



Western Division American Fisheries Society

President Laurie Earley, President-Elect Eric Fetherman, Vice-President Julie Carter, Secretary-Treasurer Laura Burckhardt,
Past-President Dan Brauch, Student Representative Jack McLaren

Advancing fisheries and aquatic science and professionals in western North America

Executive Committee Call: Tuesday, May 9, 2023

Start Time: 9:15 am HT / 10:15 am AKT / 11:15 pm PT / 12:15 pm MT/ 2:15 pm ET

Conference Call Information: 1-425-436-6374, Access Code: 1073501 (14254366374;;1073501), Host Code: 2983

WDAFS Executive Committee **AGENDA** (12:00 PM-1:00 PM PT)

WDAFS Officers and Representatives from: AK, AZ/NM, CA/NV, CO/WY, ID, MT, OR, PI, UT, WA/BC

- 12:15 Roll call / determination of quorum (majority of officers, 1/3 of Chapters) / Designate a note taker
- 12:20 Approval of April Meeting notes
- 12:22 Election Results
- 12:25 WDAFS Treasurer's briefing and budget review and balances report (Laura or Laurie)
 - Reminder that units need to submit taxes by May 15th
- 12:30 AFS Level Committee briefings (Management Committee, Governing Board, Membership)
 - Did chapters get the AFS Leader Line newsletter before I forwarded it
 - Award fulfillment will be phased out September 1, 2023
- 12:40 Student Activities update (Jack)
- 12:45 Chapter briefings (roughly 5 minute/chapter) – **What are each chapter's requirements for ExCom or Committee participation?**
- 1:05 New or other business
 - Survey Results – Maybe we can finally discuss!!
 - Student sub-unit support / assisting with HI sub-unit establishment
 - Finding volunteers to help with AFS committees requesting Division participation
- 1:30 Adjourn

Attachments:

1. April Meeting Minutes
2. April 30 Balance Report
3. BLM Letter from RPECC
4. Federal Register RE: BLM letter



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WDAFS Executive Committee Minutes (12:15 PM-1:45 PM PT)

Tuesday, May 9, 2023, Boise, ID (in person) with phone available for call in.

Attendees: Laurie Earley, Dan Brauch, Jane Trujillo (NM), Rob Van Kirk (ID), Eric Fetherman, Eva Bush (CA/NV), Steve Gale (CO/WY), Peter Brown (MT), Dan Keller (UT), Gary Vonderohe (OR), Jack McLaren, Jeff Fryer (WA/BC), Leanne Roulson, Mary Donovan (HI), Tim Copeland (Incoming VP), Jane Goedert (Guest), Sue Mauger (AK), Julie Carter (on phone) and Laura Burckhardt (on phone).

- 12:15 Roll call / determination of quorum: Quorum was met with all Chapter Presidents (or proxies) and all officers attending. Dan Brauch was designated as the note taker
- 12:20 Approval of April Meeting notes: Minutes were projected on screen for review. Eric made motion to approve minutes and Dan seconded the motion. No opposition to approval so notes were approved.
- 12:22 Dan Brauch announced 2023 election results. Meredith Leigh Journey (University of Wyoming) was elected as the incoming Student Representative and Tim Copeland was elected the incoming Vice President.
- 12:25 WDAFS Treasurer's briefing and budget review and balances report: A more detailed budget update was planned for upcoming Business Meeting, so Laurie just provided a reminder that units need to submit taxes by May 15th
- 12:30 AFS Level Committee briefings (Management Committee, Governing Board, Membership)
 - No updates for AFS committees.
 - Leanne Roulson provided an update: Nominating committee will be activated a couple months early next year and there is a need for WD representation.
 - Laurie inquired whether Chapters received the AFS Leader Line newsletter which she forwarded? Reach out to Laurie or Kelly Kotche (kkotche@fisheries.org) if you did not see the newsletter that was sent to unit leaders via email.
 - Award fulfillment will be phased out for AFS Units effective September 1, 2023, so units will need to use templates to make their own awards. Certificate templates and samples of award language will be added to the awards order page, and we will provide a link to our current plaque vendor. For questions, please contact Lauren Maza at lmaza@fisheries.org.
- 12:40 Student Activities update (Jack)
 - Only had 2 students sign up for 2023 Student Colloquium planned for the weekend preceding the Boise meeting, so the event was cancelled. Jack discussed difficulty in building interest from students. Gary and Eva indicated that they have seen challenges in getting student involvement for events also. Could discuss in future meeting how to get students more engaged and improve communication with student sub-units and tools that chapters are using to engage with sub-units. It was discussed that perhaps connecting with annual meeting made it more difficult for students

to add on to meeting. Will have funds from cancelled Colloquium from Oregon, and Gary indicated we could carry funds over to 2024 WDAFS Student Colloquium.

- 12:45 Chapter briefings with question: What are each chapter's requirements for ExCom or Committee participation? It was discussed that at the Division Level, Committee chairs need to be AFS Members. AFS Rules state that "Only Active Members of the Society may hold a unit office, chair a unit committee, or vote on unit affairs"
- Rob Van Kirk (ID): Per chapter bylaws, not sure if committee chairs need to be AFS members, but ID Chapter does have bylaw revisions that require membership (including students) to be an ID member, but only officers need to be AFS members (committee chair membership might not be discussed in Chapter bylaws). 2024 Spokane Joint Annual Meeting will be held with WA/BC in late April/early May to avoid the World Fisheries Conference.
- Jane Trujillo (AZ/NM): Need to check on officer requirement for AFS Membership, but you do have to be a Chapter Member. Putting on Age and Growth workshop (Jason Dahl and Zach Cline are presenting). Arizona TWS will host the 2024 annual meeting at Little America in Flagstaff, Arizona the first Thursday in February
- Eva Bush (CA/NV): The CAL-NEVA Annual Meeting will be held in Redding, California the last week of March. Excom and committee chairs are required to be AFS members and Chapter members. New Student Liaison position for CA/NV to coordinate info to sub-units has been established and this position will be a voting member of the Chapter excom. Chapter Memberships are \$5 extra for students, \$10 for non-students and are in addition to AFS membership (can't be a Chapter member without being an AFS member). Officers are reimbursed by the Chapter for AFS membership dues, but not committee chairs.
- Steve Gale (CO/WY): Committee chairs and officers must be AFS members, although this requirement has not been enforced (some committee chairs have not been members, so officers talk to them and indicate that they should be AFS members). 2024 Annual Meeting will be held Feb 27-29 2024 in Laramie, Wyoming. Chapter is adding D&I committee as a standing committee. Chapter is also working on location (front range) for 2025 WD Meeting.
- Peter Brown (MT): Working on establishing a D&I committee and working with legislature on issues (meet every 2nd year). Next annual meeting not decided yet, but looking at Lewistown, Bozeman, or Great Falls. May consider joint meeting with another chapter in future. Only Active members can vote, serve as committee chairs, or serve as an officer, but others attending meeting (not AFS members) are considered Affiliate members.
- Dan Keller (UT): Chapter members must be AFS member to vote or serve as an officer, not sure about serving on a committee. Looking at St. George in last week of February or first week in March for 2024 annual meeting.
- Gary Vonderohe (OR): Officers have to be an AFS member, but not sure about committee chairs. 2024 annual meeting will be held in Bend Feb 27-March 1. Will also be in Bend in 2025. Have a legislative liaison working for Chapter at capitol, session goes through June. Recently had excom spring retreat. Provided \$2500 to help establish Pacific Islands Chapter.
- Sue Mauger (AK): Bylaws do not mention that committee chairs need to be AFS member. Likely to have meeting in Seward in March, rotating around region. Have a very active D&I Committee and had a workshop before 2023 Fairbanks meeting. For students that attended workshop, the session made a huge impression at a personal level and some students indicated that previous attendance did not make them feel as supported. Recent efforts and participation in workshop were appreciated by Students.
- Jeff Fryer (WA/BC): Bylaws do state that members must be AFS members to serve as an officer, chair a committee, or vote. 2024 annual meeting will be held April 28-May 3 with Idaho in Spokane. Would be welcome for MT to join meeting, but have not discussed with ID yet. President of WA/BC is member of Canadian Aquatic Resources Section excom. Look to get back to Canada for annual meeting in 2025.

- Mary Donovan (Pacific Islands): Still getting chapter set up and electing officers and getting ducks in a row. Campaign for membership sign up will be occurring soon. Mary has not seen bylaws (just getting started!). Need to renew tax exempt status to set up bank accounts. WD is holding funds for chapter until accounts are set up. Gary and OR Chapter is happy to work with PI Chapter regarding financial sustainability for longer term.
- 1:05 New or other business
 - Survey Results – would like to try to find more time to discuss later, but responses were fairly positive.
 - Student sub-unit support / assisting with HI sub-unit establishment. Small project grant application from sub-unit to establish funding was submitted, but it was felt that we should assist outside of that funding source. Have had conversations between potential student-subunits. Discussed a potential student membership drive to support all student sub-units, not just the new PI Chapter, and to gauge interest in assisting to get new AFS Members in the loop by focusing on student memberships. Eric made a motion to add a line item to budget to provide \$500 in seed money to establish a PI student sub-unit. Eva seconded. Money would be provided to PI chapter and earmarked for establishment of student sub-unit. Motion carried and affirmative vote was unanimous.
 - Discussed need to find volunteers to help with AFS committees requesting Division participation but decided to hold topic for a future excom meeting. Would like to discuss ways to get new volunteers for all levels of AFS, officers and committees.
 - Leanne suggested making time for outgoing officers to meet to pass on info and key things learned.
 - Please take RPECC letter that was shared prior to this meeting to Chapter Excoms to vote on at June WDAFS Excom meeting.
 - Next meeting will be June 8 at 1 pm MT, noon PT, 3 pm EST.
- 1:45 Adjourned (Eric made motion to adjourn, Steve seconded, with no opposition).

Attachments provided prior to the meeting:

1. April Meeting Minutes
2. April 30 Balance Report
3. BLM Letter from RPECC
4. Federal Register RE: BLM letter



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Secretary/Treasurer Report – April 30 2023

Account Balances by Month

Table 1. Bank Account Balances

Account	9/30/2022 Balance	10/31/2022 Balance	11/30/2022 Balance	12/31/2022 Balance	1/31/2023 Balance	2/28/2023 Balance	3/31/2023 Balance	4/30/2023 Balance
Bank Accounts								
MACU CD Maturation December 21 22	\$ 10,938.31	\$ 10,940.64	\$ 10,940.64	\$ -	\$ -	\$ -	\$ -	\$ -
MACU CD Maturation October 9 22	\$ 10,924.47	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
MACU Savings	\$ 984.64	\$ 1,909.95	\$ 1,910.03	\$ 12,854.64	\$ 12,855.19	\$ 1.11	\$ 1.11	\$ 1.11
Wells Fargo Checking	\$ 27,803.70	\$ 25,597.85	\$ 19,040.86	\$ 17,862.58	\$ 61,206.22	\$ 59,730.82	\$ 51,512.21	\$ 47,867.99
TOTAL Bank Accounts	\$ 50,651.12	\$ 38,448.44	\$ 31,891.53	\$ 30,717.22	\$ 74,061.41	\$ 59,731.93	\$ 51,513.32	\$ 47,869.10
Investment Accounts								
Charles Schwab - Investments	\$ 507,956.79	\$ 475,343.02	\$ 494,588.59	\$ 520,171.64	\$ 475,816.86	\$ 541,129.93	\$ 552,264.02	\$ 556,203.92
CDs at Charles Schwab								
CD: Bank of China (Due 10/28/22, 0.9%)	\$ 10,000.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
CD: Western Alliance (Due 2/14/23, 3.9%)	\$ -	\$ -	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ -	\$ -	\$ -
CD: AXOS Bank (Due 2/13/23, 2.8%)	\$ -	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ -	\$ -	\$ -
Funds Transferred for CD Purchase (Transfer)	\$ -	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ -	\$ -	\$ -
Bank of India - New NY 5% CD (Due 08/2023)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 20,000.00	\$ 20,000.00	\$ 20,003.00
Charles Schwab Bank, TX 5% CD (Due 08/2023)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 23,000.00	\$ 23,000.00	\$ 23,000.92
TOTAL Investment Accounts	\$ 517,956.79	\$ 495,343.02	\$ 524,588.59	\$ 550,171.64	\$ 505,816.86	\$ 584,129.93	\$ 595,264.02	\$ 599,207.84
OVERALL TOTAL	\$ 568,607.91	\$ 533,791.46	\$ 556,480.12	\$ 580,888.86	\$ 579,878.27	\$ 643,861.86	\$ 646,777.34	\$ 647,076.94

Note: 12/5/2022: The Bank of China CD automatically renewed into the AXOS Bank CD.

