



File Code: 1950

Date:

FEB 05 2015

Dear Interested Party:

Thank you for your interest in the *Greater Sage-grouse Bi-state Distinct Population Segment Forest Plan Amendment Project*. The Final Environmental Impact Statement (FEIS) for the project is now available. The FEIS was completed per the National Environmental Policy Act (NEPA) and each agency's implementing policy and regulations.

Through this planning process, the Humboldt-Toiyabe National Forest (Forest) will amend the Toiyabe National Forest Land and Resource Management Plan, and the Bureau of Land Management (BLM) will amend the Carson City District and Tonopah Field Office Resource Management Plans. The management plan amendments will add additional goals, objectives, standards, and guidelines to the existing management plans specifically designed to conserve, enhance, and/or restore habitats to provide for the long-term viability of the bi-state sage-grouse.

The FEIS was developed following the publication of the Revised Draft EIS in July 2014. The Forest and BLM used the comments received by the public to finalize the FEIS, making minor changes to clarify or correct information published in the Draft EIS.

Based on the analysis in the FEIS and other supporting documents, the Forest has prepared a draft Record of Decision (ROD). Following the publication of a legal notice in the Reno Gazette Journal, there will be a 60 day objection filing period on the draft ROD and FEIS (Attachment 1). The Forest will issue a final ROD after the resolution of any objections filed during the objection filing period.

The BLM will publish a separate ROD based on the FEIS, drafts documents, and project record following their official protest period (Attachment 2).

The FEIS and the Forest's draft Record of Decision (ROD) are available on line at: <http://www.fs.fed.us/nepa/fs-usda-pop.php/?project=40683>. The documents are also available on CD-ROM or in hard copy upon request. For more information, contact James Winfrey, Land Management Planner, at (775) 355-5308.

Sincerely,

WILLIAM A. DUNKELBERGER

Forest Supervisor

Attachments



Attachment 1. Forest Service Objection Process

A legal notice is being published in the Reno Gazette-Journal which will initiate the formal 60 day objection period on the Forest's draft Record of Decision. During that 60 day period, individuals or entities with specific concerns may file an objection for a Forest Service review.

The Forest Service's objection process provides an opportunity for members of the public who have participated in the planning process to have any unresolved concerns reviewed by the Forest Service prior to a final decision by the Responsible Official. Only those who provided substantive formal comments during opportunities for public comment during the planning process are eligible to file an objection. Regulations at 36 CFR 219 subpart B define substantive formal comments as:

"Written comments submitted to, or oral comments recorded by, the responsible official or his designee during an opportunity for public participation provided during the planning process, and attributed to the individual or entity providing them. Comments are considered substantive when they are within the scope of the proposal, are specific to the proposal, have a direct relationship to the proposal, and include supporting reasons for the responsible official to consider."

The Forest Service will accept mailed, emailed, faxed, and hand-delivered objections concerning this action for 60 calendar days following the date the legal notice is published in the newspaper of record (Reno Gazette-Journal). It is the responsibility of the objector to ensure that the Reviewing Officer receives the objection in a timely manner. The regulations prohibit extending the length of the objection filing period.

Objections must be submitted to the Reviewing Officer Nora Rasure, Regional Forester, at Intermountain Region USFS, 324 25th Street, Ogden, Utah 84401; or fax to 801-625-5277; or by email to: objections-intermtn-regional-office@fs.fed.us. The office business hours for those submitting hand-delivered objections are 8:00 AM to 4:30 PM Monday through Friday, excluding Federal holidays. Electronic objections must be submitted in a commonly used format such as an email message, plain text (.txt), rich text format (.rtf), or Microsoft Word® (.doc or .docx).

An objection must include the following (36 CFR 219.54(c)):

- (1) The objector's name and address along with a telephone number or email address if available - in cases where no identifiable name is attached to an objection, the Forest Service will attempt to verify the identity of the objector to confirm objection eligibility;
- (2) Signature or other verification of authorship upon request (a scanned signature for electronic mail may be filed with the objection);
- (3) Identification of the lead objector, when multiple names are listed on an objection. The Forest Service will communicate to all parties to an objection through the lead objector. Verification of the identity of the lead objector must also be provided if requested;
- (4) The name of the plan, plan amendment, or plan revision being objected to, and the name and title of the Responsible Official;

(5) A statement of the issues and/or parts of the plan, plan amendment, or plan revision to which the objection applies;

(6) A concise statement explaining the objection and suggesting how the draft plan decision may be improved. If the objector believes that the plan, plan amendment, or plan revision is inconsistent with law, regulation, or policy, an explanation should be included; and

(7) A statement that demonstrates the link between the objector's prior substantive formal comments and the content of the objection, unless the objection concerns an issue that arose after the opportunities for formal comment.

