. Supporting material will be available at the NACO office and on the NACO website at: www.nvnaco.org

This agenda was posted at the following locations:

NACO Office 304 S. Minnesota Street, Carson City, NV 89703

Washoe County Admin. Building 1001 E. Ninth Street, Reno, NV 89520

Clark County Admin. Building 500 S. Grand Central Parkway, Las Vegas, NV 89155

POOL/PACT 201 S. Roop Street, Carson City, NV 89701

The following links and/or pages are support for agenda
Item 5

NEVADA ASSOCIATION OF COUNTIES (NACO)

Board of Directors' Meeting

April 22, 2016, 9:30 a.m.

NACO Office

304 S. Minnesota Street

Carson City, NV 89703

UNADOPTED MINUTES

Attendance: (NACO Staff; Jeff Fontaine, Dagny Stapleton, Amanda Evans, Tori Sundheim) President Carson, President Elect Phillips, Vice President Weekly, Immediate Past President Wichman, Humboldt County Commissioner French, Washoe County Commissioner Lucey, Churchill County Commissioner Olsen, Washoe County Commissioner Herman, Lander County Commissioner Waits, Esmeralda County Commissioner Bates, Douglas County Commissioner Johnson, Clark County Commissioner Kirkpatrick, Elko County Commissioner Dahl, Pershing County Commissioner Irwin, Nye County Commissioner Schinhofen, Bob Roshak-Nevada Sheriffs and Chiefs' Association, Tammi Davis-Nevada Treasurer's Association and Nancy Parent-Nevada Association of Clerks and Election Officials.

Other Attendees: Douglas County Commissioner Thaler, John Dunlap-D4 Advanced Media, Linda Bissett-NV Energy, Lee Bonner-NDOT, Jennafer Jenkins-NV Office of Labor Commissioner, Shannon Chambers-Nevada Labor Commissioner, Thomas Moore-NDOT, Lindsey Harmon-Connect Nevada, Britta Kuhn-NV Broadband Manager, Governor's Office and Stephanie Haddock-RTC Washoe.

1. **Public Comment.** None was given.
2. **Approval of Agenda.** The agenda was approved on a motion by Commissioner Bates with second by Commissioner Waits.
3. **NACO President's Report.** In the interest of time President Carson noted that her remarks would be made under the appropriate several agenda items.
4. **NACO Executive Director's Report.** In the interest of time Jeff did not give a report, noting that his update to the Board would be given under the appropriate agenda items.
5. **Viewing of the Lander County Economic Development Authority You-Tube.** The five minute video was viewed by the Board.
6. **Approval of Minutes of the March 25, 2016 NACO Board of Directors Meeting.** The minutes were approved on a motion by Commissioner Johnson with second by Commissioner Bates.
7. **Presentation on the Nevada Shared Radio System.** Thomas Moore of NDOT updated the Board on the system including background of its establishment in 1990 as a 800 megahertz system with three partners Washoe County, NV Energy and NDOT who each have their own infrastructure tied together to provide seamless coverage statewide. Mr. Moore informed the Board that the manufacturer of the system had declared it at "end of life" and that there will be no support for the existing system after 2017. He also noted that the current system is also at its end of capacity, which results in lack of ability to add new users to the system. Both of these factors require the development and construction of a new system. He noted that the partnership was reaffirmed with the Governor's Office and the partners made the joint decision to move forward with a new system. The system will consist of 114 sites (67 through NDOT, 36 through NV Energy and 11 through Washoe County with each agency responsible for their own maintenance). The project will be broken into three phases; the first is complete, which was a needs assessment. The assessment determined that the system will be an open platform which will allow any manufacturer's device or system to connect to the system as long it is compatible with P25 technology. The first part of the second phase has also been completed which was identifying all the existing infrastructure and developing a document which will allow system manufacturers to submit

a qualified proposal for the new system. The partners are currently in the design phase of the project and expect to release the requirements for an RFP in late August or early September. Mr. Moore noted that they expect to award the project in January of 2017 and that each partner will enter into their own contract. Commissioner French stated that Humboldt County is in the midst of a P25 conversion and questioned whether some of the other state and federal agencies are involved. Mr. Moore noted that with the frequencies that are planned will allow for interoperability but that end users will be responsible for their own equipment upgrades and that there are no mandates for use, but that there could be continued issues with interagency communications. Commissioner Lucey asked for clarification on the timeline of the total project and the Board was informed that project completion is expected to take 5-7 years and that the partners signed an MOU that they will all use the same technology. Commissioner Lucey also asked how the project would fiscally impact the rural counties and Mr. Moore stated that with the standardization of the platform there would be savings to the counties especially with the current infrastructure. It was also noted that there are currently four interested manufacturers interested in the project with two lobbying extensively one of which is the manufacturer of the current infrastructure. Mr. Moore concluded his remarks with the fact that there could be cost savings to end users for radios etc. with the open platform.

8. **Update on the Activities of the Nevada Broadband Task Force.** Britta Kuhn, Broadband Manager for the Governor's Office of Science, Innovation and Technology informed the Board that under an Executive Order from the Governor the Taskforce was reinvigorated and through legislation her position was created during the last session. Ms. Kuhn, she was then appointed as Vice Chair of the Taskforce, whose charge is to determine needs throughout the state and to provide recommendations to the Governor for expansion. Britta noted that her office is taking an assessment of what is in place as well as what is needed throughout the state, including the fiber network necessary to successfully operate the Nevada Shared Radio System upgrade. It was noted that schools, transportation and medical systems also require fiber optic networks. She spoke about the ability to utilize NDOT right of ways for the installation of the lines as a result of work Jeff had completed when he was Director of the Department. She added that they are working on how they can leverage those areas for installation. She also noted that economic development throughout the State will also be affected positively by the installation of additional broadband infrastructure. Ms. Kuhn introduced Lindsey Harmon, the Executive Director of Connect Nevada, and spoke about the work her office is doing in conjunction with the Organization and the trips they have taken and will take across the state to assess broadband needs. She discussed the need to bring in telephone and/or wireless providers in some of the more rural areas and that when, in some of those areas there is an issue with, in many cases the only, tower goes down the ability to conduct business in the communities simply ceases. She spoke to policy issues using Utah as an example where when their DOT does a project they install conduit in the right of way for future ease of use for utility providers and then allow those providers to install at the time the trenches are open. Ms. Kuhn also noted the desire to fully leverage E-Rate and the federal dollars the program brings to outfit schools with the technology. She informed the Board that SWITCH will be furnishing the fiber and construction for completion of the I-95 corridor and will be a stakeholder going forward, especially when it comes to installation in schools, although they will not perform as an ISP. The completion of the I-95 corridor will complete the final 100 miles of the project to bring telemedicine connection to the hospitals along the corridor. She informed the Board that Renown has agreed to provide matching funds for a USDA grant to bring telemedicine to rural hospitals in the form of primary care and emergency cards in collaboration with California. She told the Board that her report is due to the Governor on June 30 and asked the Board to contact her with any ideas or issues their counties face. Commissioner French inquired as to whether Ms. Kuhn had spoken with Ken Kessner from Oregon regarding the "erasure" of state lines for technology and she stated that she is working with their engineer on the matter. Ms. Harmon stated that Connected Nation is working on solutions for state line 'erasure' and regional ownership of infrastructure. Commissioner Kirkpatrick noted that there are rural areas of Clark and Washoe Counties and there are issues in those areas as well and asked for updates to the counties on a regular basis. Lindsay agreed with Commissioner Kirkpatrick's statements and told her that there is work to be completed imminently on Mount Charleston. Ms. Kuhn asked to meet with Commissioner Kirkpatrick on broadband compacts and Lindsay concluded the presentation with the fact that there are a lot of 'low hanging fruit' opportunities in the counties that they can help to leverage for real time solutions in the short term.

9. **Update on the Development of NACO's New Website.** Jeff reminded the Board of their decision to include funding for the development of a new website due to the age and issues experienced with the function of the current website. John Dunlap of D4 Advanced Media updated the Board on the progress of the development of NACO's new website and gave the Board a preview of the new design. Commissioner Johnson inquired as to where the Associate Members are identified and it was clarified that they are included in the Home page as well as the Members page. Commissioner Waits asked if updates would be completed in house, which they will and how the Counties individual agendas would be managed and it was clarified that while the commission meeting dates will be included on the calendar only links to the county websites will provided. Commissioner Wichman asked when the site would be live and John noted that with the inclusion of some missing content the site could be live within a week or two.
10. **Discussion and Possible Action regarding the Bureau of Land Management's and U.S. Forest Service's Greater Sage-Grouse Approved Resource Management Plans (ARMP'S) including the The Complaint for Declaratory and Injunctive Relief Filed by Western Exploration LLC, Elko County, Eureka County, Quantum Minerals, White Pine County, Lander County, Humboldt County, Ninety-Six Ranch, LLC, Paragon Precious Metals, LLC, Churchill County, Washoe County and the State of Nevada.** This item was heard in closed session with legal counsel and no action was taken.
11. **Discussion and Possible Action regarding the Options to Compensate NACO's Raymond James Financial Advisor.** Jeff referenced the letter included in the agenda packet regarding the compensation of the Associations Financial Advisor, Joe Woods. He stated that the firm no longer offers new clients a commission based compensation package but that NACO was grandfathered into the commission based compensation rate due to the long standing account with the firm. Mr. Woods recommended transferring to a fee based compensation plan based on an analysis of the accounts on a rolling 24 month basis and that had NACO transferred to this option five years ago, for example, there would have been significant cost savings over five years. He did note that he can't estimate the amount of trading that will be done in the future but still believes the fee based plan would be the best for the Association. He noted that there would have been a couple hundred dollars saved over the analysis period. President Carson inquired whether there had been an analysis done in the prior period to determine a trend. Mr. Woods stated that this is the second time the issue had come up in the past six years and that in both reports there would have been cost savings, specifically because fees have been compressed while commissions have not. Commissioner French inquired as to the fact that there is more trading in a volatile market and what fees were prior to the recession. Joe stated that the issue came up prior to the recession and the fact that the account has a larger balance. He said that commissions are based on the dollars traded and the fees on the value of the account and based on Department of Labor (DOL) Fiduciary rules require advisors to work within their clients' best interests. Commissioner Johnson noted that the new wave in the industry is to move away from commissions and that the industry is more competitive and that the Association could change brokers. Mr. Woods concurred with Commissioner Johnson and suggested the Board shop the account every couple of years. Commissioner Olsen moved to go to the fee based agreement and the motion passed unanimously with a second by Commissioner Lucey.
12. **Discussion and Possible Approval for NACO to Amend its Marketing Agreement with the National Association of Counties (NACo) for its Prescription Discount Card Program to Add Dental and Health Discount Programs Administered by CVS/Caremark.** Jeff reviewed the previous presentation to the Board on the matter and reminded the Board that the Association's current marketing contract is for only the Prescription Discount Card Program and that adding the Dental and Health Discount programs would require an amended contract. Individual counties can enroll in the program without the Association participating in a marketing agreement but by executing the agreement as an Association it allows NACO to assist in marketing efforts. Commissioner Waits clarified that each county must adopt the program individually and inquired if the county is required to market the program. Jeff noted that materials are provided by NACo and the counties would be able to market the program through their social services programs and that there are no costs to the counties for the materials. Commissioner Johnson noted that he has been on the NACo committee on the program for several years that it is better to make it available and let residents know that it is an option vs. aggressively marketing it and potentially causing conflict with other programs. President

Carson agreed that it is a good option but agreed with Commissioner Johnson that an open show of competition would not be a positive avenue. Jeff said that he was comfortable with signing the agreement if counties are interested in participating and clarified that the agreement does not add additional tasks to staff that it only adds the additional programs. Commissioner Waits asked if the program can be used for incarcerated individuals and the program does allow for prescription discounts for those individuals. Commissioner French asked if the coverage satisfies the requirements of the ACA which it does not. The Board agreed to execute the agreement on a motion by Commissioner Wichman with second by Commissioner Schinhoffen.

13. **Update on Nevada's Medicaid Program and Impacts to Nevada's Counties.** Marti Cote, Manager of the Clinical Policy Team for Nevada Medicaid. Ms. Cote gave a high level overview of the very complex Nevada Medicaid program and noted that the program also includes Nevada Checkup, which provides services to children. The program benefits include both mandatory and optional services outlined by federal policy with federal funding and noted that there are low cost premiums associated with Nevada Checkup because the program allows assistance for families that don't qualify for full Medicaid but still require assistance. Fee for Service Medicaid is in place in all rural counties and includes several different programs, and Medicaid Managed Care is in the urban counties and is offered by two private insurance companies as mandated by the federal government to provide for user choice. She noted that the managed care companies follow the same criteria as the fee for service program. It was explained that with the implementation of the ACA that caseloads increased greatly in 2013 due to Medicaid expansion included in the Act. It was noted that they are conducting town halls and focus groups to determine how best to expand managed care and that the Department is very interested in hearing from the counties on the matter. The department's mental and behavioral health programs were outlined and how their rehab and intervention services are utilized and gave contact information for the program. Jeff stated that Ms. Cote was asked to present to the Board due to previous discussion on how the ACA would impact counties fiscally and the presentation is to start the conversation on ways costs could be reduced to counties for direct services they provided and if cost assessments could be reduced. He noted that there might be the opportunity to participate in pilot studies to centralize the processes for billing Medicaid. New services for which Medicaid is looking into providing might be billed are telemedicine and paramedicine. Commissioner Waits asked if the county can bill directly for EMS transportation services and Ms. Cote said she will get back to the Commissioner with the answer to her question. Commissioner Irwin spoke to some of the work being done to allow Fire and EMS services greater ability to provide paramedicine services in communities without a critical access hospital through the program, including higher reimbursement rates.
14. **Presentation by the State Labor Commissioner.** Nevada State Labor Commissioner, Shannon Chambers gave the Board a brief overview of her office's responsibility to enforce the wage and labor laws within the State including a review of the public works project requirements. She noted that the public project cost requiring the payment of prevailing wage was increased from \$100,000 to \$250,000 for the payment of prevailing wage by AB172 in the 2015 legislative session. She noted that with economic recovery they are seeing an increase in public works projects and those public entities are experiencing issues with the monitoring and reporting requirements due to decreased staff. She reiterated the need to ensure that counties properly tracking actual work classifications that the contractors are using to paying their employees in accordance with the classifications. Ms. Chambers stressed the need for oversight of projects including the requirements of individual workers and to consistently review reports for contractual consistency to avoid complaints and the costs of investigation which are by law the responsibility of the project's awarding body. She noted that her Office is more than willing to work with the counties on the legal requirements surrounding public projects, including trainings and advisory opinions to eliminate potential issues.
15. **Update and Possible Action regarding a Proposal to Consolidate the University of Nevada, Reno College of Agriculture, Biotechnology and Natural Resources (CABNR), Cooperative Extension, and the Nevada Agriculture Experiment Station (NAES).** Dagny updated the Board on the activities of NACO's Cooperative Extension working group and the April 11th letter NACO sent in response to the Provost's letter regarding NACO's list of requested assurances. The NACO letter to the Provost contained strong language regarding the list of assurances and requested additional funding. She also discussed county/UNCE MOU's and what they would look like. She asked counties to let her know if the University reaches out regarding the MOUs. She said that there has been no

response yet from the Administration to NACO's April 11th letter. She then gave the Board an update on the April 21st meeting of the Faculty Senate, where the Senate voted on the CABNR/UNCE consolidation. She informed the Board that, while the Faculty Senate had access to NACO's April 11th letter, they were not made aware of it nor was it forwarded to the members directly as requested. She noted that Commissioners Irwin, Herman and French attended the meeting with her and that they were initially given only two minutes to comment on the item, despite their stakeholder status. Both Dagny and Commissioner French made statements to the Senate that NACO could not support the consolidation without agreement on NACO's list of assurances but still hoped to work with the Administration. Commissioner French's comments also detailed the county budget structure, funding of Cooperative Extension by the counties and the lack of recovery of programs. Dagny noted that the Deans were in the audience but the Provost was not there and that other comments were made in opposition but none in favor of the consolidation. She told the Board that the Faculty Senate deliberated for quite some time prior to voting and noted they had concerns with the lack of information and analysis accompanying the proposal, and that the Faculty Senate Subcommittee in charge of reviewing the issue was not able to effectively defend their position to support the consolidation. The Faculty Senate voted, nearly unanimously, to not support consolidation; however, they also voted to encourage continued work on the consolidation proposal including: additional engagement with stakeholders, a more robust strategic planning process, and development of a working group. Dagny and Commissioner French spoke with the Deans following the meeting and both Deans said they were interested in continuing to communicate and work with NACO. Commissioner Wichman noted that as of May Nye County would not be funding Cooperative Extension and that they would have to come back to the County to request refunding and would need to prove that the issues within the program have been fixed. Commissioner Kirkpatrick noted agreement with Commissioner Wichman that if they are not providing services they should not be receiving funding and there needs to be equity of assets across every county. Dagny informed the Board that the consolidation proposal can still be taken to the Board of Regents even without the support of the Faculty Senate.