Investment Account

Table 2 displays the current Unit ownership in the Investments portion of the Charles Schwab account. The activity is summarized below.

1. On October 24, 2022, WD transferred \$10,000 into the Investment account for the purchase of a 6-month CD. A CD has not been purchased yet. The CD is not part of the shared investment account. No change to the percent ownership was made.
2. WD AFS had a CD mature at MACU on October 28, 2022 and was reinvested on November 13, 2022
3. The Bank of China CD automatically renewed into the AXOS Bank CD on November 14, 2022. The interest amount and resulting change in WD ownership in Table 2 is under review.
4. Funds were transferred from MACU on 10/24/22 (\$10,000) and on 2/9/23 (\$12,854.19), these funds along with the AXOS Bank and Western Alliance CDs and associated CD dividends were pooled to purchase a 6-month CD for \$20,000 and a 12-month CD for \$23,000.

Table 2. Unit Balance and Ownership in Investments within the Charles Schwab Account

Percent Ownership	9/30/2022
Western Division	42.56%
AZ/NM Chapter	4.50%
CO/WY Chapter	13.05%
Idaho Chapter	9.22%
Utah Chapter	5.33%
WA-BC Chapter	8.21%
CSU Student Subunit	0.00%
Fish Culture Section	16.18%
Student Travel Fund	3.53%

Wells Fargo Checking Account Transaction

The following table displays the reporting period opening balance, transactions by current budget category, the fiscal year that the transaction was budgeted in, and if the transaction has cleared the account or not.

NOTE: On 1/29/2023, deposited a \$47,152 check from AFS for: 1) 2020 Dues Rebate, \$11,212, 2) 2021 Dues Rebate, \$14,040.00, 3) 2021 Baltimore Proceeds, \$1,900, 4) 2022 Spokane Proceeds \$20,000.

Table 3. Checking Account Transactions

Date	Num	Description	Memo	Category	Tag	Clr	Amount
4/26/2023		Harland Clarke ...Checks		08 Miscellaneous Expenses:08.0...	FY23	c	-38.64
4/25/2023		Idaho AFS	Registration for Shivonee Nesbit	02 AFS WD Annual Meeting:02.0...	FY23	c	-425.00
4/21/2023		Oregon AFS	Student Colloquium sponsorship	06 Student Support:06.04 Stude...	FY23	c	500.00
4/18/2023		Etsy	Gift for Wendt	08 Miscellaneous Expenses:08.0...	FY23	c	-53.03
4/13/2023		John McClaren	Reimbursement for ID AFS Registration	02 AFS WD Annual Meeting:02.0...	FY23	c	-150.00
4/13/2023		CTE Awards	Riparian Challenge Plaques	04 Awards:04.02 Riparian Challe...	FY23	c	-85.00
4/12/2023	1991	Nate Cathcart	Small project grant	05 Grants:05.08 Small Grants Pr...	FY23	c	-749.68
4/11/2023		AFS	Fetherman Registration Grand Rapids	03 Other Excom Travel:03.01 GB...	FY23	c	-655.00
4/11/2023		United	Fetherman Flight Grand Rapids	03 Other Excom Travel:03.01 GB...	FY23	c	-380.45
4/11/2023		Mailchimp	Mail Chimp Monthly Service	08 Miscellaneous Expenses:08.0...	FY23	c	-80.32
4/7/2023		ID AFS	Reimbursement, L Burckhardt Registration	02 AFS WD Annual Meeting:02.0...	FY23	c	425.00
4/7/2023		American Airlines	Carter Flight to Boise	02 AFS WD Annual Meeting:02.0...	FY23	c	-407.80
4/5/2023		Dan Brauch	REIMBURSEMENT FOR AK AFS	03 Other Excom Travel:03.02 Ch...	FY23	c	-1,157.30
4/4/2023		Westmark Fair...	AK AFS Brauch Hotel	03 Other Excom Travel:03.02 Ch...	FY23	c	-387.00
3/28/2023		Sheraton	WABC AFS Burckhardt Hotel	03 Other Excom Travel:03.02 Ch...	FY23	c	-424.50
3/24/2023		United	Earley Flight for Boise Meeting	02 AFS WD Annual Meeting:02.0...	FY23	c	-965.40
3/23/2023		Idaho AFS	Carter- Registration for WDAFS Meeting	02 AFS WD Annual Meeting:02.0...	FY23	c	-425.00
3/23/2023		Julie Carter	Reimbursement for Gift	08 Miscellaneous Expenses:08.1...	FY23	c	-60.00
3/22/2023		Laura Burckhardt	Reimbursement for Travel to WABC Meeting	03 Other Excom Travel:03.02 Ch...	FY23	c	-1,549.20
3/16/2023		Idaho AFS	Earley - Registraton for WDAFS Meeting	02 AFS WD Annual Meeting:02.0...	FY23	c	-425.00
3/16/2023		American Fishe...	Sponsorship of Latin American AFS Meeting	05 Grants:05.05 Sponsorship for ...	FY23	c	-500.00
3/14/2023	1989	Jack McClaren	Reimbursement for Travel to UT Meeting	03 Other Excom Travel:03.02 Ch...	FY23	c	-497.90
3/14/2023		Idaho AFS	Fetherman - Registration for WD AFS Meeting	02 AFS WD Annual Meeting:02.0...	FY23	c	-425.00
3/11/2023		Mailchimp	Mail Chimp Monthly Fee	08 Miscellaneous Expenses:08.0...	FY23	c	-80.32
3/9/2023		Dan Brauch	Reimbursement Oregon AFS Meeting	03 Other Excom Travel:03.02 Ch...	FY23	c	-1,235.18
3/8/2023		ID AFS	Burckhardt - Registration for WD AFS	02 AFS WD Annual Meeting:02.0...	FY23	c	-425.00
3/7/2023		Hilton	Fetherman - Hotel CANV Meeting	03 Other Excom Travel:03.02 Ch...	FY23	c	-769.70
3/6/2023	1990	American Fishe...	Web Hosting Fees, 2023	08 Miscellaneous Expenses:08.0...	FY23	c	-240.00
3/3/2023		Bites 2 Purcha...	Fetherman - CA NV Meeting	03 Other Excom Travel:03.02 Ch...	FY23	c	-21.56
3/3/2023		Louisiana Cha ...	Fetherman - CA NV Meeting	03 Other Excom Travel:03.02 Ch...	FY23	c	-64.40
3/2/2023		Gladstones Pur...	Fetherman - CA NV Meeting	03 Other Excom Travel:03.02 Ch...	FY23	c	-79.00
3/1/2023		Ross	Meal, Earley MT AFS	03 Other Excom Travel:03.02 Ch...	FY23	c	-31.45
2/28/2023		Burlington Int A...	Parking, Earley MT AFS	03 Other Excom Travel:03.02 Ch...	FY23	c	-60.00
2/28/2023		Sheraton	Meal, Earley MT AFS	03 Other Excom Travel:03.02 Ch...	FY23	c	-38.00
2/28/2023		Copper King H...	Lodging, Earley MT AFS	03 Other Excom Travel:03.02 Ch...	FY23	c	-294.00
2/23/2023		Montana Rib	Meal MT AFS	03 Other Excom Travel:03.02 Ch...	FY23	c	-41.90
2/17/2023	1988	UC Regents	Sanders Small Project Grant	05 Grants:05.08 Small Grants Pr...	FY22	c	-947.00

Table 3 continue. Checking Account Transactions

Date	Num	Description	Memo	Category	Tag	Clr	Amount
2/11/2023		Mailchimp	Mail Chimp Monthly Fee	08 Miscellaneous Expenses:08.0...	FY23	c	-94.50
1/31/2023		Eventbrite 202...	Laurie Earley MT AFS Registration	03 Other Excom Travel:03.02 Ch...	FY23	c	-300.00
1/31/2023		United	Fetherman Flight to CA/NV	03 Other Excom Travel:03.02 Ch...	FY23	c	-217.80
1/26/2023		Washingtonb A...	Laura Burckhardt WA/BC Registration	03 Other Excom Travel:03.02 Ch...	FY23	c	-325.00
1/26/2023		United	Laurie Earley Flight to MT AFS	03 Other Excom Travel:03.02 Ch...	FY23	c	-571.25
1/19/2023	S	AFS	2020 & 2021 Membership Dues, Baltimore & Sp...	--Split--	--Split--	c	47,152.00
1/18/2023		Hyatt	Fetherman Hotel	03 Other Excom Travel:03.03 AF...	FY23	c	-905.25
1/14/2023		Hyatt	Earley Hotel	03 Other Excom Travel:03.03 AF...	FY23	c	-537.00
1/14/2023		Eventbrite 202...	Fetherman CA/NV Registration	03 Other Excom Travel:03.02 Ch...	FY23	c	-355.00
1/14/2023		Lafayette Gara...	Earley Parking Fee	03 Other Excom Travel:03.03 AF...	FY23	c	-123.00
1/13/2023		Back Deck	Dinner Purchase Fetherman	03 Other Excom Travel:03.03 AF...	FY23	c	-48.26
1/13/2023		Back Deck	Dinner purchase Fetherman	03 Other Excom Travel:03.03 AF...	FY23	c	-73.66
1/11/2023		Mailchimp	Monthly service fee	08 Miscellaneous Expenses:08.0...	FY23	c	-94.50
1/11/2023		Common Man ...	Earley Gas Purchase	03 Other Excom Travel:03.03 AF...	FY23	c	-45.64
1/10/2023		Wells Fargo	Non-wells fargo ATM Fee	03 Other Excom Travel:03.03 AF...	FY23	c	-2.50
1/10/2023		Citizens Bank	Fetherman ATM withdrawl for dinner	03 Other Excom Travel:03.03 AF...	FY23	c	-63.50
1/10/2023		Wells Fargo	Non-wells fargo ATM FEE	03 Other Excom Travel:03.03 AF...	FY23	c	-2.50
1/10/2023		Citizens Bank	Earley ATM withdrawl for dinner	03 Other Excom Travel:03.03 AF...	FY23	c	-143.50
12/17/2...		American Fishe...	Governing Board Meeting Registration - Laurie	03 Other Excom Travel:03.03 AF...	FY23	c	-285.00
12/17/2...		Paypal Code R...	PURCHASE RETURN - GB Meeting - Laurie	03 Other Excom Travel:03.03 AF...	FY23	c	1.95
12/16/2...		Paypal Code P...	Purchase verification - GB Meeting - Laurie	03 Other Excom Travel:03.03 AF...	FY23	c	-1.95
12/13/2...		Mailchimp	Mailchimp monthly fee	08 Miscellaneous Expenses:08.0...	FY23	c	-81.00
12/7/2022	1982	Muhammad Na...	2022 WDAFS Travel Grant	05 Grants:05.01 Travel Grant Int...	FY22	c	-750.00
12/2/2022		Quicken	Quicken annual membership	08 Miscellaneous Expenses:08.0...	FY23	c	-62.28
11/22/2...		Dan Brauch	REIMBURSEMENT FOR BOISE MIDYEAR ME...	01 WD Mid-Year Excom Meeting...	FY23	c	-509.26
11/18/2...		Julie Carter	Reimbursement for Boise Midyear Meeting	01 WD Mid-Year Excom Meeting...	FY23	c	-319.14
11/18/2...		American Fishe...	Governing Board Meeting Registration - Eric	03 Other Excom Travel:03.03 AF...	FY23	c	-240.00
11/16/2...		Snap Snap Ads	PURCHASE RETURN 11/13 3103993339 CA C...	Refund		c	28.39
11/16/2...		Snap Snap Ads	PURCHASE RETURN 11/13 3103993339 CA C...	Refund		c	41.54
11/16/2...		Snap Snap Ads	PURCHASE RETURN 11/13 3103993339 CA C...	Refund		c	12.75
11/16/2...		Snap Snap Ads	PURCHASE RETURN 11/13 3103993339 CA C...	Refund		c	26.78
11/16/2...		Snap Snap Ads	PURCHASE RETURN 11/13 3103993339 CA C...	Refund		c	28.81
11/16/2...		Snap Snap Ads	PURCHASE RETURN 11/13 3103993339 CA C...	Refund		c	20.33
11/16/2...		Snap Snap Ads	PURCHASE RETURN 11/13 3103993339 CA C...	Refund		c	26.05
11/16/2...		Snap Snap Ads	PURCHASE RETURN 11/13 3103993339 CA C...	Refund		c	16.58
11/15/2...		Snap Snap Ads...	PURCHASE 11/11 310-399-3339 CA CARD 3537	08 Miscellaneous Expenses:08.1...		c	-28.81
11/15/2...		Snap Snap Ads...	PURCHASE 11/11 310-399-3339 CA CARD 3537	08 Miscellaneous Expenses:08.1...		c	-20.33
11/15/2...		Snap Snap Ads...	PURCHASE 11/11 310-399-3339 CA CARD 3537	08 Miscellaneous Expenses:08.1...		c	-16.58

