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Plan Amendment Process

The California Desert Plan has been designed to provide a guide for management over a long-term period. In order to do this, a process must be provided that will be flexible enough to permit changes in the face of unanticipated demands or response to future events that, as yet, cannot be foreseen.

PLAN INTERPRETATION AND CLARIFICATION

Due to the fact that the California Desert Plan is the first of its kind, covers such a large region, and deals with so many programs, it is anticipated that immediately after Plan approval a number of requests may be received which will require interpretation and/or clarification of the Plan to determine how the Plan affects a particular proposed use or activity. In some cases it may be necessary to clarify the meaning of statements in the Plan pertaining to guidelines, goals, and actions proposed.

The precise locations of designated boundaries may have to be determined in relationship to a particular existing activity. An activity or use may have been omitted from consideration in the Plan, and a determination may be needed as to how that activity is affected.

Request for Plan interpretation may be filed with the Desert District Office and will be responded to within 30 days of receipt of the request. The response will describe the interpretation made by the BLM authorized official and/or establish additional time needed to consider interpretation.

GENERAL PROCEDURES FOR PLAN AMENDMENTS

A Plan Amendment may be initiated at any time by the BLM District Manager, Desert District, in response to new findings under the continuing monitoring, review, and revision procedures.

Individuals and public or private organizations desiring to have the Plan or any of its elements amended may submit requests for amendment to the District Manager of the BLM California Desert District. The District Manager will respond in writing within 30 days, acknowledging receipt of the request and informing the applicant of the process to be followed in studying and deciding upon the

amendment. Processes will be consistent with Bureau procedures.

The general categories of Plan amendments anticipated are described below:

Category 1—The proposed changes (based on previous analysis) will not involve significant environmental impact, and/or EIS documentation is not required. Such changes would not cause significant changes in the geographic location and extent of a multiple-use class designation, multiple-use class guidelines, or significant changes in the goals and policies expressed in the Plan elements or in ACECs or Special Areas.

Category 2—The proposed change, based on preliminary analysis, will require a significant change in the location of a multiple-use class designation or the geographic location or extent of that designation, a significant change in a multiple-use class guideline, or in a Plan element, goals, policies, or the process as prescribed in that element.

Such changes based on preliminary analysis are likely to or are known to have a significant environmental impact and an EIS is required.

Category 3—The proposed change is submitted to accommodate a request for a specific use or activity which will require additional analysis and decision beyond the Plan Amendment decision.

Category 1 amendments will be considered at least on a semi-annual schedule and Plan amendments in Categories 2 and 3 will be considered on an annual schedule, beginning one year from the date of Plan approval. Specific Category 3 amendments may be considered at any time where the State Director determines that the proposed project is of such significance to the public interest that deviation from the annual schedule is justified.

BLM-INITIATED AMENDMENTS

The Bureau will monitor implementation of the Plan, as well as new internal data, and will review the need for a general revision at the end of one year after approval of the Plan. Amendments will be considered once a year for the next four years. The District Multiple-Use Advisory Council will play a major role in determining amendments.

Proposals for revision of the boundaries of the California Desert Conservation Area, or requests for changes in the Federal Land Policy and Management Act will be referred to the U.S. Congress for review and decision.

During the planning process, the need for, one boundary adjustment and concurrent BLM study of the administrative organization best suited to implement the Plan was identified. The McCain Valley area, encompassing approximately 150000 acres of BLM-administered public lands along the present southwest boundary of the COCA, has been determined to be an area that should be included in the California Desert Conservation Area and managed under the framework of the Plan, from both ecological and resource management perspectives.

A precise determination of boundary adjustment in McCain Valley will be made, existing Resource Management Plans for the area will be reconciled to overall Plan guidelines, and the proposed revision, with appropriate environmental assessment, will be processed under the standard Plan Amendment procedures and referred to Congress in the form of a draft boundary adjustment amendment to the Federal Land Policy and Management Act of 1976. . the County Board of Supervisors.

Proposed revisions of the multiple-use classifications or their boundaries, guidelines, objectives, or decision criteria and major revisions of Plan elements, including significant changes in use levels or facility locations will be by the BLM California State Director under the amendment procedures outlined in this section.

INFORMATION REQUIRED FROM INDIVIDUALS AND ORGANIZATIONS

All requests for amendment must be submitted to the District Manager of the California Desert District. Any requests from individuals or private groups or organizations for amendments to or changes in the California Desert Plan must contain the following information:

(1) Reasons for the request.

(2) An explanation of how the individual, group, or organization is being adversely affected by existing requirements or management objectives in the Plan.

INFORMATION REQUIRED FROM GOVERNMENTAL AGENCIES

Federal, State, and local governmental units (including special districts) may file applications and petitions with Bureau for land and resource uses in accordance with established regulations. These applications and petitions will be reviewed in light of the Plan data and conclusions. event such applications or petitions are denied, on basis of the Plan or its supportive data, rights of appeal will be in accordance with established regulations for the type of application or petition involved. If the proposal has merit, in light of the presented circumstances, the Bureau will simultaneously consider the proposal and a

related Plan amendment. Special priority will be given to requests of State and local governments and other Federal agencies.

CITIES AND SPECIAL DISTRICTS

If the request for an amendment to change the Plan is being submitted by an incorporated city or special district, the following information must be provided:

(1) The request must have been approved by vote of the City Council or Board of Directors.