16. **Update and Possible Action on AB191 Enacted in the 2015 Legislative Session which Authorizes a County to Place on the Ballot at the General Election on November 8, 2016 a Question which Asks the Voters in the County whether to Authorize the Board of County Commissioners to Impose, for the Period beginning on January 1, 2017, Annual Increases to Taxes on Certain Motor Vehicle Fuels.** Jeff noted that counties are already hearing the issue in their individual commissions and have appointed committees to provide the pro and con arguments. He said that Douglas County Commission and Carson City RTC heard the items and that their question language included a monetary cap of 3 cents per year. He informed the Board that he participated in a video conference with the committees in Eureka County and made it clear that the Board has not taken a position but is simply providing information. He also noted that he was asked to provide totals on the portions going to the counties based on the DMV revenue estimates and that he is still working on sample pro & con arguments which he expects to have completed soon along with estimated financial impacts that must be included in the question. He noted that per an email received from Sondra Rosenberg from NDOT, the previously distributed estimates provided by the DMV are still valid. He informed the Board that he finally was able to have a meeting with LCB facilitated by Assemblyman Ellison and that while there is still confusion surrounding the Bill it was determined that the way we have been proceeding is appropriate. He noted that there was a lot of confusion surrounding the distribution of revenue but after a lengthy discussion it was determined that the way we have been explaining it is also correct. With respect to non-passage and how that would affect counties, Jeff indicated that NDOT is mandated to maintain Interstate and National Highways. He also said that there could be effects in rural counties regarding frontage roads etc., and that in his experience the ranking of projects often requires participation from the counties. Lee Bonner from NDOT informed the Board that the Department gathered 550 different issues and that those were pared down to 350 viable projects and that the counties will receive a list of identified projects during the Department's county tours. Mr. Bonner said that he would provide Jeff the list for distribution for the counties to use in identifying projects for their arguments. Commissioner Waits referenced an article in the Elko newspaper that was excellent and is a good resource. Commissioner Kirkpatrick spoke to the issues experienced with peoples' expectations for project completion which may not be possible due to actual funds realized and that it is necessary to collaborate across county lines on the list of projects that benefit neighboring counties in concert. Jeff agreed with Commissioner Kirkpatrick

and encouraged conversations with both the northern and southern RTC's with regards to support from the private sector. There was also discussion about concerns with lack of flexibility in the future with certain caps vs. utilizing percentages. Commissioner Johnson noted that they are having a hard time finding people to participate in the pro & con argument committees. Jeff informed the Board that if they are having issues with gathering argument committees that it is allowable by statute for the counties to write their own arguments as long as due diligence is proven.

17. **Discussion and Possible Action regarding Funding Options for the Use of Portable Recording Devices (Body Cameras) by County Peace Officers.** Dagny gave an overview of the discussion on the issue from the last legislative session. She noted that the technology is trending across the country and that most agencies have indicated support but that the cost of implementation is the issue most departments run into. She noted that it is likely to come up in the 2017 session and that work is being done to gather data on costs of implementation from the Sheriffs and Chief's Association. She noted that Lander County has fully implemented the technology and that Clark County's Metro is working toward full implementation. She noted that Bob Roshak from the Sheriffs and Chief's Association is reaching out to equipment and data management firms to determine costs. Dagny noted that this data will be very important for the conversation going forward and that identifying funding sources is key to the issue. Commissioner Wichman noted that Nye County just approved a grant application for funding for the technology and Dagny asked that the agencies share any funding opportunities that they find as well as if they apply for grants.
18. **Discussion on Recommendations from the Southern Nevada Forum.** Commissioner Kirkpatrick informed the Board that the Forum is wrapping up and that the property tax discussion went well. She indicated that and that there is buy-in from the business community and that there is no disagreement that the property tax system must be fixed. She noted that there was discussion on the creation of a transportation infrastructure bond program, healthcare services on a regional level and proposed changes to the Open Meeting Law (OML) that would include the ability for counties to promote their own ballot questions. She stated that in her opinion there was nothing to come out of the Forum that would be detrimental to the rest of the State.
19. **Update on Interim Legislative Committees and Studies and Possible Issues for the 2017 Legislature.** Jeff informed the Board that on Thursday (4-21) he presented before the Sunset Subcommittee on the Board for the Fund for Hospital Care to Indigent Persons. He said he received no questions but pointed out there have been additional responsibilities added to the Board and that he is awaiting a recommendation. He reported that he believes they will recommend continuation of the Board. He noted that the Public Lands Committee met on the 15th and that on May 24th there is a meeting of the Attorney General's Open Meeting Law Task Force. Jeff represents NACO on that Task Force and he asked if any members have questions, concerns or ideas for adjustments to the OML to contact him. Jeff noted that he has been meeting with the state on the budget particularly in the area of child protective services to avoid issues with assessment calculations from the previous budget. Nancy Parent gave an update on items of concern for Clerks including laws regarding voter registration through the vehicle registration process and the fact Nevada has only been partially compliant with the law which has resulted in action from the ALCU. While the DMV is attempting to fix the issue there is great concern within the Clerks that it is being done during a Presidential election year and that there will not be enough time to effectively test the system. She also spoke to the replacement of voting machines and that it will be a huge fiscal impact and that they are trying to discussing funding sources for the replacement and/or a delayed implementation timeline. President Elect Phillips asked how she would suggest assisting their Clerks and Jeff said that conversations have been conducted with the Governor's Office and that it is being stressed that the Clerks must be a party to the conversation and that it is imperative that a deal is not made between the Governor's Office and the Secretary of State without the input of the Clerks. Dagny announced that the NACO Legislative Committee will have its first meeting soon and that the required Home Rule report will be due. She will be collecting information on any use of or planned use to implementation of the authority. She also noted that the Emeritus Committee is working on ideas for home rule implementation.
20. **Discussion and Possible Action Regarding Public Lands and Natural Resources Issues Including:**

- a. **Report from the NACO Public Lands Committee.** Due to Commissioner Tipton not being able to attend the Board Meeting Tori updated the Board on the activities of the Committee on her behalf. She noted that the Committee would provide a letter of recommendation for anyone submitting an application for the Resource Advisory Council and that the next meeting of the Committee would be May 19th at 2:00P. She spoke to the completion and distribution of the white paper on the Antiquities Act and asked that the Board share the document as appropriate. She also noted that while conducting the research associated with the document that there is little that can be done without legislation. She announced that the signature of the ROD regarding the Bi-State Sage Grouse listing decision is imminent and that work is continuing on comments for the BLM's proposed Planning 2.0. Tori also noted that she is putting together a meeting with her counterparts in other states at the WIR Conference to discuss how best we can consolidate efforts on common issues.
- b. **Report on the Legislative Committee on Public Lands April 15, 2016 Meeting.** Tori informed the Board that she and Commissioner French spoke at the meeting regarding Planning 2.0 and that the Committee voted to make comments on the issue.
- c. **Comments on the Bureau of Land Management's Proposed 2.0 Planning Regulations.** Tori informed the Board that NACo will be providing comments and that she is drafting long and detailed comments and due to the length of these comments she is drafting a template for counties to reference support for NACO's comments. She intends to have the completed draft comments in early May and reiterated that the comments are due on May 25th. She also noted that she is attempting to inform the Western Governors Association of the issue in hopes they will provide comments and that SLUPAC will also be providing comments. Tori informed the Board that on 4-21 Eureka County's Jake Tibbets brought a letter to her attention that was written by Commissioners in other states that notes FLPMA's requirement that the BLM must provide meaningful public involvement with state and local government officials on rule making. The letter said that since they weren't consulted that the BLM is not in compliance with the Federal Land Policy and Management Act (FLPMA) they request that the process be put on hold until this involvement is completed. She noted that the Public Lands Committee requested that the Board approve a letter in support. Jeff spoke to the fact that the BLM's stance is that they need to revise their rules & regulations because they feel that they aren't consistent with FLPMA but actually the process itself is inconsistent with FLPMA because they didn't follow the existing law. He reiterated the Committee's recommendation to send a letter at least in support of the other counties. Commissioner Wichman moved to send a letter requesting to halt the process with a second by Commissioner Irwin. The motion passed unanimously with the letter being reviewed by Commissioner's French and Tipton for approval.
- d. **BLM's Proposed Sagebrush Focal Area Withdrawal Environmental Impact Statement.** Tori informed the Board that NACO is a cooperating agency for Nye County and there was one meeting that was very introductory but that where the BLM indicated that they intend to have their EIS completed in the fall which she feels is rather a rather aggressive schedule. She noted that Wyoming has a statewide initiative for socioeconomic impacts that provides a baseline applicable for any projects. Jeff said that when they looked at scoping comments that it would be essential for an economic impacts analysis and reached out to UNR for assistance. Tori also noted that in Wyoming each of their counties worked with the University of Wyoming to assist with the baseline. Jeff added and that he located a 2002 NACO document that is a similar template that provides both a qualitative and quantitative baseline on a range of issues and he has been discussing the development of a new document reflecting current information. Tori added that part of Wyoming's initiative was to get federal buy-in and that John Ruhs assisted with the initiative and how the federal agencies would understand and incorporate the baseline information. Tori referred to the Sunshine and Open Meeting Laws and suggested the Board consider closed sessions when MOU's are in effect that reference the sharing of confidential information. Commissioner Waits noted that Lander County had experienced issues with public outcry in the past and that was echoed by Commissioner Wichman and Tori noted that the suggestion was based upon the need for legislative action. Commissioner Wichman noted that they simply add a statement in the section regarding confidentiality agreements "subject to Nevada's OML". Jeff noted that the subject would be best discussed in a joint discussion with the Public Lands and Legislative Committee's and if deemed necessary be brought back to the Board for consideration. No action was taken.
- e. **Report on the April 19, 2016 Quarterly Public Lands Breakfast Hosted by Lt. Governor Hutchison and NACO.** President Carson noted that it was the first in the scheduled series and

that the location of the next event was yet to be determined. Dagny noted that the events were initiated by the Summit held in September 2015. She noted that the event was well attended including representatives of the federal agencies and that the conversation was productive and that the plan is to hold future breakfasts in each congressional district. President Carson thanked those in attendance for making the trip and noted that the presentations regarding economic development by Rob Hooper of the Northern Nevada Development Authority (NNDAA) and Jeff Page, Lyon County Manager were excellent. Commissioner Irwin suggested utilizing the BLM's expertise in southern Nevada regarding land sales and that Manager Page's information was very helpful during a Town Hall in Pershing County. President Elect Phillips noted that the event reminded him of the quarterly meetings that Lincoln, White Pine and Lyon Counties have with all the federal and state agencies to assist in communication. Dagny announced that the white paper resulting from the 2015 Public Lands Summit was distributed for the first time at the breakfast and that it is available in both print and digital form.

21. **NACO Committee of the Emeritus Update.** Commissioner Wichman informed the Board that the Committee has been reviewing the topics for educational workshops including one on public lands and that the next workshop is scheduled for June 13th but may be postponed due to the primary election schedule. She also noted that the Committee reviewed the success of past workshops and that they are updating the Commissioners Handbook. Dagny noted that the Committee is continuing to work on possible uses for the newly acquired Home Rule authority and that the next workshop is a training on how to use social media.
22. **National Association of Counties and Western Interstate Region Board Member Updates.** Commissioner French informed the Board that WIR had a recent conference call and that legislation is being proposed in Idaho which would be the inverse of Planning 2.0 and would tighten up regulations with regards to FLPMA and that he has requested a copy of the legislation but has yet to receive it. Commissioner Wichman noted that they are promoting an Idaho forestry package in the House which would set precedent for future collaboration. Commissioner Irwin informed the Board of Directors that there is a scheduled meeting to review proposed resolutions which will go forward to the Annual Conference in Long Beach in July.
23. **NACO Board Member Updates.** Updates were given by the Board, including a discussion regarding the possibility of Board meetings being held outside of Carson City. Due to the Legislative Committee on Public Lands meeting in Lincoln County on May 20th and President Carson being scheduled to testify it was determined that the May meeting of the Board will be compressed and held via teleconference.
24. **Public Comment** – Commissioner Irwin informed the Board that Next Gen 911 will be submitted to the Governor in June and a presentation can be given to the Board if needed.

The meeting was adjourned at 2:20 PM.