Table 3 continue. Checking Account Transactions

Date	Num	Description	Memo	Category	Tag	Clr	Amount
11/15/2...		Snap Snap Ads...	PURCHASE 11/11 310-399-3339 CA CARD 3537	08 Miscellaneous Expenses:08.1...		c	-26.78
11/15/2...		Snap Snap Ads...	PURCHASE 11/11 310-399-3339 CA CARD 3537	08 Miscellaneous Expenses:08.1...		c	-28.39
11/15/2...		Snap Snap Ads...	PURCHASE 11/11 310-399-3339 CA CARD 3537	08 Miscellaneous Expenses:08.1...		c	-12.75
11/15/2...		Snap Snap Snap	PURCHASE RETURN 11/13 650-9065368 CA ...	Refund		c	28.25
11/15/2...		United	PURCHASE 11/09 800-932-2732 TX CARD 3537	03 Other Excom Travel:03.03 AF... FY23		c	-522.20
11/15/2...		Snap Snap Ads...	PURCHASE 11/11 310-399-3339 CA CARD 3537	08 Miscellaneous Expenses:08.1...		c	-26.05
11/15/2...		Snap Inc	PURCHASE 11/11 650-9065368 CA CARD 3537	08 Miscellaneous Expenses:08.1...		c	-28.25
11/15/2...		Snap Snap Ads...	PURCHASE 11/11 310-399-3339 CA CARD 3537	08 Miscellaneous Expenses:08.1...		c	-41.54
11/15/2...		Nelson And As...	Tax Preparation	08 Miscellaneous Expenses:08.1... FY23		c	-1,850.00
11/11/2...		American Fishe...	Registration Costs - Fetherman	03 Other Excom Travel:03.03 AF... FY23		c	-228.00
11/9/2022		Starbucks	PURCHASE 11/06 DENVER CO CARD 3516	01 WD Mid-Year Excom Meeting... FY23		c	-4.00
11/9/2022		Den Public Par...	PURCHASE 11/06 DENVER CO CARD 3537	01 WD Mid-Year Excom Meeting... FY23		c	-70.00
11/9/2022		Holiday Inn	Hotel Costs	01 WD Mid-Year Excom Meeting... FY23		c	-294.00
11/9/2022		Holiday Inn	Hotel Costs	01 WD Mid-Year Excom Meeting... FY23		c	-294.00
11/9/2022		The Car Park H...	Hotel Costs	01 WD Mid-Year Excom Meeting... FY23		c	-8.00
11/9/2022		Holiday Inn	Hotel Costs	01 WD Mid-Year Excom Meeting... FY23		c	-441.00
11/9/2022		Holiday Inn	Hotel Costs	01 WD Mid-Year Excom Meeting... FY23		c	-294.00
11/9/2022		Holiday Inn	Hotel Costs	01 WD Mid-Year Excom Meeting... FY23		c	-441.00
11/8/2022		Prost Boise	PURCHASE 11/05 BOISE ID CARD 8314	01 WD Mid-Year Excom Meeting... FY23		c	-24.08
11/8/2022		Tst* Juniper On...	Excom Dinner	01 WD Mid-Year Excom Meeting... FY23		c	-259.95
11/8/2022		Uber Eats	Excom Dinner	01 WD Mid-Year Excom Meeting... FY23		c	-139.00
11/8/2022		Uber Eats	Excom Dinner - tip	01 WD Mid-Year Excom Meeting... FY23		c	-20.85
11/8/2022		Trader Joe's	PURCHASE 11/04 BOISE ID CARD 3537	01 WD Mid-Year Excom Meeting... FY23		c	-55.60
11/8/2022		Lyft	PURCHASE 11/04 855-865-9553 CA CARD 8314	01 WD Mid-Year Excom Meeting... FY23		c	-19.15
11/8/2022		Lyft	PURCHASE 11/04 855-865-9553 CA CARD 8314	01 WD Mid-Year Excom Meeting... FY23		c	-11.79
11/8/2022		Lucky	PURCHASE 11/04 Boise ID CARD 8314	01 WD Mid-Year Excom Meeting... FY23		c	-50.40
11/8/2022		Sky Market Ce...	PURCHASE 11/06 303-3429000 CO CARD 3516	01 WD Mid-Year Excom Meeting... FY23		c	-12.96
11/8/2022		Lyft	PURCHASE 11/05 855-865-9553 CA CARD 8314	01 WD Mid-Year Excom Meeting... FY23		c	-13.59
11/8/2022		Flying J	PURCHASE 11/06 DENVER CO CARD 3516	01 WD Mid-Year Excom Meeting... FY23		c	-11.16
11/5/2022		Lemon Tree & ...	Mid-year meeting lunch for Excom	01 WD Mid-Year Excom Meeting... FY23		c	-310.30
11/5/2022		Tst* Queens F...		01 WD Mid-Year Excom Meeting... FY23		c	-32.56
11/1/2022		Mailchimp	Mailchimp	08 Miscellaneous Expenses:08.0... FY23		c	-81.00
10/21/2...		United	Airfare to Boise Meeting - Laurie Earley	01 WD Mid-Year Excom Meeting... FY23		c	-890.20
10/20/2...		Dan Brauch	REIMBURSEMENT FOR ZOOM ANNUAL MEM...	08 Miscellaneous Expenses:08.0... FY23		c	-157.25
10/18/2...		United	Airfare to Boise Meeting - Eric Fetherman	01 WD Mid-Year Excom Meeting... FY23		c	-340.20
10/18/2...		Brandy Smith	WDAFS Student Travel Grant - payment reissued	06 Student Support:06.05 Travel ... FY22		c	-625.00
10/14/2...		Brandy Smith	Check cancelled - refund	06 Student Support:06.05 Travel ... FY22		c	625.00
10/12/2...		United	Airfare to Boise Meeting - Laura Burckhardt	01 WD Mid-Year Excom Meeting... FY23		c	-725.20
10/12/2...		Mailchimp	221010 MAILCHIMP AMERICAN FISHERIES S...	08 Miscellaneous Expenses:08.0... FY23		c	-81.00
10/4/2022	1986	McKenzie River...	Chris Labrecque Riparian Challenge Award	04 Awards:04.02 Riparian Challe... FY22		c	-12.00

Fiscal Year 2023 Budget Overview

The following table displays the FY23 budget categories, opening balances, and transactions during the reporting period by category.

Table 4. Fiscal Year 2023 budget and transactions.

Date	Description	Memo	Clr	Amount
EXPENSES				48,269.52
01 WD Mid-Year Excom Meeting				3,700.62
01.02 Food				-0.30
10/1/2022	Opening Balance			310.00
11/5/2022	Lemon Tree & Co	Mid-year meeting lunch for Excom	c	-310.30
01.03 Excom Travel Expenses				3,700.92
10/1/2022	Opening Balance		R	9,000.00
10/12/2022	United	Airfare to Boise Meeting - Laura Burckhardt	c	-725.20
10/18/2022	United	Airfare to Boise Meeting - Eric Fetherman	c	-340.20
10/21/2022	United	Airfare to Boise Meeting - Laurie Earley	c	-890.20
11/5/2022	Lyft	PURCHASE 11/03 855-865-9553 CA CARD...	c	-17.99
11/5/2022	Tst* Queens Foods...		c	-32.56
11/8/2022	Flying J	PURCHASE 11/06 DENVER CO CARD 3516	c	-11.16
11/8/2022	Lyft	PURCHASE 11/05 855-865-9553 CA CARD...	c	-13.59
11/8/2022	Sky Market Center ...	PURCHASE 11/06 303-3429000 CO CARD ...	c	-12.96
11/8/2022	Lucky	PURCHASE 11/04 Boise ID CARD 8314	c	-50.40
11/8/2022	Lyft	PURCHASE 11/04 855-865-9553 CA CARD...	c	-11.79
11/8/2022	Lyft	PURCHASE 11/04 855-865-9553 CA CARD...	c	-19.15
11/8/2022	Trader Joe's	PURCHASE 11/04 BOISE ID CARD 3537	c	-55.60
11/8/2022	Uber Eats	Excom Dinner - tip	c	-20.85
11/8/2022	Uber Eats	Excom Dinner	c	-139.00
11/8/2022	Tst* Juniper On 8t ...	Excom Dinner	c	-259.95
11/8/2022	Prost Boise	PURCHASE 11/05 BOISE ID CARD 8314	c	-24.08
11/9/2022	Holiday Inn	Hotel Costs	c	-441.00
11/9/2022	Holiday Inn	Hotel Costs	c	-294.00
11/9/2022	Holiday Inn	Hotel Costs	c	-441.00
11/9/2022	The Car Park Hoff ...	Hotel Costs	c	-8.00
11/9/2022	Holiday Inn	Hotel Costs	c	-294.00
11/9/2022	Holiday Inn	Hotel Costs	c	-294.00
11/9/2022	Den Public Parking...	PURCHASE 11/06 DENVER CO CARD 3537	c	-70.00
11/9/2022	Starbucks	PURCHASE 11/06 DENVER CO CARD 3516	c	-4.00
11/18/2022	Julie Carter	Reimbursement for Boise Midyear Meeting	c	-319.14
11/22/2022	Dan Brauch	REIMBURSEMENT FOR BOISE MIDYEAR ...	c	-509.26
02 AFS WD Annual Meeting				11,834.60
02.01 Excom Meeting				500.00
10/1/2022	Opening Balance			500.00
02.02 Business Meeting				2,000.00
10/1/2022	Opening Balance			2,000.00
02.03 Officer Travel				6,334.60
10/1/2022	Opening Balance			9,000.00
3/8/2023	ID AFS	Burckhardt - Registration for WD AFS	c	-425.00
3/14/2023	Idaho AFS	Fetherman - Registration for WD AFS Meeting	c	-425.00
3/16/2023	Idaho AFS	Earley - Registraton for WDAFS Meeting	c	-425.00
3/23/2023	Idaho AFS	Carter- Registration for WDAFS Meeting		-425.00
3/24/2023	United	Earley Flight for Boise Meeting	c	-965.40
02.04 Meeting Site Visit				3,000.00
10/1/2022	Opening Balance			3,000.00
03 Other Excom Travel				5,604.15
03.01 GB Excom Meeting				3,000.00
10/1/2022	Opening Balance			3,000.00
03.02 Chapter Meetings				2,574.16

Table 4 continued. Fiscal Year 2023 budget and transactions.