Attachment 2. BLM Protest Period

The BLM will publish a separate ROD for BLM-managed public lands based on this FEIS following its official protest period. The BLM will not issue a final decision on the proposal for at least 30 days after the date that the Environmental Protection Agency publishes a notice of availability for the FEIS in the *Federal Register*.

Pursuant to BLM's planning regulations at 43 CFR 1610.5-2, any person who participated in the planning process for this land use plan amendment and has an interest, which is or may be adversely affected by the planning decisions, may protest approval of the planning decisions within 30 days from the date the Environmental Protection Agency (EPA) publishes the Notice of Availability in the *Federal Register*. For further information on filing a protest, please see the accompanying protest regulations in the pages that follow (contained in Attachment 2). The regulations specify the required elements of your protest. Take care to document all relevant facts. As much as possible, reference or cite the planning documents or available planning records (e.g., meeting minutes or summaries, correspondence, etc.).

Emailed protests will not be accepted as valid protests unless the protesting party also provides the original, signed protest letter by either regular or overnight mail postmarked by the close of the protest period. Under these conditions, the BLM will consider the emailed protest as an advance copy and will afford it full consideration. If you wish to provide the BLM with such advance notification, please direct emails to: protest@blm.gov.

All protests, including the follow-up letter to emails, must be in writing and mailed to one of the following addresses:

Regular Mail:

Director (210)
Attn: Protest Coordinator PO Box 71383
Washington, DC 20024-1383

Overnight Mail:

Director (210) Attn: Protest Coordinator
20 M Street SE, Room 2134LM
Washington, DC 20003

Before including your address, phone number, email address, or other personal identifying information in your protest, please be advised that your entire protest – including your personal identifying information – may be made publicly available at any time. While you can ask us in your protest to withhold from public review your personal identifying information, we cannot guarantee that we will be able to do so.

The BLM Director will make every attempt to promptly render a decision on each protest. The decision will be in writing and will be sent to the protesting party by certified mail, return receipt requested. The decision of the BLM Director shall be the final decision of the Department of the Interior. Responses to protest issues will be compiled and formalized in a Director's Protest Decision Report made available following issuance of the decisions.

Upon resolution of all land use plan protests, the BLM will issue an Approved Resource Management Plan (RMP) Amendment and Record of Decision (ROD). The Approved RMP Amendment and ROD will be mailed or made available electronically to all who participated in the planning process and will be made available on the BLM websites

http://www.blm.gov/nv/st/en/fo/carson_city_field.html and

http://www.blm.gov/nv/st/en/fo/battle_mountain_field.html.

Unlike land use planning decisions, implementation decisions included in this RMP Amendment/FEIS are not subject to protest under the BLM planning regulations, but are subject to an administrative review process, through appeals to the Office of Hearings and Appeals (OHA), Interior Board of Land Appeals (IBLA) pursuant to 43 CFR, Part 4 Subpart E. Implementation decisions generally constitute the BLM's final approval allowing on-the-ground actions to proceed. Where implementation decisions are made as part of the land use planning process, they are still subject to the appeals process or other administrative review as prescribed by specific resource program regulations once the BLM resolves the protests to land use planning decisions and issues an Approved RMP Amendment and ROD. The Approved RMP Amendment and ROD will therefore identify the implementation decisions made in the plan that may be appealed to the Office of Hearing and Appeals.

BLM Protest Regulations

[CITE: 43CFR1610.5-2]

TITLE 43--PUBLIC LANDS: INTERIOR
CHAPTER II--BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR
PART 1600--PLANNING, PROGRAMMING, BUDGETING--Table of Contents
Subpart 1610--Resource Management Planning
Sec. 1610.5-2 Protest procedures.

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

(1) The protest shall be in writing and shall be filed with the Director. The protest shall be filed within 30 days of the date the Environmental Protection Agency published the notice of receipt of the final environmental impact statement containing the plan or amendment in the Federal Register. For an amendment not requiring the preparation of an environmental impact statement, the protest shall be filed within 30 days of the publication of the notice of its effective date.

(2) The protest shall contain:

- (i) The name, mailing address, telephone number and interest of the person filing the protest;
- (ii) A statement of the issue or issues being protested;
- (iii) A statement of the part or parts of the plan or amendment being protested;
- (iv) 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; and
- (v) A concise statement explaining why the State Director's decision is believed to be wrong.

(3) The Director shall promptly render a decision on the protest.

(b) The decision shall be in writing and shall set forth the reasons for the decision. The decision shall be sent to the protesting party by certified mail, return receipt requested. The decision of the Director shall be the final decision of the Department of the Interior.