The following links and/or pages are support for agenda
Item 6

Nevada Association of Counties
Balance Sheet
March 31, 2016

ASSETS

Current Assets		
Cash - Bank of America	\$	308,666.38
Cash - NV State Bank		7,532.48
Money Market		110,170.87
PayPal Cash Account		988.04
Investments Cash Equivalents		8,523.54
Investments Cash Equivalents		13,414.86
Accounts Receivable		63,661.00
Prepaid Expenses		<u>957.67</u>
 Total Current Assets		 513,914.84
Property and Equipment		
Office Equipment		173,613.00
Building		447,906.18
Land		131,000.00
Building Improvements		90,311.78
Fixed Assets - Vehicle		32,878.25
Accumulated Depreciation		<u>(227,111.36)</u>
 Total Property and Equipment		 648,597.85
Other Assets		
Investments - RJ Equity		181,805.21
Investments - RJ Securities		<u>436,774.06</u>
 Total Other Assets		 <u>618,579.27</u>
 Total Assets		 <u><u>\$ 1,781,091.96</u></u>

LIABILITIES AND CAPITAL

Current Liabilities		
Accrued Payroll Benefits	\$	<u>17,966.56</u>
 Total Current Liabilities		 17,966.56
Long-Term Liabilities		
 Total Long-Term Liabilities		 <u>0.00</u>
 Total Liabilities		 17,966.56
Capital		
Retained Earnings		1,492,498.79
Net Income		<u>270,626.61</u>
 Total Capital		 <u>1,763,125.40</u>
 Total Liabilities & Capital		 <u><u>\$ 1,781,091.96</u></u>

Nevada Association of Counties
Income Statement
For the Three Months Ending March 31, 2016

	Current Month		Year to Date	
Revenues				
Investment Revenue - EQ	\$ 640.77	2.10	\$ 1,380.79	0.34
Investment Revenue - HQT	1,141.15	3.74	3,023.23	0.74
Membership Dues	15,008.00	49.19	346,886.00	84.51
IAF/Supplemental Funds	0.00	0.00	30,000.00	7.31
Interest Income	19.43	0.06	54.61	0.01
National Programs	1,670.10	5.47	4,179.23	1.02
Associate Memberships	0.00	0.00	14,250.00	3.47
Land Use Summit	110.00	0.36	110.00	0.03
Unrealized Gain/(Loss)-EQINC	10,271.22	33.67	3,242.62	0.79
Unrealized Gain/(Loss)-HQTAX	1,647.99	5.40	7,345.35	1.79
	<u>30,508.66</u>	<u>100.00</u>	<u>410,471.83</u>	<u>100.00</u>
 Total Revenues				
	<u>30,508.66</u>	<u>100.00</u>	<u>410,471.83</u>	<u>100.00</u>
 Cost of Sales				
	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
 Total Cost of Sales				
	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
 Gross Profit				
	<u>30,508.66</u>	<u>100.00</u>	<u>410,471.83</u>	<u>100.00</u>
 Expenses				
Salaries	34,836.36	114.19	76,640.00	18.67
Retirement	6,502.79	21.31	14,232.53	3.47
Employee Health Insurance	3,897.36	12.77	12,690.37	3.09
Employee Life Insurance	68.50	0.22	190.00	0.05
FICA and Medicare Expense	500.13	1.64	1,119.14	0.27
ESD Expense	175.48	0.58	448.69	0.11
PEBP Expense	120.52	0.40	361.56	0.09
Equipment Maint/Lease	951.74	3.12	6,294.82	1.53
Office Supplies	447.39	1.47	575.42	0.14
Office Equipment Purchase	209.99	0.69	209.99	0.05
Telephone	1,859.06	6.09	2,991.00	0.73
Postage	71.93	0.24	120.93	0.03
Liability/Auto Insurance	317.00	1.04	1,148.25	0.28
Publications/Subscriptions/Dues	445.00	1.46	790.00	0.19
Staff Travel	6.00	0.02	1,072.78	0.26
Representative Travel	1,950.00	6.39	3,486.20	0.85
WIR Dues/Travel	8,256.46	27.06	8,256.46	2.01
Board Meetings	607.59	1.99	682.34	0.17
Professional Fees	0.00	0.00	3,000.00	0.73
Payroll Processing Service	221.16	0.72	741.38	0.18
Wild Horse Burro Legal Service	70.00	0.23	70.00	0.02
Interest Expense	0.00	0.00	15.00	0.00
Bank Charges	11.01	0.04	72.01	0.02
Investment Expense	0.00	0.00	1,724.55	0.42
Utilities	501.11	1.64	1,346.80	0.33
Maintenance & Repairs	50.00	0.16	825.00	0.20
Janitorial Expenses	370.00	1.21	740.00	0.18
	<u>370.00</u>	<u>1.21</u>	<u>740.00</u>	<u>0.18</u>

Nevada Association of Counties
 Income Statement
 For the Three Months Ending March 31, 2016

	Current Month		Year to Date	
Total Expenses	<u>62,446.58</u>	204.68	<u>139,845.22</u>	34.07
Net Income	<u>(\$ 31,937.92)</u>	(104.68)	<u>\$ 270,626.61</u>	65.93

Nevada Association of Counties
Budget to Actual Comparison
As of March 31, 2016

Account Description	Budget Amount	YTD	Remaining Budget	This Month Last Year	Difference Between Years
Revenues:					
Associate Memberships	18,000.00	14,250.00	3,750.00	15,000.00	(750.00)
Conference Revenue	73,000.00	-	73,000.00	-	-
Conference Registration Fees					
Conference Sponsorship Fees					
Conference Raffle Proceeds					
Conference POWER Reg Fees					
Conference County Contribution					
Conference Registration-Spouse/Guest					
Conference-Other Income					
IAF/Supplemental Funds	60,000.00	30,000.00	30,000.00	30,000.00	-
Interest Income:	18,173.00	4,458.63	13,714.37	5,080.58	(621.95)
Interest Income		54.61		53.25	
Investment Revenue - EQ		1,380.79		1,418.48	
Investment Revenue - HQT		3,023.23		3,608.85	
Membership Dues	346,887.00	346,886.00	1.00	356,059.00	(9,173.00)
National Programs	11,000.00	4,179.23	6,820.77	2,265.17	1,914.06
Unbudgeted Income:	-	10,697.97	(10,697.97)	10,821.53	(123.56)
Tax Refunds				-	
Net Investment Income		10,587.97		383.03	
Wild Horse Burro Legal Contribution				10,000.00	
Land Management Task Force				438.50	
Land Use Summit		110.00			
Grant Admin. Fees					
Miscellaneous Income					
TOTAL Revenues	527,060.00	410,471.83	116,588.17	419,226.28	(8,754.45)
Expenses:					
Salaries	301,915.00	76,640.00	225,275.00	51,958.92	24,681.08
Benefits:	144,496.00	28,680.73	115,815.27	22,835.33	5,845.40
Retirement	84,537.00	14,232.53	70,304.47	9,144.49	
Employee Health Insurance	54,293.00	12,690.37	41,602.63	12,329.48	
Employee Life Insurance	666.00	190.00	476.00	302.55	
ESD, FICA and Medicare Expense	5,000.00	1,567.83	3,432.17	1,058.81	
Audit	8,400.00		8,400.00		-
Bank Charges		72.01	(72.01)	54.63	17.38
Board Meetings	3,000.00	682.34	2,317.66	686.94	(4.60)
Building Expenses	21,403.00	2,911.80	18,491.20	3,599.40	(687.60)
Utilities		1,346.80		1,231.14	
Building Maint. & Repairs		825.00		488.26	
Office Cleaning Service		740.00		1,110.00	
Property Taxes				770.00	
Conference Expenses	32,000.00	-	32,000.00	-	-
Conference Meals					

Nevada Association of Counties
Budget to Actual Comparison
As of March 31, 2016

Account Description	Budget Amount	YTD	Remaining Budget	This Month Last Year	Difference Between Years
Conference Speakers					
Conference Facility					
Conference Hotel					
Conference Entertainment					
Conference Gifts/Prizes					
Conference Printing					
Conference Supplies					
Conference Transportation					
Conference POWER Program					
Conference Other Expenses					
Conference PayPal Fees					
Donations / Sponsorships	1,500.00	-	1,500.00		-
Equipment Maint/Lease	7,522.00	6,294.82	1,227.18	1,609.61	4,685.21
Equipment Purchases	6,000.00	209.99	5,790.01	-	209.99
Elected Officials Training Program	1,800.00	-	1,800.00	-	-
Registration Seminars/Conferences				-	
Legislative Expenses	2,000.00		2,000.00	20.00	(20.00)
Liability and Auto Insurance	3,700.00	1,148.25	2,551.75	1,172.50	(24.25)
Member Services			-		-
Office Supplies	4,500.00	575.42	3,924.58	825.65	(250.23)
PEPB Liability	1,183.00	361.56	821.44	118.28	243.28
Postage	850.00	120.93	729.07		120.93
Printing	2,000.00		2,000.00	1,577.00	(1,577.00)
Professional Services	15,500.00	3,741.38	11,758.62	693.54	3,047.84
Professional Fees		3,000.00			
Payroll Processing Service	-	741.38		693.54	
Publications/ Dues / Professional Fees	2,000.00	790.00	1,210.00	366.33	423.67
Representative Travel	25,000.00	3,486.20	21,513.80	4,112.80	(626.60)
Special Studies	10,000.00		10,000.00		-
Staff Travel	20,000.00	1,072.78	18,927.22	2,434.29	(1,361.51)
Telephone	11,000.00	2,991.00	8,009.00	2,416.45	574.55
Vehicle Maint/Registration	3,000.00		3,000.00		-
Video-Conference Hosting & Warranty	9,528.00		9,528.00	9,461.20	(9,461.20)
Website Upgrade	10,000.00		10,000.00		-
WIR Dues/Travel	9,558.00	8,256.46	1,301.54	8,256.46	-
Unbudgeted Expenses:	-	1,809.55	(1,809.55)	2,739.90	(930.35)
Interest Expense		15.00			
Recruiting & Advertising					

Nevada Association of Counties
Budget to Actual Comparison
As of March 31, 2016

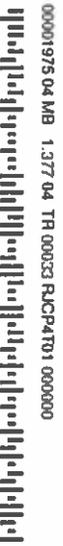
Account Description	Budget Amount	YTD	Remaining Budget	This Month Last Year	Difference Between Years
Wildlife Support Group					
Wild Horse Burro Legal Services		70.00		105.00	
NV Land Management Task Force				845.00	
Depreciation Expense					
Investment Expense		1,724.55		1,789.90	
Miscellaneous Expense					
TOTAL Expenses	657,855.00	139,845.22	518,009.78	114,939.23	24,905.99
Net Income	(130,795.00)	270,626.61	(401,421.61)	304,287.05	(33,660.44)
Reserve Income Forward					
Unreserved Fund Balance	94,260.00	-	94,260.00	-	
Transfer From Investments	55,600.00		55,600.00	-	
Capital Projects Carried Forward	-	-	-	-	
Equipment & Vehicle Reserve	189,809.00	-	189,809.00	-	
Vacation & Sick Leave Reserve	15,023.00	-	15,023.00	-	
SUBTOTAL	354,692.00	-	354,692.00	-	
Reserve Expenses Forward					
Unreserved Fund Balance	19,065.00	-	19,065.00	-	
Equipment Reserve	189,809.00	-	189,809.00	-	
Vacation / Sick Leave Reserve	15,023.00	-	15,023.00	-	
SUBTOTAL	223,897.00	-	223,897.00	-	
NET INCOME WITH RESERVES	-	270,626.61	(270,626.61)	304,287.05	

Nevada Association of Counties
General Ledger Trial Balance
As of Mar 31, 2016

Filter Criteria includes: Report order is by ID. Report is printed in Detail Format.

Account ID	Account Description	Debit Amt	Credit Amt
1000	Cash - Bank of America	308,666.38	
1010	Cash - NV State Bank	7,532.48	
1020	Money Market	110,170.87	
1025	PayPal Cash Account	988.04	
1030	Investments - RJ Equity	181,805.21	
1031	Investments Cash Equivalents	8,523.54	
1040	Investments - RJ Securities	436,774.06	
1041	Investments Cash Equivalents	13,414.86	
1250	Accounts Receivable	63,661.00	
1500	Office Equipment	173,613.00	
1525	Building	447,906.18	
1527	Land	131,000.00	
1528	Building Improvements	90,311.78	
1550	Fixed Assets - Vehicle	32,878.25	
2000	Prepaid Expenses	957.67	
2500	Accumulated Depreciation		227,111.36
3160	Accrued Payroll Benefits		17,966.56
4000	Retained Earnings		1,492,498.79
4200	Investment Revenue - EQ		1,380.79
4220	Investment Revenue - HQT		3,023.23
4500	Membership Dues		346,886.00
4602	IAF/Supplemental Funds		30,000.00
4650	Interest Income		54.61
4700	National Programs		4,179.23
4702	Associate Memberships		14,250.00
4726	Land Use Summit		110.00
4740	Unrealized Gain/(Loss)-EQINC		3,242.62
4741	Unrealized Gain/(Loss)-HQTAX		7,345.35
7100	Salaries	76,640.00	
7103	Retirement	14,232.53	
7104	Employee Health Insurance	12,690.37	
7105	Employee Life Insurance	190.00	
7106	FICA and Medicare Expense	1,119.14	
7108	ESD Expense	448.69	
7109	PEBP Expenses	361.56	
7202	Equipment Maint/Lease	6,294.82	
7204	Office Supplies	575.42	
7205	Office Equipment Purchase	209.99	
7207	Telephone	2,991.00	
7210	Postage	120.93	
7212	Liability/Auto Insurance	1,148.25	
7216	Publications/Subscriptions/Dues	790.00	
7219	Staff Travel	1,072.78	
7222	Representative Travel	3,486.20	
7224	WIR Dues/Travel	8,256.46	
7303	Board Meetings	682.34	
7308	Professional Fees	3,000.00	
7309	Payroll Processing Service	741.38	
7325	Wild Horse Burro Legal Service	70.00	
7402	Interest Expesne	15.00	
7404	Bank Charges	72.01	
7406	Invesment Expense	1,724.55	
8000-BLD	Utilities	1,346.80	
8100-BLD	Maintenance & Repairs	825.00	
8200-BLD	Janitorial Expenses	740.00	
	Total:	2,148,048.54	2,148,048.54

Nevada Assoc Of Counties Account Summary

00001975 04 MB 1.377 04 TR 000033 RUCP4T01 000000


NEVADA ASSOC OF COUNTIES (NACO)
 EAM HQ/TAX
 304 S MINNESOTA ST
 CARSON CITY NV 89703-4270046



JOE WOODS II
 Raymond James Financial Services, Inc.
 RAYMOND JAMES FINANCIAL SVCS | 1203 2ND ST | SUITE_A | CORONADO, CA 92118 |
 (619) 435-1693
 Raymondjames.com/SanDiego | Joe.Woods@RaymondJames.com

Raymond James Client Services | 800-847-SERV (7378)
 Monday - Friday 8 a.m. to 6 p.m. ET
 Online Account Access | raymondjames.com/investoraccess

Closing Value **\$450,057.63**

Investment Objectives

Primary: Income with a medium risk tolerance and a time horizon exceeding 10 years.

Activity

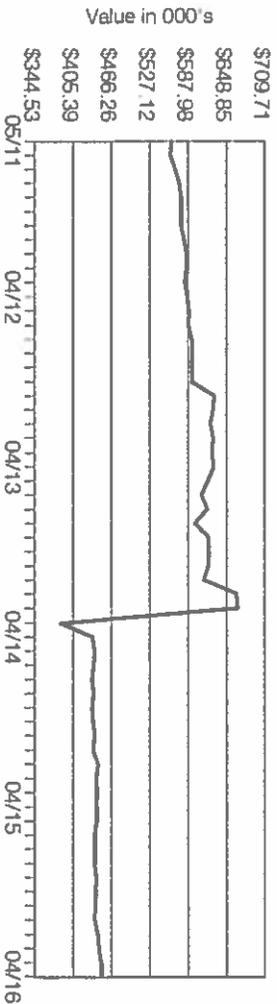
	This Statement	Year to Date
Beginning Balance	\$ 450,188.92	\$ 440,367.79
Deposits	\$ 0.00	\$ 0.00
Income	\$ 730.61	\$ 3,753.84
Withdrawals	\$ 0.00	\$ 0.00
Expenses	\$ (559.66)	\$ (1,107.11)
Change in Value	\$ (302.24)	\$ 7,043.11
Ending Balance	\$ 450,057.63	\$ 450,057.63
Purchases	\$ (14,300.88)	\$ (34,112.03)
Sales/Redemptions	\$ 17,998.32	\$ 42,408.21

Time-Weighted Performance See Understanding Your Statement for important information about these calculations.