Date	Description	Memo	Clr	Amount
10/1/2022	Opening Balance			9,450.00
1/14/2023	Eventbrite 2023 C...	Fetherman CA/NV Registration	c	-355.00
1/26/2023	United	Laurie Earley Flight to MT AFS	c	-571.25
1/26/2023	Washingtonb Amer...	Laura Burckhardt WA/BC Registration	c	-325.00
1/31/2023	United	Feterman Flight to CA/NV	c	-217.80
1/31/2023	Eventbrite 2023 M...	Laurie Earley MT AFS Registration	c	-300.00
2/23/2023	Montana Rib	Meal MT AFS	c	-41.90
2/28/2023	Copper King Hotel ...	Lodging, Earley MT AFS	c	-294.00
2/28/2023	Sheraton	Meal, Earley MT AFS	c	-38.00
2/28/2023	Burlington Int Air P...	Parking, Earley MT AFS	c	-60.00
3/1/2023	Ross	Meal, Earley MT AFS	c	-31.45
3/2/2023	Gladstones Purcha...	Fetherman - CA NV Meeting	c	-79.00
3/3/2023	Louisiana Cha Pur...	Fetherman - CA NV Meeting	c	-64.40
3/3/2023	Bites 2 Purchase 0...	Fetherman - CA NV Meeting	c	-21.56
3/7/2023	Hilton	Fetherman - Hotel CANV Meeting	c	-769.70
3/9/2023	Dan Brauch	Reimbursement Oregon AFS Meeting	c	-1,235.18
3/14/2023	Jack McClaren	Reimbursement for Travel to UT Meeting	c	-497.90
3/22/2023	Laura Burckhardt	Reimbursement for Travel to WABC Meeting	c	-1,549.20
3/28/2023	Sheraton	PURCHASE 03/20 BELLINGHAM WA CAR...	c	-424.50
03.03 AFS GB Mid-year meeting				-220.01
10/1/2022	Opening Balance			3,000.00
11/11/2022	American Fisheries...	Registration Costs - Fetherman	c	-228.00
11/15/2022	United	PURCHASE 11/09 800-932-2732 TX CARD ...	c	-522.20
11/18/2022	American Fisheries...	PURCHASE 11/16 BETHESDA MD CARD 3...	c	-240.00
12/17/2022	American Fisheries...	Governing Board Meeting Registration - Lau...	c	-285.00
1/10/2023	Citizens Bank	Earley ATM withdrawl for dinner	c	-143.50
1/10/2023	Wells Fargo	Non-wells fargo ATM FEE	c	-2.50
1/10/2023	Citizens Bank	Fetherman ATM withdrawl for dinner	c	-63.50
1/10/2023	Wells Fargo	Non-wells fargo ATM Fee	c	-2.50
1/11/2023	Common Man So. I...	Earley Gas Purchase	c	-45.64
1/13/2023	Back Deck	Dinner purchase Fetherman	c	-73.66
1/13/2023	Back Deck	Dinner Purchase Fetherman	c	-48.26
1/14/2023	Lafayette Garage ...	Earley Parking Fee	c	-123.00
1/14/2023	Hyatt	Earley Hotel	c	-537.00
1/18/2023	Hyatt	Fetherman Hotel	c	-905.25
03.04 Student Representative Colloquium				250.00
10/1/2022	Opening Balance			250.00
04 Awards				3,255.00
04.01 AFS Plaques				150.00
10/1/2022	Opening Balance			150.00
04.02 Riparian Challenge				105.00
10/1/2022	Opening Balance			105.00
04.03 Travel for Winners				3,000.00
10/1/2022	Opening Balance			3,000.00
05 Grants				9,675.00
05.01 Travel Grant International Travel				750.00
10/1/2022	Opening Balance			750.00
05.02 Travel Grant Emeritus Travel				425.00
10/1/2022	Opening Balance			425.00
05.03 Travel Grant Professional Travel				500.00
10/1/2022	Opening Balance			500.00
05.04 Travel Grant Indigenous People				1,000.00

Table 4 continued. Fiscal Year 2023 budget and transactions.

Date	Description	Memo	Clr	Amount
10/1/2022	Opening Balance			1,000.00
05.05 Sponsorship for Other AFS Meetings				5,000.00
AFS Sponsorship				5,000.00
10/1/2022	Opening Balance			5,000.00
Other 05 Grants:05.05 Sponsorship for Other AFS Meetings				0.00
10/1/2022	Opening Balance			500.00
3/16/2023	American Fisheries... Sponsorship of Latin American AFS Meeting		c	-500.00
05.08 Small Grants Project				2,000.00
Other 05 Grants:05.08 Small Grants Project				2,000.00
10/1/2022	Opening Balance			2,000.00
06 Student Support				11,000.00
06.02 Maughan Scholarships				5,000.00
10/1/2022	Opening Balance			5,000.00
06.04 Student Colloquium				1,000.00
10/1/2022	Opening Balance			1,000.00
06.05 Travel Grant				5,000.00
10/1/2022	Opening Balance			5,000.00
07 Committees				2,000.00
07.01 Early Career Professional				1,000.00
10/1/2022	Opening Balance			1,000.00
07.02 Diversity and Inclusion				1,000.00
10/1/2022	Opening Balance			1,000.00
08 Miscellaneous Expenses				1,200.15
08.01 Bank Charges				50.00
10/1/2022	Opening Balance			50.00
08.02 Web Site Maintenance				20.00
10/1/2022	Opening Balance			260.00
3/6/2023	American Fisheries... Web Hosting Fees, 2023			-240.00
08.03 Branding Update				300.00
10/1/2022	Opening Balance			300.00
08.06 Communication				-7.25
10/1/2022	Opening Balance			150.00
10/20/2022	Dan Brauch	REIMBURSEMENT FOR ZOOM ANNUAL M...	c	-157.25
08.07 Mailchimp				459.68
10/1/2022	Opening Balance			972.00
10/12/2022	Mailchimp	221010 MAILCHIMP AMERICAN FISHERIE...	c	-81.00
11/1/2022	Mailchimp	Mailchimp	c	-81.00
12/13/2022	Mailchimp	Mailchimp monthly fee	c	-81.00
1/11/2023	Mailchimp	Monthly service fee	c	-94.50
2/11/2023	Mailchimp	Mail Chimp Monthly Fee	c	-94.50
3/11/2023	Mailchimp	Mail Chimp Monthly Fee	c	-80.32
08.08 Insurance				150.00
10/1/2022	Opening Balance			150.00
08.09 Other Supplies				37.72
10/1/2022	Opening Balance			100.00
12/2/2022	Quicken	Quicken annual membership	c	-62.28
08.10 Past President Honorarium				190.00
10/1/2022	Opening Balance			250.00
3/23/2023	Julie Carter	Reimbursement for Gift	c	-60.00
08.13 Tax Preparation				0.00
10/1/2022	Opening Balance			1,850.00
11/15/2022	Nelson And Assoc ... Tax Preparation		c	-1,850.00

Fiscal Year 2023 SCCS Budget Overview

WDAFS holds funds on behalf of SCCS in the Wells Fargo Checking Account. The account balance as of 11/30/2022 was \$2,187.97. No transactions have occurred this fiscal year.

Date:
To: Bureau of Land Management
Subject: Comment on 88 FR 19583
From: Laurie Earley, President

On behalf of the 3,000 members of the Western Division of the American Fisheries Society (WDAFS), we respectfully submit the following comments in response to the Bureau of Land Management's (BLM) proposed Public Lands Rule to "protect intact landscapes, restore degraded habitat, and make wise management decisions based on science and data."

WDAFS represents scientists and natural resource managers from the states of Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming; U.S. associated entities in the West Pacific Ocean; the Province of British Columbia; the Yukon Territory in Canada; and Mexico. Our mission is to improve the conservation and sustainability of fishery resources and aquatic ecosystems by advancing fisheries and aquatic science and promoting the development of fisheries professionals. Our members represent a wide array of fisheries experts involved in all aspects of the fisheries profession who are employed in academia, government agencies, nongovernmental organizations, and private consulting.

Given the vast extent and variety of lands and waters managed by the Bureau, the new Rule could, if wisely applied to a rigorous watershed-condition framework, rehabilitate the damages incurred by centuries of over-grazing, poorly controlled mining and fossil fuel extraction, and excessive recreation impacts. It could also serve to protect unique and relatively intact lands and waters threatened by those uses and climate change. Therefore, we applaud its goal of improving watershed condition, which has long been recognized by the US government as important for improving water body condition (Person et al. 1936).

As fisheries and aquatic biologists and managers, we applaud the emphasis on ecosystem resilience and land health as it relates to aquatic ecosystems: watershed function, ecological processes, water quality, and wildlife habitat. However, we found little mention in the proposed Rule of the threats to, and conditions of, the huge numbers and types of waters and riparian zones found on BLM lands (e.g., perennial, intermittent, & ephemeral, rivers, streams, lakes, ponds, springs, cienegas, etc.). Although the extents of those waters are small relative to the lands that they drain, their rarity makes them exceedingly important, especially across much of the arid and semi-arid Intermountain West (Burdick et al. 2021) and the Pacific Northwest (Kauffman et al. 2001). Thus, focusing on land, versus waters, will tend to omit the latter, whereas managing to protect both will have greater benefits for fish and wildlife (Kauffman et al. 2001; Fausch et al. 2002; Wiens 2002; Leal et al. 2020; Sanchez-Montoya et al. 2023). Two issues are of particular importance for protecting and rehabilitating fish and aquatic ecosystems.

The Oregon & California checkerboard lands are critically important to threatened populations of salmonids. Although the Forest Ecosystem Management and Assessment Team (FEMAT;

1973) specifies establishing riparian reserves on fish-bearing and other permanent and non-permanent streams based on multiples of potential tree heights, the BLM's buffer widths are less than those of the US Forest Service across the same region. Also, intermittent streams often serve as spawning sites for resident trout, even though they may not be fish-bearing in the dry season (Erman & Hawthorne 1976). And many of the smaller streams are not even mapped—let alone provided riparian reserves (DellaSala et al. 2005). This is particularly critical across the checkerboard of BLM and private timberlands. Macroinvertebrate Observed/Expected taxa richness scores and stream physical- habitat structure scores were lowest in the Oregon and Washington Coast Range, where BLM lands are common (Miller et al. 2017). Furthermore, riparian zones are biodiversity hotspots; despite occupying <2% of the land in Oregon and Washington, over half the amphibian, bird, mammal, and plant species use them (Kauffman et al. 2001). In naturally forested ecosystems, even small levels (6%) of riparian forest removal eliminates sensitive fish and macroinvertebrate taxa (Dala-Corte et al. 2020; Martins et al. 2021). Therefore, in establishing Areas of Critical Environmental Concern (ACEC), we recommend following FEMAT and providing reserves of two potential tree heights on fish-bearing streams and one potential tree height on other permanent and non-permanent streams to “protect intact landscapes, restore degraded habitat, and make wise management decisions based on science and data.”

Because of their rarity, isolation, and mismanagement (Burdick et al. 2021), the springs and spatially intermittent streams and rivers of the Intermountain West together support dozens of endemic fish species that are endangered, threatened, or of special concern (Williams et al. 1989). The fishes are represented by species in the trout, sucker, catfish, minnow, mosquitofish, poolfish, pupfish, goodeid, and topminnow families. Many of these aquatic habitats are like islands in sagebrush seas, where ichthyological evolution has occurred at rates similar to those of Galapagos sparrows (Pister 2015; Dauwalter et al. 2023). Some of the waters are on BLM or private lands surrounded by BLM lands; most are dependent on groundwater to persist. Thus, the management of the surrounding lands, surface waters, and groundwater directly or indirectly determine the fates of this unique and diverse set of fish species (Behnke 2002; Pister 2015; Hughes & Vadas 2021).

We agree with the proposed Rule and recommend that BLM focus its efforts on protecting intact waters; restore degraded waters, water supplies and riparian zones; and direct its monitoring and management decisions to ensure that we do not extirpate these rare fishes. And we agree that the best available science should be used assess watershed condition, project intact and biodiverse watersheds, and prioritize watersheds for rehabilitation (Dauwalter et al. 2019). Tools for landscape assessment and prioritization or rehabilitation are rapidly coming online (Dauwalter et al. 2023) and should be leveraged to efficiently implement conservation actions across BLM and adjacent lands.

Should the BLM seek assistance on these matters from WDAFS members, please do not hesitate to contact me. We stand ready to put our minds and hands where our words are.

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 This document has a comment period that ends in 67 days. (06/20/2023)

8302 comments

DOCUMENT DETAILS

Printed version:

PDF (<https://www.govinfo.gov/content/pkg/FR-2023-04-03/pdf/2023-06310.pdf>)

Publication Date:

04/03/2023 (</documents/2023/04/03>)

Agencies:

Bureau of Land Management (<https://www.federalregister.gov/agencies/land-management-bureau>)

Dates:

Please submit comments on this proposed rule on or before June 20, 2023 or 15 days after the last public meeting. Comments made after this date in making its decision on the final rule.