(2) The city must show how it has been, is being, or will be adversely affected by the Plan, or parts thereof.

(3) The city must show how its proposed amendment is necessary for consistency with the officially adopted city general plan.

COUNTY

If the request for amendment is submitted by a county, or county service area, the following information must be submitted:

(1) The request must have been approved by vote of the County Board of Supervisors.

(2) The county must show how it has been, is, or will be adversely affected by the Plan, or parts thereof.

(3) The county must show how the proposed amendment is necessary for consistency with the officially decided adopted county general plan.

STATE

If request for amendment is submitted by the Legislature or Executive Branch of the State of California, the following process must be followed:

(1) The request must have been approved by the Executive Director or Secretary of the submitting agency after indication of coordination with other potentially affected State agencies.

(2) The State must show how it has been, is, or will be adversely affected by the Plan, or parts thereof.

(3) The State must show how the proposed amendment is necessary for consistency with adopted State plans or programs.

FEDERAL AGENCY

If the request for amendment is submitted by a department, office, or bureau of the Executive Branch of the the U.S. Government other than the BLM, these steps will be necessary:

(1) The request must have been approved by the director of the submitting department, office, or bureau.

(2) The agency must show how it has been, is, or will be adversely affected by the Plan, or parts thereof.

(3) The agency must show how the proposed amendment is necessary for consistency with officially adopted plans or programs.

PLAN AMENDMENT PROCESS

Upon receipt of a request to consider a Plan amendment, the Desert District Manager shall decide:

(1) To consider the Plan amendment, in which case he shall determine the category of amendment to be assigned;

(2) Not to consider the Plan amendment, in which case he shall notify the requestor stating the reasons for his decision.

Any decision to consider or not to consider a Plan amendment is subject to protest to the State Director.

AMENDMENT DECISIONS

Category 1 Amendments

(a) The Desert District Manager recommends an amendment to the State Director. If the State Director concurs, the District Manager makes a decision and a public notice of the amendment decision is given. This notice should clearly explain how the existing Desert Plan is changed.

(b) Protests will be received for 30 days following the public notice.

(c) An amendment may be implemented after protests are resolved and at least 30 days after the public notice.

Category 2 Amendments

(a) The Desert District Manager recommends a preferred alternative to the State Director. If the State Director concurs, the results of the above steps are published as a draft Desert Plan amendment and draft EIS for public review,

(b) The Desert District Manager evaluates comments received, then selects and recommends an amendment decision to the State Director for review and concurrence.

(c) Upon receipt of concurrence, a proposed Plan amendment and final EIS are prepared and published.

(d) Protests will be received for 30 days following the filing of the final EIS.

(e) An amendment may be approved and implemented after protests are resolved and at least 30 days after filing the final EIS.

Category 3 Amendments

(a) Based on additional analysis, the Desert District Manager recommends an amendment to the State Director. If the State Director concurs, the District Manager makes a decision and a public notice of the amendment decision is given. This notice should clearly explain how the existing Plan is to be changed.

(b) Protests will be received for 30 days following the notice.

(c) An amendment may be approved after protests are

resolved and at least 30 days after public notice.

ANALYSIS OF PROPOSED AMENDMENTS

In analyzing any applicant's request for amending or changing the Plan, the BLM District Manager, Desert District, will:

(1) Determine if the request has been properly submitted and if any law or regulation prohibits granting the requested amendment.

(2) Determine if alternative locations within the CDCA are available which would meet the applicant's needs without requiring a change in the Plan's classification, or an amendment to any Plan element.

(3) Determine the environmental effects of granting and/or implementing the applicant's request.

(4) Consider the economic and social impacts of granting and/or implementing the applicant's request.

(5) Provide opportunities for and consideration of public comment on the proposed amendment, including input from the public and from Federal, State, and local government agencies.

(6) Evaluate the effect of the proposed amendment on BLM management's desert-wide obligation to achieve and maintain a balance between resource use and resource protection.

DECISION CRITERIA FOR APPROVAL OR DISAPPROVAL

Before submitting a recommendation for a Plan amendment, the BLM Desert District Manager must determine that the proposed amendment is in accordance with applicable laws and regulations and will provide for the immediate and future management, use, development, and protection of the public lands within the CDCA. The BLM Desert District Manager will base his rationale for such determination on the principles of multiple use, sustained yield, and maintenance of environmental quality, as required in the Federal Land Policy and Management Act of 1976.

PUBLIC NOTIFICATION

Notification of proposed amendments to or changes in the California Desert Plan will be published in the *Federal Register*. In addition, notices will also be published in a newspaper, or newspapers, of general circulation in the area which would be affected by the proposed amendment(s). Further, a Plan amendment mailing list will be developed by BLM and will include appropriate publications which publish material of interest to people concerned about public lands of the California Desert. All individuals, organizations, and other public agencies requesting notices of Plan amendment proposals or decisions will receive such notices. All notices and information will be published in this manner no later than 30 days prior

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to the first or subsequent public hearing, if one is to be held.

All county boards of supervisors and all city councils located where incorporated limits and spheres of influence encompass the land area which might be affected by a proposed amendment to the Plan will be notified of such application to amend no later than 30 days prior to

any scheduled public hearings.

PUBLIC HEARINGS

Before the BLM Desert District Manager makes final decision(s) on proposed amendment(s), he may hold one or more public hearings to consider these proposals.