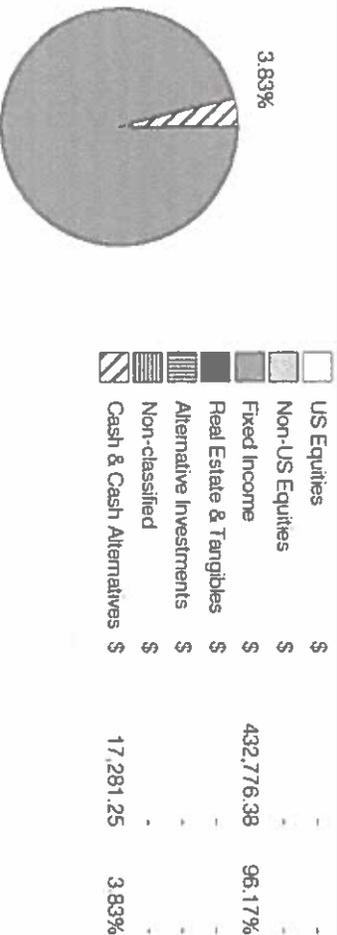
Performance Inception	YTD	2015	2014
08/26/96	2.14%	0.32%	0.26%

Excludes some limited partnerships, unpriced securities and annuity history prior to the annuity being linked to the account.

Value Over Time



Asset Allocation Analysis



Nevada Assoc Of Counties Account Summary

Closing Value \$192,652.34

NEVADA ASSOC OF COUNTIES (NACO)
EAM EQUINC
304 S MINNESOTA ST
CARSON CITY NV 89703-4270046

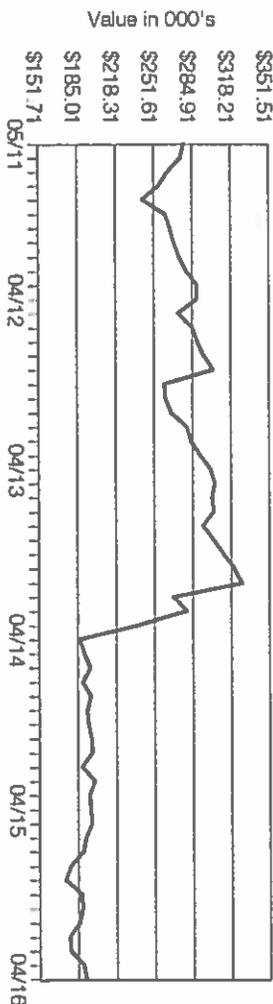
JOE WOODS II
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Raymond James Client Services | 800-647-SERV (7378)
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Online Account Access | raymondjames.com/investoraccess

Investment Objectives

Primary: Growth with a medium risk tolerance and a time horizon exceeding 10 years.

Value Over Time



Activity

	This Statement	Year to Date
Beginning Balance	\$ 190,328.75	\$ 186,882.44
Deposits	\$ 0.00	\$ 0.00
Income	\$ 432.59	\$ 1,813.38
Withdrawals	\$ 0.00	\$ 0.00
Expenses	\$ (1,199.25)	\$ (2,376.35)
Change in Value	\$ 3,090.25	\$ 6,332.87
Ending Balance	\$ 192,652.34	\$ 192,652.34
Purchases	\$ (805.85)	\$ (10,290.32)
Sales/Redemptions	\$ 0.00	\$ 15,897.51

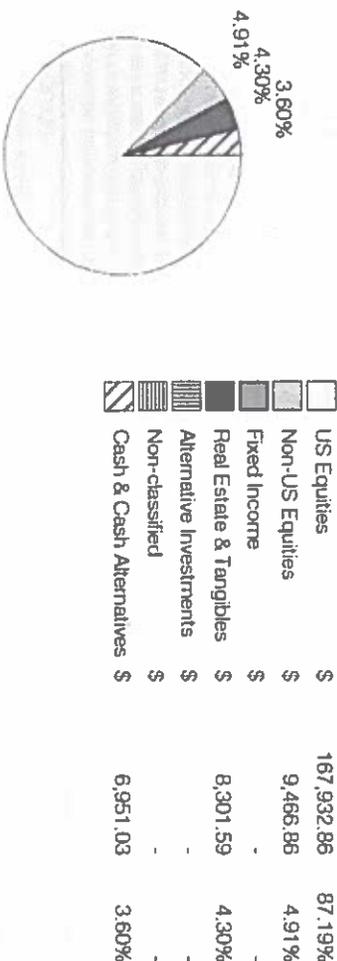
Time-Weighted Performance

See Understanding Your Statement for important information about these calculations.

Performance Inception	YTD	2015	2014
08/26/96	3.10%	(5.51)%	7.86%

Excludes some limited partnerships, unpledged securities and annuity history prior to the annuity being linked to the account.

Asset Allocation Analysis



Morningstar asset allocation information is as of 04/29/2016 (mutual funds & annuities) and 04/19/2016 (\$295).



The following links and/or pages are support for agenda
Item 7



Medical Plan - Renewal Analysis
Proposal for Insurance

Prepared for

Nevada Association of Counties

~ Presented By
L/P Insurance Services, Inc.
Employee Benefits Division
Effective: 7/1/2016

Nevada Association of Counties

Renewal Analysis - Table of Contents

Page 1	Executive Summary
Page 2	Medical Current vs. Renewal vs. Point Of Service "POS" Options - Benefit & Cost Comparison
Page 3	Census with Age Banded Rates

Executive Summary

Nevada Association of Counties - Renewal Analysis

I. Background:

Prior to 1/1/14 the NV League of Cities Benefits Program was a "pooled" program which allowed NV public entities and municipalities to come together to purchase insurance benefits (Medical/Rx, Dental, Vision, Life/AD&D). Under the small group adjusted community rating provision of ACA, which took effect for plan years renewing on or after 1/1/14, insurance carriers are no longer allowed to provide "pooled" rates to employers with less than 50 employees (aka "small groups). This provision only applies to Medical/Rx coverage. As a result each entity is rated separately on an age banded basis for Medical/Rx coverage.

Two major impacts resulting from the small group adjusted community rating provision of ACA:

1. Age banded rates - Rates for coverage are provided on a "per head age banded" basis.
 - a. Challenges - Each person (i.e. Employee, Spouse, Dependent) has their own rate which can create some additional administrative burdens and cost barriers to Spouse and Dependent coverage.
2. Entities are treated as "small groups" - Each entity is considered its own small group.
 - a. Challenges - Plan designs are limited in the marketplace. Additionally, Prominence is currently the only carrier in the marketplace that will allow retirees to be covered. This poses a significant challenge to entities with retiree obligations as required under Nevada Revised Statute.

II. Coverage for Nevada Association of Counties currently underwritten by:

Medical - Prominence Health Plan
Dental - MetLife (through the NV League of Cities "pooled" Program)
Vision - Vision Service Plan (through the NV League of Cities "pooled" Program)
Group Term Life and AD&D - MetLife (through the NV League of Cities "pooled" Program)

III. Based upon current enrollment current plans are offered for renewal at:

Medical - Prominence has proposed an approx. 33% increase over current for the PPO Beyond 5 plan.
Dental - Scheduled to renew 12/1/16.
Vision - VSP has proposed a no increase renewal.
Group Term Life and AD&D - Scheduled to renew 12/1/16.

IV. Given the increase to the medical plan and the fact that Prominence is the only carrier who allows retiree coverage, renewal options for Prominence were demonstrated in the enclosed analysis. Please note, as indicated at the bottom of the options page, rates are subject to change via quarterly rate filing with the Division of Insurance. Final rates will not be available until April 15th, 2016.

V. Considerations:

1. Cost (budget, collective bargaining, etc.)
2. Employer/Employee Contributions
3. Provider Networks (HMO vs. PPO vs. POS)
4. Benefit Changes (Multiplan offering)

Nevada Association of Counties

Medical Current vs. Renewal vs. Point Of Service "POS" Options - Benefit & Cost Comparison

CARRIER PlanID	Prominence PPO Beyond 5		Prominence POS Core 1		Prominence POS Core 6		
	PPO In	OON	HMO	OON	HMO	PPO In	OON
(1) Annual Deductible: Per Member	\$2,000	\$4,000	None	\$2,000	\$1,000	\$2,000	\$4,000
(2) Per Family	\$6,000	\$12,000	None	\$6,000	\$3,000	\$6,000	\$12,000
(3) Primary Care office visit	\$20	30% (d)	\$20	40% (d)	\$15	\$20	40% (d)
(4) Specialty Care office visit	\$40	30% (d)	\$40	40% (d)	\$40	\$40	40% (d)
(5) Inpatient Hospital Services	0% (d)	30% (d)	\$650/admit	40% (d)	10% (d)	10% (d)	40% (d)
(6) Same Day Surgery (non-Hospital)	10%	30% (d)	10%	40% (d)	10%	10% (d)	40% (d)
(7) Basic Lab (Free-Standing)	\$10 → No Charge	30% (d)	No Charge	40% (d)	No Charge	No Charge	40% (d)
(8) X-ray & Diagnostic Testing (Free-Standing)	\$30	30% (d)	\$25	40% (d)	\$25	\$30	40% (d)
(9) CT/MRI/PET (Free-Standing)	\$250	30% (d)	\$100	40% (d)	\$150	\$250	40% (d)
(10) Emergency Room	\$250	\$250	\$250	\$250	\$200	\$200	\$200
(11) Urgent Care Center	\$50	30% (d)	\$25	40% (d)	\$50	\$50	40% (d)
(12) Ground Ambulance	0% (d)	0% (d)	\$200	\$200	10%	0% (d)	0% (d)
(13) Annual Out of Pocket Maximum: Per Member	\$5,000 → \$4,500	\$14,000	\$3,000	\$7,500	\$5,000	\$6,000	\$13,800
(14) Per Family	\$10,000 → \$9,000	\$28,000	\$6,000	\$15,000	\$10,000	\$12,000	\$27,600
(15) Prescription Benefit (90 days): RX Deductible	None	None	None	None	None	None	None
(16) Tier 1	\$10 → \$15	\$15	\$10	\$15	\$10	\$15	\$15
(17) Tier 2	\$25 → \$40	\$40	\$30	\$40	\$30	\$40	\$40
(18) Tier 3	\$50 → \$60	\$60	\$50	\$60	\$50	\$60	\$60
(19) Mail Order Supply (90 Days)	\$20/\$50/\$150 → \$30/\$80/\$180	\$30/\$80/\$180	\$20/\$60/\$150	\$30/\$80/\$180	\$30/\$80/\$180	\$30/\$80/\$180	\$30/\$80/\$180
(20) RATES: Employee Only	0	0	0	0	0	0	0
(21) Employee + Spouse	1	1	1	1	1	1	1
(22) Employee + Child	1	1	1	1	1	1	1
(23) Employee + Family	1	1	1	1	1	1	1
(24) Estimated Monthly Premium	\$4,284	\$5,715	\$4,352	\$5,715	\$4,352	\$4,224	\$5,715
(25) Estimated Annual Premium	\$51,414	\$68,575	\$52,222	\$68,575	\$52,222	\$50,686	\$68,575
(26) Total % Over/Under Current		33%	2%		2%	-1%	
(27) Total \$ Over/Under Current		\$17,162	\$809		\$809	-\$728	

Blue = Increased Benefit / Red = Decreased Benefit

→ = Changing to at renewal

(d) = Deductible Applies

*Prominence rates are subject to change via quarterly rate filings with the Division of Insurance.

The following links and/or pages are support for agenda
Item 9



May 3, 2016

Ms. Eleanor Lockwood, County Manager
Churchill County
155 N. Taylor Street, Suite 110
Fallon, Nevada 89406

Dear Ms. Lockwood:

Congratulations to Churchill County! Because of your partnership with the Nevada Rural Housing Authority (NRHA), \$17.6 million dollars has been invested in your community, assisting 127 families obtain their dream of home ownership. *This would not have been possible without you.* Our ability to continue to serve your community is predicated on receiving a transfer from your Private Activity Bond Cap (PABC) so we can combine it with a transfer from the other cities and counties and then seek an allocation from the Department of Business and Industry.

As Nevada experiences a long-hoped-for economic recovery, more families are seeking our help. NRHA is helping families overcome barriers to home ownership through down payment assistance and access to credit, opening doors so that rural Nevadans can afford homes. Stable home ownership, as you know, is one of the cornerstones for building healthy communities. Our flagship program, Home at Last, launched new programs in 2015 which have received national recognition for revolutionizing access to both tax savings and down payment assistance for Nevada's homebuyers.

In order to expedite the transfer of your PABC allocation to NRHA, we simply need a board resolution and a transfer certificate, both attached. Please schedule this action item for your next Board of Commissioners meeting.

Please note that the transfer of your bond cap does not obligate Churchill County in any way. If you have any questions about the transfer, your counsel or NRHA's tax counsel, Richard Jost at (702) 692-8008 can provide assistance.

We look forward to our continued partnership and helping more Nevadans into homes. I will call in the next few days to answer any questions you might have.

Sincerely,

D. Gary Longaker
Executive Director

Enclosures: 2

Attachment 1: 2016 Distribution of PABC

Attachment 2: Resolution and Transfer Certificate

cc:Terry Reynolds, Sr. Deputy Director, Dept. of Business & Industry
Jeff Fontaine, Executive Director, Nevada Association of Counties
Kathleen Conaboy, McDonald, Carano, Wilson
Richard Jost, Esq., Director, Fennemore Craig, P.C.

3695 Desatoya Drive Carson City, NV 89701 • p: 775-887-1795 • f: 775-887-1798

TDD: 800-545-1833 ext. 545 • nvrural.org • diane@nvrural.org

Nevada Rural Housing Authority is an equal opportunity provider and employer.



RESOLUTION No. _____

RESOLUTION OF THE BOARD OF COMMISSIONERS OF CHURCHILL COUNTY, NEVADA PROVIDING FOR THE TRANSFER OF THE COUNTY'S 2016 PRIVATE ACTIVITY BOND VOLUME CAP TO THE NEVADA RURAL HOUSING AUTHORITY; AND OTHER MATTERS RELATED THERETO

WHEREAS, pursuant to the provisions of Chapter 348A of the Nevada Revised Statutes (“NRS”) and Chapter 348A of the Nevada Administrative Code (“NAC”), there has been allocated to the Churchill County, Nevada (the “County”), the amount of \$854,819.36 in tax-exempt private activity bond volume cap for year 2016 (the “2016 Bond Cap”); and

WHEREAS, the Nevada Rural Housing Authority (the “NRHA”), has requested that the County transfer its 2016 Bond Cap to the NRHA for the purpose of providing a means of financing the costs of single family residential housing that will provide decent, safe and sanitary dwellings at affordable prices for persons of low and moderate income (“Single Family Programs”); and

WHEREAS, the County is a local government as defined by NAC 348A.070; and

WHEREAS, Section 348A.180 of the NAC provides a procedure whereby the County may, by resolution, transfer to any other local government located within the same county, all or any portion of its 2016 Bond Cap; and

WHEREAS, pursuant to NRS 315.983(1)(a), the NRHA is an instrumentality, local government and political subdivision of the State of Nevada (the “State”); and

WHEREAS, the NRHA is located within the County, pursuant to NRS 315.963, which defines the NRHA’s area of operation as “any area of the State which is not included within the corporate limits of a city or town having a population of 150,000 or more.”

NOW, THEREFORE, the Board of Commissioners of the County does hereby find, resolve, determine and order as follows:

Section 1. Recitals. The recitals set forth herein above are true and correct in all respects.

Section 2. Transfer of Private Activity Bond Volume Cap. Pursuant to NAC 348A.180, the County hereby transfers 2016 Bond Cap in the amount of \$854,819.36 to the NRHA for its Single Family Programs.

Section 3. Use of 2016 Bond Cap. The NRHA will use the 2016 Bond Cap for single family purposes in calendar year 2016, or carry forward any remaining amount according to the Internal Revenue Code of 1986, as amended, for such purposes.