Comments Close:

06/20/2023

Document Type:

Proposed Rule

Document Citation:

88 FR 19583

Page:

19583-19604 (22 pages)

CFR:

43 CFR 1600

43 CFR 6100

Agency/Docket Number:

LLHQ230000.23X.L117000000.PN0000

RIN:

1004-AE92 (<https://www.federalregister.gov/regulations/1004-AE92/sustained-yield-and-land-health>)

Document Number:

2023-06310

DOCUMENT STATISTICS

AGENCY:

Bureau of Land Management, Interior.

ACTION:

Proposed rule.

SUMMARY:

The Bureau of Land Management (BLM) proposes new regulations that, pursuant to the Federal Land Policy and Management Act of 1976 (FLPMA), as amended, and other relevant authorities, would advance BLM's mission to manage the public lands for multiple use and sustained yield by prioritizing the resilience of ecosystems across those lands. To ensure that health and resilience, the proposed rule requires that the BLM will protect intact landscapes, restore degraded habitat, and make wise management decisions based on science and data. To support these activities, the proposed rule would apply land health standards to all BLM-managed public lands and uses, clarify that conservation is a "use" within FLPMA's framework, and revise existing regulations to better meet FLPMA's requirement that the BLM identify, designating and protecting Areas of Critical Environmental Concern (ACECs). The proposed rule

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to provide an overarching framework for multiple BLM programs to promote ecosystem resilience on public lands.

DATES:

Please submit comments on this proposed rule on or before June 20, 2023 or 15 days after the public meeting. The BLM is not obligated to consider comments made after this date in making its decision on the final rule.

ADDRESSES:

Mail, personal, or messenger delivery: U.S. Department of the Interior, Director (630), Bureau of Land Management, 1849 C St. NW, Room 5646, Washington, DC 20240, Attention: 1004-AE92.

Federal eRulemaking Portal: <https://www.regulations.gov> (<https://www.regulations.gov>). In the Searchbox, enter "1004-AE-92" and click the "Search" button. Follow the instructions at this v

SUPPLEMENTARY INFORMATION:

I. Executive Summary

II. Public Comment Procedures

III. Background

IV. Section-by-Section Discussion

V. Procedural Matters

I. Executive Summary

Under FLPMA, the principles of multiple use and sustained yield govern the BLM's stewardship of public lands, unless otherwise provided by law. The BLM's ability to manage for multiple use and sustained yield on public lands depends on the resilience of ecosystems across those lands—that is, the health of the ecosystems and the ability of the lands to deliver associated services, such as clean air and water, food and fiber, recreation, renewable energy, and wildlife habitat. Ensuring resilient ecosystems has become imperative, as ecosystems are increasingly degraded and fragmented due to adverse impacts from climate change and a significant increase in authorized use. To ensure the resilience of renewable resources on public lands for future generations, the proposed rule promotes “conservation” and defines that term to include both protection and restoration activities. It also advances tools and processes to enable wise management decisions based on science and data.

The proposed rule provides a framework to protect intact landscapes, restore degraded habitats, and improve wise decisionmaking in planning, permitting, and programs, by identifying best practices to manage soils and waters to achieve desired conditions. To do so, the proposed rule applies the fundamentals of land health and related standards and guidelines to all BLM-managed public lands and uses; current BLM standards apply their application to grazing authorizations. In implementing the fundamentals of land health, the proposed rule codifies the need across BLM programs to use high-quality information to prepare land health condition assessments and evaluations and make determinations about land health condition. The proposed rule requires meaningful consultation during decisionmaking processes with Tribes and Alaska Native Corporations on issues that affect their interests, including the use of Indigenous Knowledge.

holidays, or through the <https://www.regulations.gov> (<https://www.regulations.gov>) website (**ADDRESSES** section).

Please make your comments on the proposed rule as specific as possible, limit them to issues proposed by the proposed rule, explain the reason for any changes you recommend, and include any supporting documentation. Where possible, your comments should reference the specific section or paragraph of the proposed rule that you are addressing. The BLM is not obligated to consider or include in the Administrative Record for the final rule comments that we receive after the close of the comment period (see **DATES**) or comments delivered to an address other than those listed previously (see **ADDRESSES**).

Comments, including names and street addresses of respondents, will be available for public review at the address listed under the **ADDRESSES** section. Before including your address, telephone number, e-mail address, or other personal identifying information in your comment, be advised that your entire comment, including your personal identifying information—may be made publicly available at any time. A commenter can ask us in your comment to withhold your personal identifying information from public review, but we cannot guarantee that we will be able to do so.

As explained below, this proposed rule includes revisions to information-collection requirements that must be approved by the Office of Management and Budget (OMB). If you wish to comment on the information-collection requirements in this proposed rule, please note that such comments must be submitted directly to the OMB in the manner described in the **DATES** and **ADDRESSES** sections above. Please note that, due to COVID-19, electronic submission of comments is recommended.

III. Background

A. The Need for Resilient Public Lands

The BLM manages more than 245 million acres of public lands, roughly one-tenth of the country. The stewardship of these lands and resources is guided by FLPMA, unless otherwise provided by law. FLPMA provides the BLM with ample authority and direction to conserve ecosystems and other resources across the public lands. Section 102(a)(8) of FLPMA states the policy of the United States that “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, preserve and protect certain public lands in their natural condition; that will provide food and fiber, and wildlife and domestic animals; and that will provide for outdoor recreation and human occupancy and use” (43 U.S.C. 1701(a)(8) (<https://www.govinfo.gov/link/uscode/43/1701>)). Each of these services and values that FLPMA authorizes the BLM to safeguard emanates from functioning and productive ecosystems that supply food, water, habitat, and other ecological necessities.

wildlife and fish, and natural scenic, scientific and historical values”; “harmonious and coordinated management of the various resources without permanent impairment of the productivity of the quality of the environment with consideration being given to the relative values of the resources necessarily to the combination of uses that will give the greatest economic return or the greatest benefit” (43 U.S.C. 1702(c) (<https://www.govinfo.gov/link/uscode/43/1702>)). FLPMA's declaration of policy and definitions of “multiple use” and “sustained yield” reveal that conservation is a use on par with other uses under FLPMA. The procedural, action-forcing mechanisms in this proposed rule grow out of this understanding of multiple use and sustained yield.

Public lands are increasingly degraded and fragmented. Increased disturbances such as invasive species, drought, and wildfire, and increased habitat fragmentation are all impacting the health and resiliency of public lands and making it more challenging to support multiple use and the sustained yield of public resources. Climate change is creating new risks and exacerbating existing vulnerabilities.^[1]

To address these threats, it is imperative for the BLM to steward public lands to maintain functional and productive ecosystems and work to ensure their resilience, that is, to ensure that ecosystems and their components can absorb, or recover from, the effects of disturbances and environmental change. The proposed rule would pursue that goal through protection, restoration, or improvement of essential structures and functions. The resilience of public lands will determine the BLM's ability to effectively manage for multiple use and sustained yield over the long term. The proposed rule, in acknowledging this, identifies and requires practices to ensure that the BLM manages the public lands to allow multiple uses while retaining and building resilience to achieve sustained yield of renewable resources. This practice is designed to ensure that the nation's public lands continue to provide minerals, energy, forage, recreational opportunities, as well as habitat, protected water supplies, and landscapes that resiliency recover from drought, wildfire, and other disturbances. As intact landscapes play a central role in maintaining the resilience of an ecosystem, the proposed rule emphasizes protecting those public lands remaining intact, native landscapes and restoring others.

B. Management Decisions To Build Resilient Public Lands

The proposed rule recognizes that the BLM has three primary ways to manage for resilient public lands: (1) protection of intact, native habitats; (2) restoration of degraded habitats; and (3) informed decision-making, primarily in plans, programs, and permits. The BLM protects intact landscapes using various tools, including the designation of ACECs. The proposed rule uses the term “conservation” in a broader sense, how to encompass both protection and restoration actions. Thus, it is not limited to lands allocated to conservation but applies to all BLM-managed public lands and programs. While BLM policy and guidance on Manual Sections 6500, 6840, 5000, and 1740 encourage programs to implement conservation and ecosystem management, the BLM does not currently have regulations that promote conservation

The proposed rule also addresses restoration of degraded landscapes. It offers a new tool, conservation leases, that would allow the public to directly support durable protection and restoration efforts to maintain the resilience of public lands. These leases would be available to entities seeking to restore public lands or provide mitigation for a particular action. They would not override valid existing rights or other, subsequent authorizations so long as those subsequent authorizations are compatible with conservation use. The proposed rule would establish the process for applying for and granting conservation leases, terminating or suspending them, determining noncompliance, and setting bonding obligations. Conservation leases and ACECs could also provide opportunities for co-stewardship with federally recognized Tribes and additional protections for cultural resources.

Conservation leases would be issued for a term consistent with the time required to achieve the purposes for which the lease was issued. Most conservation leases would be issued for a maximum of 10 years, which term would be extended if necessary to serve the purposes for which the lease was first issued. Any conservation lease issued for purposes of providing compensatory mitigation would require a term commensurate with the time required for offsetting.

Further, to ensure the BLM does not limit its ability to build resilient public lands when authorizing activities, the proposed rule includes provisions related to mitigation (*i.e.*, actions to avoid, minimize, and compensate for certain residual impacts). The proposed rule reaffirms the BLM's adherence to the mitigation hierarchy for all resources. The proposed rule also requires mitigation, to the maximum extent possible, to avoid impacts to important, scarce, or sensitive resources, and it sets rules for approving third-party mitigation fund holders. There are already several existing approved third-party mitigation fund holders that receive and administer funds for the mitigation of impacts to natural resources, as well as other impacts from legal, regulatory, or administrative proceedings that are, subject to the condition that the funds received or administered for purposes that further conservation and restoration. The new provisions ensure that the public enjoys the benefits of mitigation measures and support those seeking to use public lands by enhancing mitigation options.

C. Science for Management Decisions To Build Resilient Public Lands

To support conservation actions and decision making, the proposed rule applies the fundamentals of land health (taken verbatim from the existing fundamentals of rangeland health at 43 CFR 4180.1 (https://www.ecfr.gov/current/title-43/section-4180.1) (2005)) and related standards and guidelines for renewable-resource management, instead of just to public-lands grazing. Broadening the application of the fundamentals of land health would ensure BLM programs will more formally and consistently consider the condition of public lands during decisionmaking processes. Renewable resources on public lands must meet the fundamentals of land health overall at the watershed scale. The proposed rule recognizes that in determining which actions are required to achieve the land health standards and guidelines,

direction as part of the land use planning process. The BLM's land use planning process guides resource management decisions in a manner that allows the BLM to respond to issues and to trade-offs among environmental, social, and economic values. Further, the planning process requires cooperation, and consultation, and provides other opportunities for public involvement that can build relationships, build trust, and result in durable decisionmaking.

In the initial stages of the planning process, the BLM, through inventories and external nominations, identifies any potential new ACECs to evaluate for relevance, importance, and the need for special management attention. The BLM determines whether such special management attention is needed by evaluating alternatives in the land use plan and considering additional issues related to the management of the proposed ACEC, including public comments received during the planning process. Special management measures may also provide an opportunity for Tribal co-stewardship. In Approved Resource Management Plans, the BLM identifies all designated ACECs and provides the management direction necessary to protect the relevant and important values for which the ACECs were designated.

In more than 40 years of applying the procedures found at 43 CFR 1610.7 (https://www.ecfr.gov/current/title-43/section-1610.7)—2 and in Manual Section 1613, the BLM has identified several needed revisions. Additionally, the BLM's procedures for considering and designating potential ACECs are currently partially described in regulation and partially described in agency manuals. The proposed rule would codify these procedures in regulation, providing more cohesive direction and consistency to the agency's ACEC designation process. The proposed rule maintains the general process for inventorying, evaluating, designating, and managing ACECs, described here, but makes specific changes to clarify and improve that process. □

As part of this rulemaking, the BLM proposes establishing procedures that require consideration of ecosystem resilience, landscape-level needs, and rapidly changing landscape conditions in designating and managing ACECs. The BLM may also revise the ACEC manual and develop an ACEC handbook that incorporates the existing rule as well as the changes proposed in this rulemaking, if finalized, into policy. The handbook thus provide additional guidance for how to incorporate ACECs into resource management decisions and the way that considers trade-offs among environmental, social, and economic values during land use planning.