Section 4. Representative of County. Pursuant to NAC 348A.180(1), the Director may contact Eleanor Lockwood, regarding this Resolution at (775) 423-5136 or in writing at 155 N. Taylor Street, Suite 153, Fallon, Nevada 89406.

Section 5. Additional Action. The County Manager and Clerk of the County are hereby authorized and directed to take all actions as necessary to effectuate the transfer of the 2016 Bond Cap, and carry out the duties of the County hereunder, including the execution of all certificates pertaining to the transfer as required by NAC 348A.

Section 6. Direction to the NRHA. The NRHA shall notify the Director in writing as soon as practicable of the occurrence or nonoccurrence of any term or condition that would affect the disposition of the 2016 Bond Cap.

Section 7. Representative of the NRHA. Pursuant to NAC 348A.180(3), the Director may contact Diane Arvizo, Director of Homebuyer Services of the NRHA regarding this Resolution at (775) 886-7900 or in writing at Nevada Rural Housing Authority, 3695 Desatoya Drive, Suite 105, Carson City, Nevada 89701.

Section 8. Obligation of the County. This Resolution is not to be construed as a pledge of the faith and credit of or by the County, or of any agency, instrumentality, or subdivision of the County. Nothing in this Resolution obligates or authorizes the County to issue bonds for any project or to grant approvals for a project or constitutes a representation that such bonds will be issued.

Section 9. Enforceability. If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution. This Resolution shall go into effect immediately upon its passage.

ADOPTED, SIGNED AND APPROVED this ____ day of _____, 2016.

COUNTY OF CHURCHILL, NEVADA

By _____
Pete Olsen, Chairman

ATTEST:

By _____
Kelly G. Helton, County Clerk

CERTIFICATE OF TRANSFER OF VOLUME CAP

I, Kelly G. Helton, am the duly chosen and qualified County Clerk of the County of Churchill, Nevada (the “*County*”) and in the performance of my duties as County Clerk do hereby certify to the Office of Business Finance and Planning in accordance with Section 348A.260 of the Nevada Administrative Code (“*NAC*”), that the private activity bond volume cap allocated to the County in the amount of \$854,819.36 has been transferred as follows:

\$854,819.36 has been transferred pursuant to NAC 348A.180 from the County, a local government, located in the State of Nevada to the Nevada Rural Housing Authority, a local government, located within the County for the purpose of providing a means of financing the costs of single family residential housing that will provide decent, safe and sanitary dwellings at affordable prices for persons of low and moderate income.

This certificate is being filed within five (5) days of the transfer being made in accordance with NAC 348.260.

COUNTY OF CHURCHILL, NEVADA

By _____
Eleanor Lockwood, County Manager

cc: Diane Arvizo, Nevada Rural Housing Authority

Nevada State Department of Business & Industry
Distribution of Federal Tax Exempt Private Activity Bonding Authority (CAP)
For Use in Calendar Year 2016

\$302,875,000.00 =Total statewide allocation
 \$151,437,500.00 =Local jurisdictions allocation Total

Based upon Estimates from the Nevada Department of Taxation and the Nevada State Demographer's Office

Counties & Incorporated Cities	2015 Population Estimate**		Percentage of State Population	Total for Distribution	\$	151,437,500
	County Totals	Jurisdiction Totals				
Carson City	54,273	54,273	1.87304%		\$	2,836,488.81
Churchill County	25,126					
Fallon		8,770	0.30267%		\$	458,349.58
Unincorporated County		16,356	0.56447%		\$	854,819.36
Clark County	2,118,353					
Boulder City		15,813	0.54573%		\$	826,440.36
Henderson		287,828	9.93338%		\$	15,042,855.60
Las Vegas		620,935	21.42940%		\$	32,452,143.44
Mesquite		19,061	0.65782%		\$	996,191.72
North Las Vegas		235,395	8.12383%		\$	12,302,531.35
Unincorporate County		939,321	32.41738%		\$	49,092,062.51
Douglas County	48,223	48,223	1.66425%		\$	2,520,295.54
Elko County	53,551					
Carlin		2,727	0.09411%		\$	142,522.16
Elko		20,714	0.71487%		\$	1,082,583.04
Wells		1,371	0.04732%		\$	71,653.05
West Wendover		4,478	0.15454%		\$	234,035.28
Unincorporated County		24,261	0.83728%		\$	1,267,961.14
Esmeralda County	923	923	0.03185%		\$	48,239.07
Eureka County	1,862	1,862	0.06426%		\$	97,314.36
Humboldt County	17,057					
Winnemucca		7,802	0.26926%		\$	407,758.66
Unincorporated County		9,255	0.31940%		\$	483,697.31
Lander County	6,247	6,247	0.21559%		\$	326,489.15
Lincoln County	5,088					
Caliente		1,049	0.03620%		\$	54,824.25
Unincorporated County		4,039	0.13939%		\$	211,091.67
Lyon County	53,277					
Fernley		18,936	0.65351%		\$	989,658.80
Yerington		3,191	0.11013%		\$	166,772.35
Unincorporated County		31,150	1.07503%		\$	1,628,003.36
Mineral County	4,539	4,539	0.15665%		\$	237,223.35
Nye County	46,050	46,050	1.58925%		\$	2,406,727.28
Pershing County	6,750					
Lovelock		1,893	0.06533%		\$	98,934.52
Unincorporated County		4,857	0.16762%		\$	253,843.09
Storey County	3,984	3,984	0.13749%		\$	208,217.19
Washoe County	441,946					
Reno		238,615	8.23496%		\$	12,470,819.34
Sparks		93,581	3.22962%		\$	4,890,856.59
Unincorporated County		109,750	3.78764%		\$	5,735,902.70
White Pine County	10,336					
Ely		4,056	0.13998%		\$	211,980.15
Unincorporated County		6,280	0.21673%		\$	328,213.84
Totals =	2,897,585	2,897,585	100.0000%		\$	151,437,500.00

To Director

The following links and/or pages are support for agenda
Item 14

43 CFR Chapter II

For the reasons set out in the preamble, the Bureau of Land Management proposes to amend 43 CFR by revising part 1600 to read as follows:

PART 1600—PLANNING, PROGRAMMING, BUDGETING

Subpart 1601—Planning

Sec.

- 1601.0–1 Purpose.
- 1601.0–2 Objective.
- 1601.0–3 Authority.
- 1601.0–4 Responsibilities.
- 1601.0–5 Definitions.
- 1601.0–6 Environmental impact statement policy.
- 1601.0–7 Scope.
- 1601.0–8 Principles.

Subpart 1610—Resource Management Planning

- 1610.1 Resource management planning framework.
- 1610.1–1 Guidance and general requirements.
 - 2 Plan components. Public involvement
 - 1610.2–1 Public notice.
 - 2 Public comment periods.
 - 1610.2–3 Availability of the resource management plan.
 - Coordination with other Federal agencies, State and local governments, and Indian tribes.
 - 1 Coordination of planning efforts.
 - 1610.3–2 Consistency requirements. Planning assessment. Preparation of a resource management plan.
 - 1610.5–1 Identification of planning issues.
 - 1610.5–2 Formulation of resource management alternatives.
 - 1610.5–3 Estimation of effects of alternatives.
 - 1610.5–4 Preparation of the draft resource management plan and selection of preferred alternatives.
 - 5 Selection of the proposed resource management plan and

preparation of implementation strategies.

Resource management plan approval, implementation and modification.

1610.6–1 Resource management plan approval and implementation.

1610.6–2 Protest procedures.

1610.6–3 Conformity and implementation. 1610.6–4 Monitoring and evaluation.

1610.6–5 Maintenance.

1610.6–6 Amendment.

–7 Revision.

Management decision review by Congress.

Designation of areas.

1610.8–1 Designation of areas unsuitable for surface mining.

–2 Designation of areas of critical environmental concern. Transition period.

Authority: 43 U.S.C. 1711–1712

Subpart 1601—Planning

§ 1601.0–1 Purpose.

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

§ 1601.0–2 Objective.

The objective of resource management planning by the BLM is to promote the principles of multiple use and sustained yield on public lands unless otherwise provided by law, ensure participation by the public, State and local governments, Indian tribes and Federal agencies in the development of resource management plans, and ensure that the public lands be managed in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archeological values; that, where appropriate, will preserve and protect certain public lands in their natural condition; that will provide food and habitat for fish and wildlife and domestic

animals; that will provide for outdoor recreation and human occupancy and use, and which recognizes the Nation's need for domestic sources of minerals, food, timber, and fiber from the public lands.

§ 1601.0–3 Authority.

These regulations are issued under the authority of sections 201 and 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1711–1712); the Public Rangelands Improvement Act of 1978 (43 U.S.C. 1901); section 3 of the Federal Coal Leasing Amendments Act of 1976 (30 U.S.C. 201(a)); sections 522, 601, and 714 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 *et seq.*); and the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*).

§ 1601.0–4 Responsibilities.

(a) The Secretary and the Director will provide national level policy and procedure guidance for planning. The Director, **after consulting with State Directors with jurisdiction over the potential planning area**, determines the deciding official and the planning area for the preparation of ~~each~~ resource management plans **that cross State boundaries. The Director also determines the deciding official and the planning area for plan amendments that cross State boundaries.**

(b) Deciding officials provide quality control and supervisory review, including approval, for the preparation and amendment of resource management plans and related environmental impact statements or environmental assessments. The deciding official determines the planning area for plan amendments. ~~that do not cross State boundaries. The deciding official must be one of the State Directors with jurisdiction over the planning area for plan amendments that cross State boundaries. The State Director shall by default be the deciding official for plan amendments within that State that do not cross State boundaries.~~

(c) Responsible officials prepare resource management plans and plan amendments and related environmental impact statements or environmental assessments.

Color Key

Blue: existing language that should be maintained

Green: new language that would improve planning efforts to coordinate and collaborate with State and local governments

Red: language that is not found in current regulations and should not be adopted

Orange: language that was in current regulations but that is inconsistent with implementing Statutes

§ 1601.0-5 Definitions.

As used in this part, the term:

Areas of Critical Environmental Concern or ACEC means areas within the public lands where special management attention is required (when such areas are developed or used or where no development is required) to protect and prevent irreparable damage to important historic, cultural, or scenic values, fish and wildlife resources, or other natural systems or processes, or to protect life and safety from natural hazards.

Conformity or conformance means that a resource management action will be clearly consistent with the plan components of the approved resource management plan.

*Consistent*¹ means that resource management plans and plan amendments will adhere to 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 of other Federal agencies, State agencies, Indian tribes and local governments that may be affected, subject to § 1610.3 of this title.

Cooperating agency means an eligible governmental entity (see 43 CFR 46.225(a)) that has entered into an agreement with the BLM to participate in the development of an environmental impact statement or environmental assessment as a cooperating agency under the National Environmental Policy Act and in the planning process as described in § 1610.3-1 of this part. The BLM and the cooperating agency will work together under the terms of the agreement.

Cooperating agencies will participate in the various steps of the BLM's planning process as feasible and appropriate, given the scope of their expertise and constraints of their resources.

(d) *Deciding official* means the BLM official who is delegated the authority to approve a resource management plan or plan amendment. The deciding official must be one of the State Directors with jurisdiction over the planning area for plan amendments that cross State boundaries. The State Director shall by default be the deciding official for plan amendments within that State that do not cross State boundaries.

High quality information means any representation of knowledge such as facts or data, including the best available scientific information, which is accurate, reliable, and unbiased, is not compromised through corruption or falsification, and is useful to its intended users. For the purposes of this rule, "high quality information" will include, but is not limited to, information, data and facts generated by instruments of local and state government.

Implementation strategies means strategies that assist in implementing future actions consistent with the plan components of the approved resource management plan. An implementation strategy is not a plan component.

Indian tribe means an Indian tribe under section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a).

Local government means any political subdivision of the State and any general purpose unit of local government with resource planning, resource management, zoning, or land use regulatory authority.

*Minor Change*² means a technical, editorial, or nonsubstantial factual correction that does not result in any

change in the scope of resource uses or restrictions, or change terms, conditions, or decisions of the approved plan.

*Mitigation*³ (see 43 CFR 1508.20) includes:

(1) Avoiding the impact altogether by not taking a certain action or parts of an action;

(2) Minimizing impacts by limiting the degree or magnitude of the action and its implementation;

(3) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.

(4) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;

(5) Compensating for the impact by replacing or providing substitute resources or environments. ~~the sequence of avoiding impacts, minimizing impacts, and compensating for remaining unavoidable impacts.~~

Multiple use 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 lands 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 lands 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 non-renewable 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 lands 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.

~~Officially approved and adopted land use plans~~ land use and resource related planning and management programs or means plans, policies, programs,

Color Key

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Green: new language that would improve planning efforts to coordinate and collaborate with State and local governments

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Orange: language that was in current regulations but that is inconsistent with implementing Statutes

~~controls and processes prepared and approved pursuant to and in accordance with authorization provided by Federal, State or local constitutions, legislation, or charters which have the force and effect of State law.⁴ land use plans prepared and approved by other Federal agencies, State and local governments, and Indian tribes pursuant to and in accordance with authorization provided by Federal, State, or local constitutions, legislation, or charters which have the force and effect of State law.~~

Plan amendment means an amendment to an approved resource management plan or management framework plan (see § 1610.6–6).

Plan components means the elements of a resource management with which future management actions will be consistent.

Plan maintenance means minor change(s) to an approved resource management plan to correct typographical or mapping errors or to reflect minor changes in mapping or data (see § 1610.6–5).

Plan revision means a revision of an approved resource management plan that affects the entire resource management plan or major portions of the resource management plan (see § 1610.6–7). Preparation or development of a resource management plan includes plan revisions.

Planning area means the geographic area for the preparation or amendment of a resource management plan.

Planning assessment means an evaluation of relevant resource, environmental, ecological, social, and economic conditions in the planning area. A planning

assessment is developed to inform the preparation and, as appropriate, the implementation of a resource management plan.

Planning issue means disputes, controversies, or opportunities related to resource management.

Public means affected or interested individuals, including consumer organizations, public land resource users, corporations and other business entities, environmental organizations and other special interest groups, and officials of State, local, and Indian tribal governments.

Public lands means any lands or interest in lands owned by the United States and administered by the Secretary of the Interior through the BLM. Public lands do not include lands located on the Outer Continental Shelf and lands held for the benefit of Indians, Aleuts, and Eskimos.

Resource management plan means a land use plan as described under section 202 of the Federal Land Policy and Management Act of 1976 (FLPMA), including plan revisions. Approval of a resource management plan is not a final implementation decision on actions which require further specific plans, process steps, or decisions under specific provisions of law and regulations.

Responsible official means a BLM employee with the title "Field Manager" or "District Manager" who is delegated the authority to prepare a resource management plan or plan amendment.

Sustained yield means 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.

§ 1601.0–6 Environmental impact statement policy.

Approval of a resource management plan is considered a major Federal action significantly

affecting the quality of the human environment. The environmental analysis of alternatives and the proposed resource management plan will be accomplished as part of the resource management planning process and, wherever possible, the proposed resource management plan will be published in a single document with the related environmental impact statement.

§ 1601.0–7 Scope.

(a) These regulations apply to all public lands.

(b) These regulations also govern the preparation of resource management plans when the only public land interest is the mineral estate.

§ 1601.0–8 Principles.

The development, approval, maintenance, amendment, and revision of resource management plans will provide for public involvement and will be consistent with the principles described in section 202 of FLPMA. Additionally, the BLM will consider the impacts of resource management plans on resource, environmental, ecological, social, and economic conditions at appropriate scales. The BLM also will consider the impacts of resource management plans on, and the uses of, adjacent or nearby Federal and non-Federal lands, and non-public land surface over federally-owned mineral interests.

Subpart 1610—Resource Management Planning

§ 1610.1 Resource management planning framework.

§ 1610.1–1 Guidance and general requirements.

(a) Guidance for preparation and amendment of resource management plans may be provided by the Director and deciding official, as needed, to help the responsible official prepare a specific resource management plan. Such guidance may include the following:

(1) Policy established through Presidential, Secretarial, Director, or deciding official approved documents, so long as such policy is consistent with the Federal laws and regulations applicable to public lands; and

Color Key

Blue: existing language that should be maintained

Green: new language that would improve planning efforts to coordinate and collaborate with State and local governments

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Orange: language that was in current regulations but that is inconsistent with implementing Statutes

(2) Analysis requirements, planning procedures, and other written information and instructions required to be considered in the planning process.

(b) The BLM will use a systematic interdisciplinary approach in the preparation and amendment of resource management plans to achieve integrated consideration of physical, biological, ecological, social, economic, and other sciences. The expertise of the preparers will be appropriate to the resource values involved, the issues identified during the issue identification and environmental impact statement scoping stage of the planning process, and the principles of multiple use and sustained yield, or other applicable law. The responsible official may use any necessary combination of BLM staff, consultants, contractors, other governmental personnel, and advisors to achieve an interdisciplinary approach.

(c) The BLM will use high quality information to inform the preparation, amendment, and maintenance of resource management plans.

§ 1610.1-2 Plan components.

(a) Plan components guide future management actions within the planning area. Resource management plans will include the following plan components:

(1) *Goals*. A goal is a broad statement of desired outcomes addressing resource, environmental, ecological, social, or economic characteristics within a planning area, or a portion of the planning area,

toward which management of the land and resources should be directed.

(2) *Objectives*. An objective is a concise statement of desired resource conditions developed to guide progress toward one or more goals. An objective is specific, measurable, and should have established time-frames for achievement. To the extent practical, objectives should also:

(i) Identify standards to mitigate undesirable effects to resource conditions; and

(ii) Provide integrated consideration of resource, environmental, ecological, social, and economic factors.

(b) Resource management plans also will include the following plan components in order to achieve the goals and objectives of the resource management plan, or applicable legal requirements or policies, consistent with the principles of multiple use and sustained yield or other applicable law:

(1) *Designations*. A designation identifies areas of public land where management is directed toward one or more priority resource values or uses.

(i) Planning designations are identified through the BLM's land use planning process in order to achieve the goals and objectives of the resource management plan or applicable legal requirements or policies such as the designation of areas of critical environmental concern (ACEC) (see § 1610.8-2).

(ii) Non-discretionary designations are designated by the President, Congress, or the Secretary of the Interior pursuant to other legal authorities.

(2) *Resource use determinations*. A resource use determination identifies areas of public lands or mineral estate where specific uses are excluded, restricted, or allowed, in order to achieve the goals and objectives of the resource management plan

or applicable legal requirements or policies.

(3) *Monitoring and evaluation standards*. Monitoring and evaluation standards identify indicators and intervals for monitoring and evaluation to determine whether the resource management plan objectives are being met or there is relevant new information that may warrant amendment or revision of the resource management plan.

(4) Lands identified as available for disposal from BLM administration under section 203 of FLPMA, as applicable.

(c) A plan component may only be changed through a resource management plan amendment or revision, except to correct ~~typographical or mapping errors or to reflect~~ minor changes ~~in data~~.

§ 1610.1-3 Implementation strategies.

(a) A resource management plan may also include, but is not limited to, the following types of implementation strategies:

(1) *Management measures*. A management measure is one or more potential action(s) the BLM may take in order to achieve the goals and objectives of the resource management plan.

Management measures may include, but are not limited to, resource management practices, best management practices, standard operating procedures, provision for the preparation of more detailed and specific plans, **feasibility**, or other measures as appropriate;

(2) *Monitoring procedures*. Monitoring procedures describe methods for monitoring the resource management plan (see § 1610.6-4 of this part).

(b) Implementation strategies are not a plan component. Implementation strategies are intended to assist the BLM to carry out the plan components.

(c) Implementation strategies may be updated ~~at any time~~ if the BLM determines that relevant new information is available. Updates to an implementation strategy ~~do not~~ require a ~~plan amendment or the formal~~ **interagency coordination as described under §§ 1610.2 and 1610.3**. The BLM will make updates to an implementation strategy available for public review at least ~~30~~ **45** days prior to their implementation.

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§ 1610.2 Public involvement.

(a) The BLM will provide the public with opportunities to become meaningfully involved in and comment on the preparation and amendment of resource management plans. Public involvement in the resource management planning process will conform to the requirements of the National Environmental Policy Act and associated implementing regulations.

(b) *The Director shall, early in each fiscal year, publish a planning schedule advising 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 public comments on projected new planning starts so that such comments can be considered in refining priorities for those years.*

(c) Public involvement activities conducted by the BLM will be documented by a record or summary of the principal issues discussed and comments made. The record or summary of the principal issues discussed and comments made will be available to the public and open for ~~30~~ 60 days to any participant who wishes to review the record or summary.

(d) Before the close of each fiscal year, the BLM will post the status of each resource management plan in process of preparation or scheduled to be started to the BLM's Web site.

§ 1610.2-1 Public notice.

(a) When the BLM prepares a resource management plan or amends a resource management plan and prepares an

environmental impact statement to inform the amendment, the BLM will notify the public and provide opportunities for public involvement appropriate to the areas and people involved during the following steps in the planning process:

(1) Preparation of the planning assessment, as appropriate (see § 1610.4);

(2) Identification of planning issues (see § 1610.5-1);

(3) Review of the preliminary resource management alternatives and preliminary rationale for alternatives (see § 1610.5-2(c));

(4) Review of the basis for analysis (see § 1610.5-3(a)(1));

(5) Comment on the draft resource management plan (see § 1610.5-4); and

(6) Protest of the proposed resource management plan (see §§ 1610.5-5 and 1610.6-2).

(7) When the BLM amends a resource management plan and prepares an environmental assessment to inform the amendment, the BLM will notify the public and provide opportunities for public involvement appropriate to the areas and people involved during the following steps in the planning process:

(8) Identification of planning issues (see § 1610.6-6(a));

(9) Comment on the draft resource management plan amendment, as appropriate (see § 1610.6-6(a)); and

(10) Protest of the proposed resource management plan amendment (see §§ 1610.5-5 and 1610.6-2).

(b) The BLM will announce opportunities for public involvement by posting a notice on the BLM's Web site, at all BLM offices within the planning area, and at other public locations, as appropriate.

(c) Individuals or groups may request to be notified of opportunities for public

involvement related to the preparation or amendment of a resource management plan. The BLM will notify those individuals or groups through written or electronic means.

(d) The BLM will notify the public at least 15 days before any public involvement activities where the public is invited to attend, such as a public meeting.

(e) When initiating the identification of planning issues (see § 1610.5-1), in addition to the public notification requirements of §§ 1610.2-1(c) and 1610.2-1(d), the BLM will notify the public as follows:

(1) When the BLM initiates the preparation of a plan amendment and an environmental assessment will be prepared to inform the amendment, the BLM will publish a notice in appropriate media, including newspapers of general circulation in the planning area.

(2) When the BLM initiates the preparation of a resource management plan, or a plan amendment and an environmental impact statement will be prepared to inform the amendment, the BLM will also publish a notice of intent in the **Federal Register**. This notice may also constitute the scoping notice required by regulation for the National Environmental Policy Act (40 CFR 1501.7).

(3) This notice will include the following:

(i) Description of the proposed planning action;

(ii) Identification of the geographic area for which the resource management plan is to be prepared;

(iii) The general types of issues anticipated;

(iv) The expertise to be represented and used to prepare the resource management plan, in order to achieve an interdisciplinary approach (see § 1610.1-1(b));

(v) The kind and extent of public involvement opportunities to be provided, as known at the time;

(vi) The times, dates, and locations scheduled or anticipated for any public meetings, hearings, conferences, or other gatherings, as known at the time;

(vii) The name, title, address, and telephone number of the BLM official

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who may be contacted for further information; and

(viii) The location and availability of documents relevant to the planning process.

(f) A list of individuals and groups known to be interested in or affected by a resource management plan or amendment shall be maintained by the responsible official and those on the list shall be notified of public participation activities. Individuals or groups may ask to be placed on this list. Public participation activities conducted by the BLM shall be documented by a record or summary of the principal issues discussed and comments made. The documentation together with a list of attendees shall be available to the public and open for 30 days to any participant who wishes to clarify the views he/she expressed.

(g) At least 15 days' public notice shall be given for public involvement activities where the public is invited to attend.

(?)

(h) If, after publication of a proposed resource management plan or plan amendment, the BLM intends to select an alternative that is encompassed by the range of alternatives in the final environmental impact statement or environmental assessment, but is substantially different than the proposed resource management plan or plan amendment, the BLM will notify the public and request written comments on the change before the resource management plan or plan amendment is approved (see § 1610.6– 1(b)).

(i) The BLM will notify the public when a resource management plan or plan amendment has been approved.

(j) When changes are made to an approved resource management plan through plan maintenance, the BLM will notify the public and make the changes available for public review at least 30 days prior to their implementation.

(k) When changes are made to an implementation strategy, the BLM will notify the public and make the changes available for public review at least 30 days prior to their implementation.

§ 1610.2–2 Public comment periods.

(a) Any time the BLM requests written comments during the preparation or amendment of a resource management plan, the BLM will notify the public and provide for at least 30 calendar days for response, unless a longer period is required by law or regulation.

(b) When requesting written comments on a draft plan amendment and an environmental impact statement is prepared to inform the amendment, the BLM will provide at least ~~45~~90 calendar days for response. The ~~45~~90-day period begins when the Environmental Protection Agency publishes a notice of availability of the draft environmental impact statement in the **Federal Register**.

(c) When requesting written comments on a draft resource management plan and draft environmental impact statement, the BLM will provide at least ~~60~~90 calendar days for response. The ~~60~~90-day period begins when the Environmental Protection Agency publishes a notice of availability of the draft environmental impact statement in the **Federal Register**.

§ 1610.2–3 Availability of the resource management plan.

(a) The BLM will make copies

of the draft, proposed, and approved resource management plan or plan amendment **reasonably** available to the public. At a minimum, the BLM will make copies of these documents available electronically and at all BLM offices within the planning area.

(b) Upon request, the BLM will make single printed copies of the draft or proposed resource management plan or plan amendment available to individual members of the public during the public involvement process. After the BLM approves a resource management plan or plan amendment, the BLM may charge a fee for additional printed copies. Fees for reproducing requested documents beyond those used as part of the public involvement activities and other than single printed copies of the resource management plan or plan amendment may be charged according to the Department of the Interior schedule for Freedom of Information Act requests in 43 CFR part 2.

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

§ 1610.3–1 Coordination of planning efforts.

(a) *Objectives of coordination.* In addition to the public involvement prescribed by § 1610.2, and to the extent consistent with Federal laws and regulations applicable to public lands, and the purposes, policies and programs of such laws and regulations, the following coordination is to be accomplished with other Federal agencies, State and local governments, and Indian tribes. The objectives of this coordination are for the BLM to:

(1) Keep apprised of non-BLM land use and resource related planning and management programs;

(2) Assure that the BLM considers those plans that are germane in the development of resource management plans for public lands;

(3) Assist in resolving, to the extent practical, inconsistencies between Federal and non-Federal government plans;

(4) Provide for meaningful public involvement of other Federal agencies, State and local government officials,

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both elected and appointed, and Indian tribes, in the development of resource management plans, including early notice of final decisions that may have a significant impact on non-Federal lands; and

(5) Where possible and appropriate, develop resource management plans collaboratively with cooperating agencies.

(b) *Cooperating agencies.* When preparing a resource management plan, the responsible official will **invite follow applicable regulations regarding the invitation of** eligible governmental entities (see 43 CFR 46.225) to participate as cooperating agencies. The same requirement applies when the BLM amends a resource management plan and prepares an environmental impact statement to inform the amendment. **If there is a denial for a request to become a cooperating agency, the deciding official will respond to the request explaining why the denial is appropriate.**⁵

(1) When a cooperating agency is a non-Federal agency, a memorandum of understanding will be used and will include a commitment to maintain the confidentiality of documents and deliberations during the period prior to the public release by the BLM of any documents, including drafts (see 43 CFR 46.225(d)).

(2) The responsible official will collaborate with cooperating agencies, as feasible and appropriate given their interests, scope of expertise and the constraints of their resources, during the following steps in the planning process:

(i) Identification of planning issues (see § 1610.5-1);

(ii) Formulation of resource management alternatives (see § 1610.5-2);

(iii) Estimation of effects of alternatives (see § 1610.5-3);

(iv) Preparation of the draft resource management plan (see § 1610.5-4); and

(v) Preparation of the proposed resource management plan and implementation strategies (see § 1610.5-5).

(c) *Coordination requirements.* The BLM will provide Federal agencies, State and local governments, and Indian tribes opportunity for review, advice, and suggestion on issues and topics which may affect or influence other agency or other government programs.

(1) To facilitate coordination with State governments, deciding officials should seek the input of the Governor(s) on the timing, scope, and coordination of resource management planning; definition of planning areas; scheduling of public involvement activities; and resource management opportunities and constraints on public lands.

(2) Deciding officials may seek written agreements with Governors or their designated representatives on processes and procedural topics such as exchanging information, providing advice and participation, and timeframes for receiving State government participation and review in a timely fashion. If an agreement is not reached, the deciding official will provide opportunity for Governor and State agency review, advice, and suggestions on issues and topics that the deciding official has reason to believe could affect or influence State government programs.

(3) The responsible official will notify relevant State agencies of opportunities for **meaningful**⁶ public involvement in the preparation and amendment of

resource management plans consistent with State procedures for coordination of Federal activities for circulation among State agencies, if such procedures exist. The responsible official also will notify Federal agencies, the elected heads of county boards, other local government units, and elected government officials of Indian tribes that have requested to be notified or that the responsible official has reason to believe would be interested in the resource management plan or plan amendment. These notices will be issued simultaneously with the public notices required under § 1610.2-1 of this part.

(4) The BLM will provide Federal agencies, State and local governments, and Indian tribes the time period prescribed under § 1610.2 of this part for review and comment on resource management plans and plan amendments.

(d) *Consistency Review.*⁷ The deciding official, in compliance with section 1611 of this title, shall:

(1) Ensure that it is as consistent as possible with existing **or pending land use and resource related planning and management programs** of other Federal agencies, State agencies, Indian tribes and local governments that may be affected, as prescribed by § 1610.3-2 of this title;

(2) Identify areas where the proposed resource management plan or plan amendment is inconsistent with such **land use and resource related planning and management programs** and provide reasons why the inconsistencies exist and cannot be remedied; and

(3) Notify the other Federal agencies, State agencies, Indian tribes or local governments with whom consistency is not achieved and indicate any appropriate methods, procedures, actions and/or programs which the deciding official believes may lead to resolution of such inconsistencies.

(4) The resource management plan documentation shall show how those inconsistencies were addressed and, if possible, resolved.

(e) *Resource advisory councils.* When an advisory council has been formed under section 309 of FLPMA for the area addressed in a resource management plan or plan amendment, the BLM will inform that council, seek its views, and consider them throughout the planning process.