E. Statutory Authority

The Federal Land Policy and Management Act of 1976, as amended, is the BLM's organic act; it establishes the agency's mission to manage public lands. FLPMA further establishes the policy of the United States that public lands be managed in a manner that recognizes the nation's need for natural resources from public lands, provides for outdoor recreation and other human uses, maintains habitat for fish and wildlife,

greatest economic return or the greatest unit output. (43 U.S.C. 1702(c) (<https://www.govinfo.gov/link/uscode/43/1702>)). FLPMA also authorizes the Secretary to promulgate and implement regulations necessary “to carry out the purposes” of the Act (43 U.S.C. 1740 (<https://www.govinfo.gov/link/uscode/43/1740>)). The rule proposed here under that authority would: (1) define and regulate conservation use on the public lands in service of FLPMA's multiple-use and sustained-yield mandates; (2) provide for third party authorizations to use the public lands for conservation purposes; (3) amend FLPMA section 302(b) (43 U.S.C. 1732(b) (<https://www.govinfo.gov/link/uscode/43/1732>)); and (4) amend the existing regulations implementing FLPMA's direction in sections 201(a) and 202(c)(3) (43 U.S.C. 1711 (<https://www.govinfo.gov/link/uscode/43/1711>), 1712(c)(3) (<https://www.govinfo.gov/link/uscode/43/1712>)) that the BLM shall give priority to ACECs. (See 43 U.S.C. 1701(a)(11) (<https://www.govinfo.gov/link/uscode/43/1701>) (“it is the policy of the United States to promulgate—regulations and plans for the protection of public land areas of critical environmental concern that are not developed.”))

Section 2002 of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 7202 (<https://www.govinfo.gov/link/uscode/16/7202>)) legislatively established the National Landscape Conservation System (NLCS), to include public lands carrying certain executive or congressional designations and set parameters for the management of lands within the system. NLCS lands are subject to the same regulatory requirements like other BLM-managed public lands. The regulations proposed here would use the term “conservation” in a way that is distinct from the use of the term in section 2002. Here, “conservation” is a shorthand for the direction in FLPMA's multiple-use and sustained-yield mandates to manage public lands for resilience and future productivity. “Conservation,” as the term is defined in these regulations, would support the BLM's mission not only on lands within the NLCS, but on all lands subject to FLPMA's multiple-use and sustained-yield mandates. At the same time, these regulations also would support the BLM's executive and statutory direction in section 2002 to “manage the [NLCS] in a manner that protects the values and resources of the components of the system were designated” (16 U.S.C. 7202(c)(2) (<https://www.govinfo.gov/link/uscode/16/7202>)).

F. Related Executive and Secretarial Direction

The proposed rule responds to, and advances directives set forth in several Executive and Secretarial orders and related policies and strategies. These directives call on the Department of the Interior (DOI) and the Federal Government more generally, to use landscape-scale, science-based, collaborative approaches to public natural resource management. Recent Presidential and Secretarial directives also emphasize the importance of responding to, and mitigating the effects of, climate change. Executive Order 13990 (</executive-order/13990>): Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis highlights the need to use science to reduce greenhouse gas emissions, bolster resilience to the effects of climate change, and prioritize environmental justice. Executive Order 14008 (</executive-order/14008>):

October 7, 2021, provides further guidance.

Secretary's Order 3289: Addressing the Impacts of Climate Change on America's Water, Land, Natural and Cultural Resources, issued on September 14, 2009, and amended on February 22, 2011, directs DOI bureaus and agencies to work together, with other Federal, State, Tribal, and local governments, also with private landowners, to develop landscape-level strategies for understanding and responding to climate change impacts.

Secretary's Order 3403: Joint Secretary's Order on Fulfilling the Trust Responsibility to Indian Tribes and the Stewardship of Federal Lands and Waters, issued November 15, 2021, reiterates the Department's long-standing commitment to the United States' trust and treaty obligations as an integral part of managing Federal lands. The Order emphasizes that “Tribal consultation and collaboration must be implemented as a condition for, or in addition to, Federal land management priorities and direction for recreation, range, timber, grazing, production, and other uses, and conservation of wilderness, refuges, watersheds, wildlife habitats, and other values.” The Order also notes the benefit of incorporating Tribal expertise and Indigenous Knowledge into Federal land and resources management.

Executive Order 14072 (</executive-order/14072>), *Strengthening the Nation's Forests, Communities, and Rural Local Economies*, recognizes that healthy forests are “critical to the health, prosperity, and resilience of our communities.” It states a policy to pursue science-based, sustainable forest and land management on America's mature and old-growth forests on Federal lands; invest in forest health and restoration; honor indigenous traditional ecological knowledge and cultural and subsistence practices; honor Tribal rights; and deploy climate-smart forestry practices and other nature-based solutions to improve the resilience of our lands, waters, wildlife, and communities in the face of increasing disturbances and stress arising from climate impacts.

The Executive order (E.O.) calls for defining, identifying, and inventorying our nation's old and mature forests, then stewarding them for future generations to provide clean air and water, sustain plant and animal life, and respect their special importance to Tribal Nations. This proposed rule would advance these objectives.

IV. Section-by-Section Discussion of Proposed Rule

Subpart 6101 – General Information

SECTION 6101.1 – PURPOSE

This section describes the overall purpose for this proposed rule. It is designed to ensure healthy forests, habitat, clean water, and ecosystem resilience so that our public lands can resist and recover from disturbances like drought and wildfire. It also aims to enhance mitigation options, establishing

length earlier in the preamble for this proposed rule.

SECTION 6101.3—AUTHORITY

This section identifies the authorities under which this proposed rule will be promulgated, which include the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 (<https://www.govinfo.gov/link/uscode/43/1701>) *et seq.*), as amended, and the Omnibus Public Land Management Act of 2009 (16 U.S.C. 7202 (<https://www.govinfo.gov/link/uscode/16/7202>)).

SECTION 6101.4—DEFINITIONS

This section provides new definitions for concepts such as conservation, resilient ecosystems, sustainable yield, mitigation, and unnecessary or undue degradation, along with others used throughout the rule text. These definitions apply only in 43 CFR part 6100 (<https://www.ecfr.gov/current/title-43-chapter-I-subchapter-B-part-6100>).

The proposed rule would define the term “best management practices” as state-of-the-art, efficient, appropriate, and practicable measures for avoiding, minimizing, rectifying, reducing, compensating for, or eliminating impacts over time. This definition would provide clarity and consistency as the BLM implements restoration and compensatory mitigation actions under the proposed rule.

The proposed rule would define the term “casual use” so that, in reference to conservation leases, it clarifies that the existence of a conservation lease would not in and of itself preclude the public from using public lands for noncommercial activities such as recreation. Some public lands could be temporarily closed to public access for purposes authorized by conservation leases, such as restoration activities or land improvements. However, in general, public lands leased for conservation purposes under the proposed rule would continue to be open to public use.

The proposed rule would define “conservation” in the context of these regulations to mean maintaining and restoring resilient, functioning ecosystems by protecting or restoring natural habitats and ecological functions. The overarching purpose of the proposed rule is to promote the use of conservation to ensure ecosystem resilience, and in doing so the proposed rule would clarify conservation as a use within the BLM multiple-use framework, including in decisionmaking, authorization, and planning processes. The proposed rule would include a stated objective to promote conservation on public lands, and proposed subpart 6100 would outline principles, directives, management actions and tools—including establishing a new tool for conservation leases—to meet this objective and fulfill the purpose of the proposed rule. Because conservation is the foundational concept for the proposed regulations, the proposed definition would provide guidance and clarity for the BLM to meet the spirit and intent of the proposed rule. Within the proposed rule, “protection” and “restoration” together constitute conservation.

The proposed rule would define the term “Indigenous Knowledge” to reflect the Department of policies, responsibilities, and procedures to respect, and equitably promote the inclusion of, Indigenous Knowledge in the Department's decision making, resource management, program implementation, development, scientific research, and other actions.

The proposed rule would define the term “intact landscape” to guide the BLM with implementation. The proposed rule (§ 6102.1) would require the BLM to identify intact landscapes on public lands, designate certain landscapes to protect their intactness, and pursue strategies to protect and connect intact landscapes.

The proposed rule would define “land enhancement” to provide clarity for interpreting provisions in the proposed rule that would authorize the BLM to issue conservation leases for the purpose of facilitating land enhancement activities.

The proposed rule would define “landscape” to characterize a meaningful area of land and water where restoration, protection and other management actions will take place. Assessing how BLM's management actions can affect the functionality and resilience of ecosystems may require considering resources at the landscape scale.

The proposed rule would define “mitigation” consistent with the definition provided by the Council on Environmental Quality regulations (40 CFR 1508.20 (<https://www.ecfr.gov/current/title-40/subtitle-B/chapter-I/subchapter-D/part-1508/section-1508.20>)), which identify various ways to address adverse impacts to resources, including steps to avoid, minimize, and compensate for residual impacts. As a tool to achieve ecosystem resilience of public lands, BLM will generally apply a mitigation hierarchy to address impacts to public land resources, seek to avoid, then to minimize, and then to compensate for any residual impacts. This definition and the provisions in this proposed rule supplement existing DOI policy, which among other things provides guidance on boundaries to ensure that compensatory mitigation is durable and effective.

The proposed rule would define the term “mitigation strategies” to identify documents that identify, assess, and communicate potential mitigation needs and mitigation measures in advance of anticipated uses.

The proposed rule would define the term “monitoring” to describe a critical suite of activities including observation and data collection to evaluate (1) existing conditions, (2) the effects of management actions, and (3) the effectiveness of actions taken to meet management objectives. Management for ecosystems requires the BLM to understand how proposed use activities impact resource condition at management scales. Monitoring is a critical component of BLM's Assessment, Inventory and Management (AIM) framework and provides a standardized strategy for assessing natural resource condition and trends on BLM public lands.

outcome that reflects project goals and objectives, such as site stabilization and revegetation. “Reclamation” is a part of a continuum of restoration practices, it contrasts with other actions that are specifically designed to recover ecosystems that have been degraded, damaged, or destroyed. Reclamation often involves initial practices that can prepare projects or sites for further restoration activities. The proposed rule (§ 6102.4–2) discusses reclamation in the context of bonding conservation leases. Lessees hold sufficient bond amounts to provide for the reclamation of the conservation lease area and the restoration of any lands or surface waters adversely affected by conservation lease operations.

The proposed rule would define “resilient ecosystems” in the context of the rule's foundational purpose. BLM's management of public lands on the basis of multiple use and sustained yield relies on resilient ecosystems. The purpose of the proposed rule is to promote the use of conservation to ensure that ecosystems on public lands can resist disturbance, maintain, and regain their function following environmental stressors such as drought and wildfire. The proposed rule identifies and requires protection and restoration actions, as well as tools such as land health evaluations, inventory, and monitoring to ensure BLM is managing for resilient ecosystems.

The proposed rule would define “restoration” in the context of the overarching purpose of this rule, which is to promote the use of conservation to ensure the ecosystem resilience of public lands. Restoration is a critical component of conservation, alongside protection, and describes acts or processes that assist the recovery of an ecosystem that has been degraded, damaged, or destroyed. The BLM uses a variety of restoration approaches, including mitigation, remediation, revegetation, rehabilitation, and reclamation. The proposed rule (§ 6102.3) would direct the BLM to emphasize restoration across public lands and requires the inclusion of a restoration plan in any new or revised Resource Management

The proposed rule would use the FLPMA definition of “sustained yield.” □ This proposed rule would promote the use of conservation to achieve resilient ecosystems on public lands, which are essential to managing public lands for multiple use and sustained yield.

The proposed rule would define “unnecessary or undue degradation” in the context of these regulations. It would mean “harm to land resources or values that is not needed to accomplish a use's goals or is excessive and disproportionate.” This proposed definition is consistent with BLM's affirmative obligation under the FLPMA to take action to prevent unnecessary or undue degradation. The proposed rule would establish principles for ecosystem resilience and would direct the BLM to implement those principles in its decisionmaking to prevent unnecessary or undue degradation in its decisionmaking.