§ 1610.3-2 Consistency requirements.

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(a) Resource management plans will be consistent with ~~officially approved or adopted land use plans~~ **land use and resource related planning and management programs** of other Federal agencies, State and local governments, and Indian tribes to the maximum extent the BLM finds practical and consistent with the purposes of FLPMA and other Federal law and regulations applicable to public lands, and the purposes, policies and programs of such laws and regulations.

(2) The BLM will, to the extent practical, keep apprised of ~~officially approved and adopted land use plans of State and local governments and Indian tribes~~ **State and local governmental and tribal land use and resource related planning and management programs**, and give ~~consideration to those plans that are germane in the development of resource management plans.~~

~~(3) The BLM is not required to address the consistency requirements of this section if the responsible official has not been notified, in writing, by State and local governments or Indian tribes of an apparent inconsistency.~~

(3) If a Federal agency, State and local government, or Indian tribe notifies the responsible official, in writing, of what they believe to be ~~specific~~ inconsistencies between the BLM resource management plan and their ~~officially approved and adopted land use plans~~ **plans, policies, or programs**, the BLM will, in collaboration with any cooperating agencies, ~~resource management plan~~ provide within 90 days documentation ~~will~~ describing ways the BLM could reconcile any such inconsistency and whether and how the BLM plans to, ~~show how these~~

~~inconsistencies were addressed and, if possible, resolved them.~~

(4) Where ~~the officially approved and adopted land use plans of State and local government differ from each other~~ **land use and resource related planning and management programs**, those of the higher authority will normally be followed.

(b) *Governor's consistency review.* Prior to the approval of a proposed resource management plan or plan amendment, the deciding official will submit to the Governor of the State(s) involved, the proposed resource management plan or plan amendment and will identify any ~~relevant~~ known inconsistencies with ~~the officially approved and adopted land use plans of State and local governments~~ **State or local land use and resource related planning and management programs**.

(1) The Governor(s) may submit a written document to the deciding official within 60 days after receiving the proposed resource management plan or plan amendment that:

(i) Identifies inconsistencies with ~~officially approved and adopted land use plans of State and local governments~~ **State or local land use and resource related planning and management programs** and provides recommendations to remedy the identified inconsistencies; or

(ii) Waives or reduces the 60-day period.

(2) If the Governor(s) does not respond within the 60-day period, the resource management plan or plan amendment is presumed to be consistent.

(3) If the document submitted by the Governor(s) recommends ~~substantive~~⁸ changes that were not considered during the public involvement process, the BLM will notify the public and request written comments on these changes.

(4) The deciding official will notify the Governor(s) in writing of his or her decision regarding

these recommendations and the reasons for this decision.

(i) The Governor(s) may submit a written appeal to the Director within 30 days after receiving the deciding official's decision.

(ii) The ~~Director will consider the Governor(s)' comments in rendering a final decision.~~ **The Director shall accept the recommendations of the Governor(s) if he/she determines that they provide for a reasonable balance between the national interest and the State's interest.** The Director will notify the Governor(s) in writing of his or her decision regarding the Governor's appeal. The BLM will ~~notify the public of this decision and make the written decision available to the public~~ **publish in the Federal Register the reasons for his/her determination to accept or reject such Governor's recommendations.**

§ 1610.4 Planning assessment.

Before initiating the preparation of a resource management plan the BLM will, consistent with the nature, scope, scale, and timing of the planning effort, complete a planning assessment.

(a) *Information gathering.* The responsible official will:

(1) Arrange for relevant resource, environmental, ecological, social, economic, and institutional data and information to be gathered, or assembled if already available, including the identification of potential ACECs (see § 1610.8-2). Inventory data and information will be gathered in a manner that aids the planning process and avoids unnecessary data-gathering;

(2) Identify, **in collaboration with cooperating agencies**, relevant national, regional, or local **land use and resource related planning and management programs** for consideration in the planning assessment. ~~These may include, but are not limited to, executive or Secretarial orders, Departmental or BLM policy, Director or deciding official guidance, mitigation strategies, interagency initiatives, and State or multi-state resource plans;~~⁹

(3) Provide opportunities for other Federal agencies, State and local governments, Indian tribes, and the public to provide existing data and

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information or suggest other policies, guidance, strategies, or plans ~~described under paragraph (a)(2) of this section;~~⁴⁰ for the BLM's consideration in the planning assessment; and

(4) Identify relevant public views concerning resource, environmental, ecological, social, or economic conditions of the planning area.

(b) *Information quality.* The responsible official will evaluate the data and information gathered under paragraph (a) of this section to determine if it is high quality information appropriate for use in the planning assessment and to identify any data gaps or further information needs **and identify strategies to obtain missing or incomplete data or information.**¹¹

(c) *Assessment.* The responsible official will assess the resource, environmental, ecological, social, and economic conditions of the planning area. At a minimum, the responsible official will consider and document the following factors in this assessment when they are applicable:

- (1) Resource management authorized by FLPMA and other relevant authorities;
- (2) Land status and ownership, existing resource uses, infrastructure, and access patterns in the planning area;
- (3) Current resource, environmental, ecological, social, and economic conditions, and any known trends related to these conditions;
- (4) Known resource thresholds, **constraints, or limitations;**

(5) **Specific requirements and constraints to achieve consistency with land use and resource related planning and**

management programs of other Federal agencies, State and local government agencies, and Indian tribes;

(6) Areas of potential importance within the planning area, including:

(i) Areas of tribal, traditional, or cultural importance;

(ii) Habitat for special status species, including State and/or federally-listed threatened and endangered species;

(iii) Other areas of key fish and wildlife habitat such as big game wintering and summer areas, birdnesting and feeding areas, habitat connectivity or wildlife migration corridors, and areas of large and intact habitat;

(iv) Areas of relative ecological importance, such as areas that increase the ability of terrestrial and aquatics within the planning area to adapt to, resist, or recover from change;

(v) Lands with wilderness characteristics, candidate wild and scenic rivers, or areas of significant scenic value;

(vi) Areas of significant historical value, including paleontological sites;

(vii) Existing designations located in the planning area, such as wilderness, wilderness study areas, wild and scenic rivers, national scenic or historic trails, or ACECs;

(viii) Areas with potential for renewable or non-renewable energy development or energy transmission;

(ix) Areas of importance for recreation activities or access;

(x) Areas of importance for public health and safety, such as abandoned mine lands or natural hazards;

(7) Dominant ecological processes, disturbance regimes, and stressors, such as drought, wildland fire, invasive species, and climate change; and

(8) The various goods and services, including ecological services, that people obtain from the planning area such as:

(i) **The socioeconomic impacts and contributions** ~~The degree of local, regional, national, or international importance~~ of these goods and services **at the local, regional, national and international level;**

(iii) Available forecasts and analyses related to the supply and demand for these goods and services; and

(iv) The estimated levels of these goods and services that may be produced on a sustained yield basis.

(d) *Planning assessment report.* The responsible official will document the planning assessment in a report made available for public ~~review comment~~, which includes the identification and rationale for potential ACECs. To the extent practical, any non-sensitive geospatial information used in the planning assessment should be made available to the public on the BLM's Web site.

(e) *Plan amendments.* Before initiating the preparation of a plan amendment for which an environmental impact statement will be prepared, the BLM will complete a planning assessment for the geographic area being considered for amendment. The deciding official may waive this requirement for **maintenance minor amendments or if an existing planning assessment is determined to be adequate.**¹²

§ 1610.5 Preparation of a resource management plan.

When preparing a resource management plan, or a plan amendment for which an environmental impact statement will be prepared, the BLM, **in collaboration with any cooperating agencies,** will follow the process described in §§ 1610.5-1 through 1610.5-75.

§ 1610.5-1 Identification of planning issues.

(a) The responsible official will prepare a preliminary statement of purpose and need, which briefly indicates the underlying purpose and need to which the BLM is responding (see 43 CFR 46.420). This statement will be informed by Director and deciding official guidance

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(see § 1610.1–1(a)), public views (see § 1610.4(a)(4)), the planning assessment (see § 1610.4(c)), the results of any previous monitoring and evaluation within the planning area (see § 1610.6–4), Federal laws and regulations applicable to public lands, and the purposes, policies, and programs of such laws and regulations. The BLM will initiate the identification of planning issues by notifying the public and making the preliminary statement of purpose and need available for public review.

(b) The public, other Federal agencies, State and local governments, and Indian tribes will be given an opportunity to suggest concerns, needs, opportunities, conflicts or constraints related to resource management for consideration in the preparation of the resource management plan. The responsible official, **in collaboration with any cooperating agencies**¹³, will analyze those suggestions and other available data and information, such as the planning assessment (see § 1610.4–1), and determine the planning issues to be addressed during the planning process. Planning issues may be modified during the planning process to incorporate new information. The identification of planning issues should be integrated with the scoping process required by regulations implementing the National Environmental Policy Act (40 CFR 1501.7).

§ 1610.5–2 Formulation of resource management alternatives.

(a) *Alternatives development.* The BLM, **in collaboration with any cooperating agencies**, will

consider all reasonable resource management alternatives (alternatives) and develop several complete alternatives for detailed study. The decision to designate alternatives for further development and analysis remains the exclusive responsibility of the BLM.

(1) The alternatives developed will be informed by the Director and deciding official guidance (see § 1610.1(a)), **collaboration with any cooperating agencies**, the planning assessment (see § 1610.4), and the planning issues (see § 1610.5–1).

(2) In order to limit the total number of alternatives analyzed in detail to a manageable number for presentation and analysis, reasonable variations may be treated as sub-alternatives.

(3) One alternative will be for no action, which means continuation of present level or systems of resource management.

(4) The resource management plan will note any alternatives identified and eliminated from detailed study and will briefly discuss the reasons for their elimination.

(b) *Rationale for alternatives.* The resource management plan will describe the rationale for the differences between alternatives. The rationale will include:

(1) A description of how each alternative addresses the planning issues, consistent with the principles of multiple use and sustained yield, or other applicable law;

(2) **A description of how each alternative does or does not achieve consistency with land use planning and management programs of other Federal agencies, State and local government agencies and Indian tribes, that were identified during the planning assessment or in collaboration with cooperating agencies. Where an inconsistency exists, the rationale for alternatives should**

describe the extent to which the BLM could reconcile any such inconsistency.¹⁴

(3) A description of management direction that is common to all alternatives; and

(4) A description of how management direction varies across alternatives to address the planning issues.

(c) *Public review of preliminary alternatives.* The responsible official will make the preliminary alternatives and the preliminary rationale for alternatives available for public review prior to the publication of the draft resource management plan and draft environmental impact statement.

(d) *Changes to preliminary alternatives.* The BLM may change the preliminary alternatives and preliminary rationale for alternatives as planning proceeds if it determines that public suggestions or other new information make such changes necessary.

§ 1610.5–3 Estimation of effects of alternatives.

(a) *Basis for analysis.* The responsible official, **in collaboration with any cooperating agencies**, will identify the procedures, assumptions, and indicators that will be used to estimate the environmental, ecological, social, and economic effects of implementing each alternative considered in detail.

(1) The responsible official will make the preliminary procedures, assumptions, and indicators available for public review prior to the publication of the draft resource management plan and draft environmental impact statement.

(2) The BLM may change the procedures, assumptions, and indicators as planning proceeds if it determines that public suggestions or other new information make such changes necessary.

(b) *Effects analysis.* The responsible official, **in collaboration with any cooperating agencies**, will estimate and display the environmental, ecological, economic, and social effects of implementing each alternative considered in detail. The estimation of effects will be guided by the basis for analysis, the planning assessment, and procedures implementing the National Environmental Policy Act. The estimate may be stated in terms of probable ranges

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where effects cannot be precisely determined.

§ 1610.5-4 Preparation of the draft resource management plan, selection of preferred alternatives and preparation of implementation strategies.

(a) The responsible official, in collaboration with any cooperating agencies, will shall prepare a draft resource management plan based on Director and deciding official guidance, cooperating agency input, the planning assessment, the planning issues, and the estimation of the effects of alternatives. The draft resource management plan and draft environmental impact statement will evaluate the alternatives, identify one or more preferred alternatives and their implementation strategies¹⁵ and explain the rationale for the preference. The decision to select a preferred alternative remains the exclusive responsibility of the BLM. The resulting draft resource management plan and draft environmental impact statement will be forwarded to the deciding official for publication and filing with the Environmental Protection Agency for publication in the Federal Register.

(b) This draft resource management plan and draft environmental impact statement will be provided for comment to the Governor(s) of the State(s) involved, and to officials of other Federal agencies, State and local governments, and Indian tribes that the deciding official has reason to believe would be interested (see § 1610.3-1(c)). This action constitutes compliance with the

requirements of § 3420.1-7 of this title.

§ 1610.5-5 Selection of the proposed resource management plan and preparation of implementation strategies.

(a) After publication of the draft resource management plan and draft environmental impact statement, the responsible official will evaluate the comments received and prepare the proposed resource management plan and final environmental impact statement.

~~(b) The responsible official will prepare implementation strategies for the proposed resource management plan, as appropriate.~~

(c) The deciding official will publish these documents and file the final environmental impact statement with the Environmental Protection Agency.

§ 1610.6 Resource management plan approval, implementation and modification.

§ 1610.6-1 Resource management plan approval and implementation.

(a) The deciding official may approve the resource management plan or plan amendment for which an environmental impact statement was prepared no earlier than 30 days after the Environmental Protection Agency publishes a notice of availability of the final environmental impact statement in the **Federal Register**.

(b) Approval will be withheld on any portion of a resource management plan or plan amendment being protested (see § 1610.6-2) until final action has been completed on such protest. If, after publication of a proposed resource management plan or plan amendment, the BLM intends to select an alternative that is encompassed by the range of alternatives in the final environmental impact statement or

environmental assessment, but is substantially different than the proposed resource management plan or plan amendment, the BLM will notify the public and request written comments on the change before the resource management plan or plan amendment is approved.

(c) The approval of a resource management plan or a plan amendment for which an environmental impact statement is prepared will be documented in a concise public record of the decision, meeting the requirements of regulations for the National Environmental Policy Act of 1969 (see 40 CFR 1505.2).

§ 1610.6-2 Protest procedures.

(a) Any person who participated in the preparation of the resource management plan or plan amendment and has an interest which may be adversely affected by the approval of a proposed resource management plan or plan amendment may protest such approval. A protest may raise only those issues which were submitted for the record during the preparation of the resource management plan or plan amendment (see §§ 1610.4 and 1610.5).

(1) *Submission.* The protest must be in writing and must be filed with the Director. The protest may be filed as a hard-copy or electronically. The responsible official will specify protest filing procedures for each resource management plan or plan amendment, including the method the public may use to submit a protest electronically.

(2) *Timing.* For resource management plans or plan amendments for which an environmental impact statement was prepared, the protest must be filed within 30 days after the date the Environmental Protection Agency published the notice of availability of the final environmental impact statement in the **Federal Register**. For plan amendments for which an environmental assessment was prepared, the protest must be filed within 30 days after the date that the BLM notifies the public of availability of the amendment.

(3) *Content requirements.* The protest must:

(i) Include the name, mailing address,

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telephone number, email address (if available), and interest of the person filing the protest;

(ii) State how the protestor participated in the preparation of the resource management plan or plan amendment;

(iii) Identify the plan component(s) believed to be inconsistent with Federal laws or regulations applicable to public lands or the purposes, policies and programs of such laws and regulations, **or in their absence, existing officially adopted and approved resource related plans, policies or programs of State agencies, Indian tribes and local governments;**

(iv) Concisely explain why the plan component(s) is believed to be inconsistent with Federal laws or regulations applicable to public lands, or the purposes, policies, and programs of such laws and regulations, **or existing land use and resource related planning and management programs of State agencies, Indian tribes and local governments** and identify the associated issue or issues raised during the preparation of the resource management plan or plan amendment; and

(v) Include a copy of all documents addressing the issue or issues that were submitted during the planning process by the protesting party or an indication of the date the issue or issues were discussed for the record.