Section 6101.5—Principles for Ecosystem Resilience

planning decisions that conserve public land resources and seek to balance conservation use with other uses such as energy development and recreation. The BLM also implements this mandate in other decisionmaking and management actions by promoting conservation use, limiting subsequent actions when incompatible with conservation use, and mitigating impacts to natural resources on public lands. The proposed rule would provide specific direction for implementing certain programs in a way that promotes conservation use and provide new tools and direction for managing conservation use to ensure ecosystem resilience on public lands.

SECTION 6102.1 – PROTECTION OF INTACT LANDSCAPES

Section 6102.1(a) of the proposed rule would identify the principles for protecting intact landscapes in the context of increased pressure and increased landscape vulnerability due to climate change and other disturbances. Section 6102.1(b) would call on authorized officers to prioritize protection of such

SECTION 6102.2 – MANAGEMENT TO PROTECT INTACT LANDSCAPES

Authorized officers would be required by § 6102.2(a) and (b) to identify and seek to maintain intact landscapes, including by utilizing available watershed condition classifications and other available information. During the resource management planning process, some tracts of public lands should be put into conservation use, such as by appropriately designating or allocating the land, to maintain or improve ecosystem resilience. When determining, through planning, whether conservation use is appropriate for a given area, authorized officers would determine “which, if any” landscapes to manage to protect ecosystem resilience, necessarily taking into account other potential uses in accordance with the BLM's multiple use management approach. (§ 6102.2(b)) In identifying the areas that are most suitable for management as intact landscapes, the BLM could work with communities to identify areas that the communities have targeted for future growth and development; managing those areas for intactness is less likely to be appropriate. Section 6102.2(c) would require authorized officers to prioritize acquisition of lands or interests in lands to further protect and connect intact landscapes and functioning ecosystems, and § 6102.2(d) would require the BLM to develop a national system for collecting and tracking disturbance data and to use those data to minimize disturbance and improve ecosystem resilience.

SECTION 6102.3 – RESTORATION

Restoration is the process of assisting the recovery of an ecosystem that has been degraded, damaged, or destroyed. The BLM employs a variety of restoration approaches, including mitigation, remediation, revegetation, rehabilitation, and reclamation. The proposed rule would direct the BLM to emphasize restoration across the public lands to enable achievement of its sustained yield mandate and would encourage active management to promote restoration when appropriate to achieve ecosystem resilience.

SECTION 6102.3-1 – RESTORATION PRIORITIZATION

health standards, restoration goals and objectives, best management practices, and Resource Management Plan restoration plans. □

SECTION 6102.4—CONSERVATION LEASING

Section 302(b) of FLPMA, 43 U.S.C. 1732(b) (<https://www.govinfo.gov/link/uscode/43/1732>), Secretary authority to regulate through appropriate instruments the use, occupancy, and development of public lands. As the U.S. Court of Appeals for the Tenth Circuit has recognized, the authority granted in section 302(b) is considerably broader than the authority granted in subject-specific provisions. See *Greater Yellowstone Coal. v. Tidwell*, 572 F.3d 1115, 1126–27 (10th Cir. 2009). Under that broad authority, the proposed rule would provide a framework for the BLM to issue conservation leases on public lands for the purpose of pursuing ecosystem resilience through mitigation and restoration. The BLM will determine whether a conservation lease is an appropriate mechanism based on the context of each proposed conservation use and application, not necessarily as a specific allocation in a land use plan. Conservation leases could be issued to any qualified individual, business, non-governmental organization, or State or local government. The BLM seeks comments on whether State and local governments, including states managing fish and wildlife, also should be eligible for holding conservation leases.

Section 6102.4(a)(2) would establish that conservation leases would be issued for the necessary duration of time to meet the lease objective and specify that a lease issued for restoration or protection purposes would be issued for a renewable term of up to 10 years, whereas a lease issued for mitigation purposes would be issued for a term commensurate with the impact it is mitigating. All conservation leases would be reviewed for consistency with lease provisions at regular intervals and could be extended beyond their period of term.

Section 6102.4(a)(3) would specify that conservation leases may be issued either for “restoration or land enhancement” or “mitigation.” The proposed rule would only authorize issuance of conservation leases for ecosystem protection where that protection is related to a restoration or land enhancement project or to support mitigation for a particular action. For example, as part of authorizing a renewable energy project on public lands, the BLM and the project proponent may agree to compensate for loss of wildlife habitat by restoring or enhancing other habitat areas. A conservation lease could be used to protect those areas. Similarly, the BLM may require compensatory mitigation for residual impacts that cannot be avoided. A conservation lease could be used to put compensatory mitigation dollars to work restoring complex landscapes.

This provision is not intended to provide a mechanism for precluding other uses, such as grazing, recreation, and recreation. Conservation leases should not disturb existing authorizations, valid existing rights, or Tribal land use management. Rather, this proposed rule is intended to raise conservation up to the same level as other uses under the principles of multiple use and sustained yield.

environmental data and proof that the applicant has the technical and financial capability to perform conservation activities. Once a conservation lease is issued, § 6102.4(a)(4) would preclude the BLM, to valid existing rights and applicable law, from authorizing other uses of the leased lands that are inconsistent with the authorized conservation use. Section 6102.4(a)(5) clarifies that the rule should not be interpreted to exclude public access to leased lands for casual use of such lands, although the terms of a lease may require that limitations to public access be put in place in a given instance (for example, temporarily limiting public access to newly restored areas).

Section 6102.4(d) would provide for assignment or transfer of a conservation lease if no additional lands would be conveyed and the proposed assignee or transferee is qualified to hold the lease.

Conservation leases would be available on BLM-managed lands that are not allocated to incompatible uses, including lands within units of the National Landscape Conservation System. The BLM requests comment on managing conservation leases within the National Landscape Conservation System and whether separate regulations should apply to these areas.

Cost recovery, rents, and fees for conservation leases would be governed by existing regulations at 43 CFR 2920.6 (<https://www.ecfr.gov/current/title-43/section-2920.6>) and 2920.8 (<https://www.ecfr.gov/current/title-43/section-2920.8>). Under those regulations, the BLM must charge a minimum rent of at least fair market value. The BLM seeks comment on how fair market value would be determined in the context of restoration or preservation. Would existing methods for land valuation provide value for lands with valuable alternative land uses be prohibitively expensive for conservation use? Should the BLM incorporate a public benefit component into the rent calculation to account for the benefits of ecosystem services?

SECTION 6102.4-1 – TERMINATION AND SUSPENSION OF CONSERVATION LEASES

Proposed § 6102.4-1 would outline processes for suspending and terminating conservation leases. If a lease holder fails to comply with applicable requirements, fails to use the lease for its intended purpose, or cannot fulfill the lease's purpose, the BLM would be authorized to suspend or terminate a conservation lease. An authorized officer would be authorized to issue an immediate temporary suspension of the lease upon a determination that a noncompliance issue adversely affects or poses a threat to public lands or resources. Following termination, the lease holder would have sixty days to fulfill its obligation to reclaim the site and return the site to its prior condition or as otherwise provided in the lease. That obligation is distinct from the goal of restoring the site to its ecological potential that underlies the lease.

SECTION 6102.4-2 – BONDING FOR CONSERVATION LEASES

Consistent with applicable law and the management of the area, authorized officers would also avoid authorizing any use of the public lands that permanently impairs ecosystem resilience. Permanent impairment of ecosystem resilience would be difficult or impossible to avoid, for example, on lands where the BLM has authorized intensive uses, including infrastructure and energy projects or mining. Where the BLM has limited discretion to condition or deny the use, the proposed rule also would require an authorized officer to consider a precautionary approach for resource use when the impact on ecosystem resilience is unknown or cannot be quantified and provide justification for decisions that may impair ecosystem resilience. In other words, the proposed rule does not prohibit land uses that impair ecosystem resilience; it simply requires avoidance and an explanation if such impairment cannot be avoided.

To ensure the best available science is underpinning all management actions, the proposed rule would require the BLM to use national and site-based assessment, inventory, and monitoring data, along with high-quality information, as multiple lines of evidence to evaluate resource conditions and inform decisionmaking. In particular, proposed § 6102.5(c) would require the authorized officer to gather quality data and select relevant indicators, then translate the values from those indicators into a condition classification framework and document the results. The goal is to use monitoring objectives and possibly conceptual models to identify if watersheds are in properly functioning condition and if the landscape is functioning as a whole.

SECTION 6102.5-1 – MITIGATION

The proposed rule would affirm that the BLM will generally apply the mitigation hierarchy of avoid, minimize, and compensate for impacts to all public land resources. Further, § 6102.5-1(a) would require mitigation to address adverse impacts in the case of important, scarce, or sensitive resources, to the maximum extent possible.

The proposed rule would authorize the BLM to use third-party mitigation fund holders to facilitate compensatory mitigation. Proposed § 6102.5-1(d) would require authorized officers to establish mitigation accounts as appropriate when multiple permittees have similar compensatory mitigation requirements and a single permittee has project impacts that require substantial, long-term compensatory mitigation. Proposed § 6102.5-1(f) would establish criteria that third parties must meet to be approved as mitigation fund holders. Among other things, the proposed rule would require potential mitigation fund holders to have experience with successfully holding and managing mitigation, escrow, or similar corporate accounts.” This language is intended to ensure that mitigation fund holders have sufficient experience to ensure that they are capable of managing funds. The BLM seeks comment on this language. Does it create a barrier to entry for

that conform to the fundamentals of land health across all lands and program areas. This includes developing new land health standards and guidelines during the land use planning process and developing new existing land health standards and guidelines as necessary, and periodically reviewing land health standards and guidelines in conjunction with regular land use plan evaluations. Until the authorized officer has the opportunity to review and update land health standards and guidelines through land use planning, proposed § 6103.1–1(a)(1) of the proposed rule would direct authorized officers to apply existing land health standards and guidelines, including those previously established under subpart 4180 of the agency's grazing rules (fundamentals of rangeland health), across all lands and program areas.

Proposed § 6103.1–1(b) through (d) would require the authorized officer to establish goals, objectives, and success indicators to ensure that each land health standard can be measured against resource conditions. The officer would be required to periodically review authorized uses for consistency with the fundamentals of land health. Once standards and guidelines are established, any action in response to not meeting them would be required under § 6103.1–2(e)(2) and taken in a manner that takes into account existing uses and authorizations. Under the proposed rule, the BLM may establish national indicators in support of the implementation of the fundamentals of land health.

SECTION 6103.1–2—LAND HEALTH ASSESSMENTS, EVALUATIONS, AND DETERMINATIONS

The proposed rule would require authorized officers to consider land health assessments, evaluations, and determinations across all program areas to inform decisionmaking, including preparing new land health assessments, evaluations, and determinations as warranted. Proposed § 6103.1–2(c) would provide guidance for completing land health evaluations, including using multiple lines of evidence and documenting supporting information.

In cases where land health standards are not being achieved, proposed § 6103.1–2(d) would require a determination of causal factors. If existing management practices are determined to be a causal factor, the proposed rule would require the authorized officer to take appropriate action to make significant progress toward fulfillment of the standards and compliance with the guidelines. That requirement would be subject, however, by the caveat that appropriate action must be “consistent with applicable law and the conditions of existing authorizations.” Thus, when determining what actions are “appropriate” to meet land health standards, the authorized officer would have to take into account existing uses and authorizations.

SECTION 6103.2—INVENTORY, ASSESSMENT, AND MONITORING

The proposed rule would require the BLM to complete watershed condition classifications as part of land use planning. It is anticipated that watershed condition classifications would frequently be completed by BLM state offices, but by national-level resources, such as by the National Operations Center, using standardized procedures and existing data and analyses.

regulation and partially described in agency policy.

Proposed § 1610.7–2(c) would require authorized officers to identify areas that may be eligible status early in the planning process and would highlight the need to target areas for evaluation resource inventories, internal and external nominations, and existing ACEC designations.

Proposed § 1610.7–2(d) would provide more specificity for determining whether an area meets for ACEC designation of relevance, importance, and requiring special management attention. Finding that special management attention is necessary is consistent with BLM practice but is not the existing regulations.