(4) *Availability.* Upon request, the Director will make protests available to the public.

(b) Except as otherwise provided in § 1610.6-1(b), the Director will render a written

decision on all protests before approval of the resource management plan or plan amendment. The Director will notify protesting parties of the decision. The decision on the protest and the reasons for the decision will be made available to the public. The decision of the Director is the final decision of the Department of the Interior.

(b) The Director may dismiss any protest that does not meet the requirements of this section.

§ 1610.6-3 Conformity and implementation.

(a) All future resource management authorizations and actions, and subsequent more detailed or specific planning, will conform to the plan components of the approved resource management plan.

(b) After a resource management plan or plan amendment is approved, and if otherwise authorized by law, regulation, contract, permit, cooperative agreement, or other instrument of occupancy and use, the BLM will take appropriate measures, subject to valid existing rights, to make operations and activities under existing permits, contracts, cooperative agreements, or other instruments for occupancy and use, conform to the plan components of the approved resource management plan or plan amendment within a reasonable period of time. Any person adversely affected by a specific action being proposed to implement some portion of a resource management plan or plan amendment may appeal such action pursuant to 43 CFR 4.400 at the time the specific action is proposed for implementation.

(c) If a proposed action is not in conformance with a plan component, and the deciding official determines that such action warrants further consideration before a resource management plan revision is scheduled, such consideration **will** be through a resource management

plan amendment in accordance with § 1610.6-6 of this part.

(d) More detailed and site specific plans for coal, oil shale and tar sand resources will be prepared in accordance with specific regulations for those resources: part 3400 of this title for coal; part 3900 of this title for oil shale; and part 3140 of this title for tar sand. These activity plans will be in conformance with land use plans prepared and approved under the provisions of this part.

§ 1610.6-4 Monitoring and evaluation.

The BLM will monitor and evaluate the resource management plan in accordance with the monitoring and evaluation standards and monitoring procedures to determine whether there is sufficient cause to warrant amendment or revision of the resource management plan. The responsible official will document the evaluation of the resource management plan for public review.

§ 1610.6-5 Maintenance.

Resource management plans may be maintained as necessary to ~~reflect correct~~ **reflect** ~~typographical or mapping errors or to~~ **reflect** minor changes¹⁶ ~~in mapping or data.~~ Maintenance will not change a plan component of the approved resource management plan ~~and, except to correct~~ **and** ~~typographical or mapping errors or to~~ **reflect minor changes in mapping or data.** ~~shall not result in expansion in the scope of resource uses or restrictions, or change terms, conditions, and decision of the approved plan.~~ Maintenance is not considered a resource management plan amendment and does not require the formal public involvement and interagency coordination process described under §§ 1610.2 and 1610.3 of this part or the preparation of an environmental assessment or environmental impact statement. When changes are made to an approved resource management plan through plan maintenance, the BLM will notify the public and make the changes available for public review at least 30 days prior to their implementation. **Maintenance shall be documented in plans and supporting records.**

§ 1610.6-6 Amendment.

(a) A plan component may be changed through amendment. An amendment may be initiated when the BLM determines

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monitoring and evaluation findings, new high quality information, new or revised policy, a proposed action, or other relevant changes in circumstances, such as changes in resource, environmental, ecological, social, or economic conditions, warrants a change to one or more of the plan components of the approved resource management plan. An amendment will be made in conjunction with an environmental assessment of the proposed change, or an environmental impact statement, if necessary. When amending a resource management plan, the BLM will provide for public involvement (see § 1610.2), interagency coordination and consistency (see § 1610.3), and protest (see § 1610.6–2). In all cases, the effect of the amendment on other plan components will be evaluated. If the amendment is being considered in response to a specific proposal, the effects analysis required for the proposal and for the amendment may occur simultaneously.

(b) If the environmental assessment does not disclose significant impacts, the responsible official may make a finding of no significant impact and then make a recommendation on the amendment to the deciding official for approval. Upon approval, the BLM will 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.

(c) If the BLM amends several resource management plans simultaneously, a single programmatic environmental impact

statement or environmental assessment may be prepared to address all amendments.

§ 1610.6–7 Revision.

The BLM may revise a resource management plan, as necessary, when monitoring and evaluation findings (§ 1610.4–9), new data, new or revised policy, or other relevant changes in circumstances affect the entire resource management plan or major portions of the resource management plan. Revisions will comply with all of the requirements of this part for preparing and approving a resource management plan.

§ 1610.6–8 Situations where action can be taken based on another agency's plan, or a land use analysis.

These regulations authorize the preparation of a resource management plan for whatever public land interests exist in a given land area, including mixed ownership where the public land estate is under non-Federal surface, or administration of the land is shared by the BLM and another Federal agency. The BLM may rely on the plans or the land use analysis of other agencies when split or shared estate conditions exist in any of the following situations:

(a) Another agency's plan (Federal, tribal, State, or local) may be relied on as a basis for an action only if it is comprehensive and has considered the public land interest involved in a way comparable to the manner in which it would have been considered in a resource management plan, including the opportunity for public involvement, ~~and is consistent with Federal laws and regulations applicable to public lands, and the purposes, policies and programs of such laws and regulations.~~¹⁷

(b) After evaluation and review, the BLM may adopt another agency's plan for continued use as a resource management plan so

long as ~~the plan is consistent with Federal laws and regulations applicable to public lands, and the purposes, policies, and programs of such laws and regulations;~~ and an agreement is reached between the BLM and the other agency to provide for maintenance and amendment of the plan, as necessary.

(b) A land use analysis may be relied on to consider a coal lease when there is no Federal ownership interest in the surface or when coal resources are insufficient to justify plan preparation costs. The land use analysis process, as authorized by the Federal Coal Leasing Amendments Act, consists of an environmental assessment or impact statement, public participation as required by § 1610.2, the consultation and consistency determinations required by § 1610.3, the protest procedure prescribed by § 1610.6–2, and a decision on the coal lease proposal. A land use analysis meets the planning requirements of section 202 of FLPMA.

§ 1610.7 Management decision review by Congress.

FLPMA requires that any BLM management decision or action pursuant to a management decision which totally eliminates one or more principal or major uses for 2 or more years with respect to a tract of 100,000 acres or more, will be reported by the Secretary to Congress before it can be implemented. This report is not required prior to approval of a resource management plan which, if fully or partially implemented, would result in such an elimination of use(s). The required report will be submitted as the first action step in implementing that portion of a resource management plan which would require elimination of such a use.

§ 1610.8 Designation of areas.

§ 1610.8–1 Designation of areas unsuitable for surface mining.

(a)(1) The planning process is the chief process by which public land is reviewed to assess whether there are areas unsuitable for all or certain types of surface coal mining operations under section 522(b) of the Surface Mining Control and Reclamation Act. The unsuitability criteria to be applied during the planning process are found in §

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3461.1 of this title.

(2) When petitions to designate land unsuitable under section 522(c) of the Surface Mining Control and Reclamation Act are referred to the BLM for comment, the resource management plan, or plan amendment if available, will be the basis for review.

(3) After a resource management plan or plan amendment is approved in which lands are assessed as unsuitable, the BLM will take all necessary steps to implement the results of the unsuitability review as it applies to all or certain types of coal mining.

(b)(1) The resource management planning process is the chief process by which public lands are reviewed for designation as unsuitable for entry or leasing for mining operations for minerals and materials other than coal under section 601 of the Surface Mining Control and Reclamation Act.

(2) When petitions to designate lands unsuitable under section 601 of the Surface Mining Control and Reclamation Act are received by the BLM, the resource management plan, if available, will be the basis for determinations for designation.

(3) After a resource management plan or plan amendment in which lands are designated unsuitable is approved, the BLM will take all necessary steps to implement the results of the unsuitability review as it applies to minerals or materials other than coal.

§ 1610.8–2 Designation of areas of critical environmental concern.

(a) Areas having potential for ACEC designation and protection will be identified through inventory of public

lands and during the planning assessment. The inventory data will 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. In order to be a potential ACEC, both of the following criteria must be met:

(1) *Relevance.* There must be present a significant historic, cultural, or scenic value; a fish or wildlife resource or other natural system or process; or natural hazard; and

(2) *Importance.* The value, resource, system, process, or hazard described in paragraph (a)(1) of this section must have substantial significance and values. This generally requires qualities of special worth, consequence, meaning, distinctiveness, or cause for concern. A natural hazard can be important if it is a significant threat to human life or property.

(b) Potential ACECs will be considered for designation during the preparation or amendment of a resource management plan. The identification of a potential ACEC does not, in of itself, change or prevent change of the management or use of public lands.

Potential ACECs require special management attention (when such areas are developed or used or no development is required) to protect and prevent irreparable damage to the important historic, cultural, or scenic values, fish and wildlife resources or other natural system or process, or to protect life and safety from natural hazards. **The identification of a potential ACEC shall not, of itself, change or prevent change of the management or use of public lands.**¹⁸

(1) Upon release of a draft resource management plan or plan amendment involving a potential ACEC, ~~the BLM will~~

~~notify the public of each potential ACEC and any special management attention which would occur if it were formally designated.~~ **the Deciding official shall publish a notice in the Federal Register listing each ACEC proposed and specifying the resource use limitations, if any, which would occur if it were formally designated. The notice shall provide a 60-day period for public comment on the proposed ACEC designation.**

(2) The approval of a resource management plan or plan amendment that contains an ACEC constitutes formal designation of an ACEC. The approved plan will include a list of all designated ACECs, and include any special management attention identified to protect the designated ACECs.

§ 1610.9 Transition period.

(a) Until superseded by resource management plans, management framework plans may be the basis for considering proposed actions as follows:

(1) The management framework plan must be in compliance with the principle of multiple use and sustained yield, or other applicable law, and must have been developed with public involvement and governmental coordination, but not necessarily precisely as prescribed in §§ 1610.2 and 1610.3 of this part.

(2) For proposed actions a determination will be made by the responsible official whether the proposed action is in conformance with the management framework plan. Such determination will be in writing and will explain the reasons for the determination.

(i) If the proposed action is in conformance with the management framework plan, it may be further considered for decision under procedures applicable to that type of action, including the regulatory provisions of the National Environmental Policy Act.

(ii) If the proposed action is not in conformance with the management framework plan, and if the proposed action warrants further consideration before a resource management plan is scheduled for preparation, such consideration will be through an amendment to the management

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framework plan under the provisions of § 1610.6–6 of this part.

(b)(1) If an action is proposed where public lands are not covered by a management framework plan or a resource management plan, an environmental assessment or an environmental impact statement, if necessary, plus any other data and analysis deemed necessary by the BLM to make an informed decision, will be used to assess the impacts of the proposal and to provide a basis for a decision on the proposal.

(2) A land disposal action may be considered before a resource management plan is scheduled for preparation, through a planning analysis, using the process described in § 1610.6–6 of this part for amending a plan.

(c)(1) When considering whether a proposed action is in conformance with a resource management plan, the BLM will use an existing resource management plan approved prior to April 25, 2016 until it is superseded by a resource management plan or plan amendment prepared under the regulations in this part. In such circumstances, the proposed action must either be specifically provided for in the resource management plan or clearly consistent with the terms, conditions, and decisions of the approved plan.

(2) If a resource management plan is amended by a plan amendment prepared under the regulations in this part, a future proposed action must either be consistent with the plan components of the approved resource management plan or the terms, conditions, and decisions of the approved resource management plan.

(d) If the preparation,

revision, or amendment of a plan was formally initiated by issuance of a notice of intent in the **Federal Register** prior to April 25, 2016, the BLM may complete and approve the resource management plan or plan amendment pursuant to the requirements of this part or to the provisions of the planning regulations in 43 CFR part 1600 (revised as of October 1, 2015).

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¹ This is a term of art that should be defined for compliance with FLPMA §202(c)(9) and NEPA Regulations.

² "Minor Change" is added for better consistency throughout the document. The language is pulled from BLM Land Use Planning Handbook H-1601 at Appendix F, page 14 and existing 43 C.F.R. §1610.5-4.

³ The proposed definition of "Mitigation" is an expansion of the BLM's regulatory authority. The definition in the CEQ Regulations is sufficient, at 43 CFR 1508.20.

⁴ FLPMA requires consistency with four different types of "plans," not just "land use," and not "officially adopted," or "approved." FLPMA § 202(c)(9) State, local, and tribal "**land use planning and management programs**... statewide outdoor recreation **plans**... approved land **resource management programs**... land use **plans**... **plans germane** in the development of land use **plans**... land use **programs**... local **plans**." The NEPA Regulations also speak to consistency at 40 CFR §1502.16(c) "This section [Environmental consequences] shall include discussions of: (c) Possible conflicts between the proposed action and the objectives of federal, regional and local (and in the case of a reservation, Indian tribe) **land use plans, policies and controls** for the area concerned. (See §1506.2(d))."

⁵ Replaces existing §1610.3-1. Coordination of planning efforts. (b) "State Directors and Field Managers will consider any requests of other Federal agencies, state and local governments, and federally recognized Indian tribes for cooperating agency status. Field managers who deny such requests will inform the State Director of the denial. The State Director will determine if the denial is appropriate."

⁶ FLPMA § 202(c)(9) requires meaningful public involvement

⁷ See existing 43 C.F.R. §1610.3-1 (d)

⁸ There is no definition for the term "substantive." This means the BLM can interpret its meaning in its sole discretion. This will take staff time to determine first if the recommendation is "substantive," then how to respond. The BLM should respond to every recommendation if the Governor took the time to draft them. This does not serve the BLM's purposes to save money on staff time or to ensure State involvement.

⁹ These examples are better suited for Handbook or guidance. BLM has the freedom to consider all of these "land use planning and management programs" examples as defined in §1601.0-5.

¹⁰ This shouldn't be limited to what's considered in (a)(2) if the public or non-cooperating agencies want to suggest "other policies, guidance, strategies, or plans."

¹¹ This is very helpful for public review and involvement. If the public knows what the BLM does not have or cannot obtain, then it gives the public the opportunity to help obtain that data or offer to develop studies. New language from BLM Land Use Planning Handbook H-1601-1, Appendix G, Page 1. The US Geological Survey could also use this information to base future research efforts towards areas where information is lacking and needed from management decisions.

¹² There is either plan maintenance or a plan amendment. There is no in-between. If an EIS is required, then this cannot be waived.

¹³ Still want to provide the opportunity to accept concerns, needs, opportunities, or constraints even for those agencies/governments that choose not to become a cooperating agency. But those who do become a cooperating agency should have much more input on the outcome of the land use planning document.

¹⁴ See 40 C.F.R. §1506.2. The goal here is to describe inconsistencies earlier on to determine how they can be reconciled prior to the draft, if at all. This gives cooperators time to respond before the draft is published

¹⁵ Adding this exercise could help to prevent impossible decisions. The question is "How could we make this alternative work and is it really feasible?"

¹⁶ See definition for "minor change."

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¹⁷ This kind of language is unnecessary. The agency must always be consistent with Federal laws and policy.

¹⁸ This language is from existing §1601.0-5. It was deleted from the definition but should be placed here, as it makes more sense in this section.

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