Under the proposed rule § 1610.7–2(d)(2), resources, values, systems, or processes may meet the criterion if they contribute to ecosystem resilience, including by protecting landscape intactness and connectivity. The proposed rule would also clarify the scope of the importance criterion by striking “more than local significance” in current § 1610.7–2(a)(2). The BLM has found the use of “local significance” in the existing definition creates confusion because it may be conflated with the separate question under whether environmental impacts are “significant.” Moreover, requiring something more than “local significance” is unnecessarily restrictive. In the context of ACECs, a wide variety of areas can support BLM’s management of public lands by contributing to ecosystem resilience.

Proposed § 1610.7–2(e) would newly emphasize that resources, values, systems, processes, or habitats are found to have relevance and importance are likely to warrant special management attention. It would further identify four considerations when evaluating the need for special management attention for potential ACEC designations in a land use plan.

Proposed § 1610.7–2(g) would clarify that land use plans must include at least one plan alternative that analyzes in detail all proposed ACECs, in order to analyze the consequences of both providing a plan alternative and providing special management attention to identified resources.

Proposed § 1610.7–2(i) would require authorized officers to ensure that inventories used to obtain information and data on the relevance and importance of values, resources, systems or processes and natural hazards are kept current, consistent with section 201(a) of FLPMA “so as to reflect changing conditions and to identify new and emerging resource and other values” (43 U.S.C. 1711(a) (<https://www.govinfo.gov/link/uscode/43/1711>)). Authorized officers (likely, here, BLM State Office) would be required to produce annual reports detailing activity plan status and completed and planned implementation actions for designated ACECs.

The proposed rule provides that “ACECs shall be managed to protect the relevant and important resources for which they are designated.” The BLM is interested in public comment on whether additional text would help the BLM best fulfill its mandate under FLPMA section 202(c)(3) to “give priority protection of [ACECs].” Should the regulations further specify how ACECs should be managed?

Severability

The provisions of the proposed rule should be considered separately. If any portion of the rule is invalidated by a reviewing court, the remaining elements would continue to provide BLM with independently effective tools to advance conservation on the public lands. Hence, if a court precludes one provision of one part of this proposed rule from taking effect, that should not affect the other parts of the proposed rule. The remaining provisions would remain in force.

V. Procedural Matters

Regulatory Planning and Review (Executive Order 12866 and 13563)

Executive Order (E.O.) 12866 provides that the Office of Information and Regulatory Affairs (OIRA) and the Office of Management and Budget will review all significant rules. The OIRA has determined that the proposed rule is not significant.

E.O. 13563 (</executive-order/13563>) reaffirms the principles of E.O. 12866 while calling for improvements in the Nation's regulatory system to promote predictability, reduce uncertainty, and use the best, most innovative, and least burdensome tools for achieving regulatory ends. The E.O. directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. E.O. 13563 (</executive-order/13563>) emphasizes further that regulations must be based on the best available information and that the rule making process must allow for public participation and an open exchange of ideas. BLM has developed this proposed rule in a manner consistent with these requirements.

As outlined in the attached Economic and Threshold Analysis, the proposed rule would not have a significant effect on the economy.

For more detailed information, see the Economic and Threshold analysis prepared for this proposed rule. This analysis has been posted in the docket for the rule on the Federal eRulemaking Portal: <https://www.regulations.gov> (<https://www.regulations.gov>). In the Searchbox, enter “RIN 1010-0180” and click the “Search” button, open the Docket Folder, and look under Supporting Documents.

Regulatory Flexibility Act

a. Does not have an annual effect on the economy of \$100 million or more. The BLM did not estimate annual benefits that this proposed rule would provide to the economy. Please see the Economic Threshold Analysis for this proposed rule for a more detailed discussion.

b. Will not cause a major increase in costs or prices for consumers, individual industries, Federal or local government agencies, or geographic regions. The proposed rule would benefit small businesses by streamlining the BLM's processes.

c. Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises. The proposed rule would not have adverse effects on any of these criteria.

Unfunded Mandates Reform Act (UMRA)

This proposed rule does not impose an unfunded mandate on State, local, or tribal government or the private sector of more than \$100 million per year. The proposed rule does not have a significant effect on State, local, or tribal governments, or the private sector. Under the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1531 (<https://www.govinfo.gov/link/uscode/2/1531>) *et seq.*), agencies must submit a written statement about benefits and costs, prior to issuing a proposed or final rule that may require an aggregate expenditure by State, local, and tribal governments, or the private sector, of \$100 million or more in any 1 year.

This proposed rule is not subject to the requirements under the UMRA. The proposed rule does not impose a Federal mandate that may result in expenditures of \$100 million or more for State, local, and tribal governments, in the aggregate, or to the private sector in any one year. The proposed rule would not significantly or uniquely affect small governments. A statement containing the information required by UMRA is not required.

Government Actions and Interference With Constitutionally Protected Property Rights and Takings (E.O. 12630)

This proposed rule does not effect a taking of private property or otherwise have taking implications under E.O. 12630. Section 2(a) of E.O. 12630 identifies policies that do not have takings implications, including those that abolish regulations, discontinue governmental programs, or modify regulations in a manner that does not interfere with the use of private property. The proposed rule would not interfere with private property. A takings implication assessment is not required.

Federalism (E.O. 13132 (/executive-order/13132))

Departmental Policy)

The Department of the Interior (DOI) strives to strengthen its government-to-government relationship with Indian Tribes through a commitment to consultation with Indian Tribes and recognition of the Tribes' self-governance and tribal sovereignty. We have evaluated this proposed rule under the DOI's consultation policy (52 Departmental Manual 4) and under the criteria in E.O. 13175 (</executive-order/13175>) and have determined that it has no direct effects on federally recognized Indian Tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes, and that consultation under the DOI's tribal consultation policy is not required. The proposed rule is consistent with the DOI's consultation policy (52 Departmental Manual 4) and the criteria in E.O. 13175 (</executive-order/13175>), the BLM will consult with federally recognized Indian Tribes on any rule that may have a substantial direct effect on the Tribes.

Paperwork Reduction Act

The Paperwork Reduction Act (PRA) (44 U.S.C. 3501 (<https://www.govinfo.gov/link/uscode/44/3501>)) generally provides that an agency may not conduct or sponsor, and notwithstanding any other provision of law a person is not required to respond to, a collection of information, unless it displays a currently valid OMB control number. This proposed rule contains information collection requirements that are subject to review by the Office of Management and Budget (OMB) under the PRA. Collection requirements that include any request or requirement that persons obtain, maintain, retain, or report information to an agency, or disclose information to a third party or to the public (44 U.S.C. 3502(3) (<https://www.govinfo.gov/link/uscode/44/3502>) and 5 CFR 1320.3(c) ([https://www.ecfr.gov/current/title-5/section-1320.3#p-1320.3\(c\)](https://www.ecfr.gov/current/title-5/section-1320.3#p-1320.3(c)))).

OMB has generally approved the existing information collection requirements contained in the regulations contained in 43 CFR subpart 1610 (<https://www.ecfr.gov/current/title-43/part-1610>) under OMB Control Number 1004-0212. The proposed rule would not result in any new or revised information collection requirements that are currently approved under that OMB Control Number.

For the reasons set out in the preamble, the BLM proposes to amend 43 CFR by creating part 6100 which would result in new information collection requirements that require approval by OMB. The information collection requirement contained in part 6100 will allow the BLM to issue a conservation lease to individuals or businesses or State, local, or Tribal governments for the purpose of ensuring economic sustainability. The proposed new information collection requirements contained in this proposal are discussed below.

New Information Collection Requirements

Section 6102.4(c)(1)(E)—Conservation Leasing (additional information): After review of the proposal description, the authorized officer may require the applicant to provide additional studies or to provide additional environmental data if such data are necessary for the BLM to decide whether to issue the authorization, modification, or deny the proposed conservation use. An application for the use of public lands must include documentation or proof of application for additional private, State, local or other Federal agency approvals, permits, easements, certificates, or other approval documents. The authorized officer may require that the applicant has, or prior to commencement of conservation activities will have the technical and financial capability to operate, maintain, and terminate the authorized land use.

Section 6102.4–1(d)(3)—Termination and Suspension of Conservation Leases: Upon determining that there is noncompliance with the terms and conditions of a conservation lease which adversely affects public health or safety, or impacts ecosystem sustainability, the authorized officer shall issue an order of temporary suspension. Any time after an order of suspension has been issued, the holder may file with the authorized officer a request for permission to resume. The request shall be in writing and shall include a statement of the facts supporting the request.

Section 6102.4–2(a)—Bonding for Conservation Leases: Prior to the commencement of surface mining or reclamation activities, the conservation lease holder shall submit a surety or a personal bond, conditioned upon compliance with all the terms and conditions of the conservation lease(s) covered by the bond.

Section 6102.5–1(e)—Mitigation—Approval of third parties as mitigation fund holders: § 6102.5–1 allows in certain limited circumstances authorized officers to approve third parties as mitigation fund holders to establish mitigation accounts for use by entities granted land use authorizations by the BLM. The authorized officer will approve the use of a mitigation account by a permittee only if a mitigation fund holder has a written agreement with the BLM.

Section 6102.5–1(g)—Mitigation—Approval of third parties as mitigation fund holders/State and local government agencies: State and local government agencies are limited in their ability to accept and disburse funds for the purpose outlined in § 6102.5–1 and generally should not be approved by the BLM to hold mitigation funds for compensatory mitigation sites on public or private lands. An exception may be made where a government agency is able to demonstrate, to the satisfaction of the BLM, that the agency acts as a fiduciary for the benefit of the mitigation project or site, essentially as if they are a third party. The agency must show that they have the authority and perform the duties described in § 6102.5–1.

The information collection requirements contained in this proposed rule are needed to ensure that the accountability through restoration monitoring and tracking is carried out effectively and that p

Estimated Completion Time per Response: Varies from 5 hours to 240 hours per response, depending on the complexity of the activity.

Number of Respondents: 37.

Annual Responses: 37.

Annual Burden Hours: 1,380.

Annual Burden Cost: \$0.

If you want to comment on the information-collection requirements of this proposed rule, please submit your comments and suggestions on this information-collection by the date indicated in the **DATES** and **ADDRESSES** sections as previously described.

National Environmental Policy Act (NEPA)

The BLM intends to apply the Department Categorical Exclusion (CX) at 43 CFR 46.210(i) ([https://www.ecfr.gov/current/title-43/section-46.210#p-46.210\(i\)](https://www.ecfr.gov/current/title-43/section-46.210#p-46.210(i))) to comply with the National Environmental Policy Act. This CX covers policies, directives, regulations, and guidelines that are of an administrative, financial, legal, technical, or procedural nature or whose environmental effects are speculative, or conjectural to lend themselves to meaningful analysis and will later be subject to a public comment process, either collectively or case-by-case. The BLM plans to document the applicability of the CX concurrently with development of the final rule.

Actions Concerning Regulations That Significantly Affects Energy Supply, Distribution, or Use (E.O. 13211 (/executive-order/13211))

Federal agencies must prepare and submit to OMB a Statement of Energy Effects for any proposed significant energy action. A “significant energy action” is defined as any action by an agency that (1) Is a significant regulatory action under Executive Order 12866, or any successor order; (2) Is likely to have a significant adverse effect on the supply, distribution, or use of energy; or (3) Is designated by the Administrator of OIRA as a significant energy action. This proposed rule is not a significant energy action under the meaning of Executive Order 12866 or any successor order. This proposed rule does not affect energy production or distribution.

Clarity of This Regulation (Executive Orders 12866, 12988 and 13563)

which sections or sentences are too long, the sections where you feel lists or tables would be useful.

Authors

The principal authors of this proposed rule are: Stephanie Miller, BLM Deputy Division Chief, Conservation; Darrin King, BLM Division of Regulatory Affairs; Chandra Little, BLM Division of Regulatory Affairs, assisted by the DOI Office of the Solicitor.

Laura Daniel-Davis,

Principal Deputy Assistant Secretary for Land and Minerals Management.

List of Subjects

43 CFR Part 1600 (<https://www.ecfr.gov/current/title-43/part-1600>)

- Administrative practice and procedure
- Coal
- Environmental impact statements
- Environmental protection
- Intergovernmental relations
- Public lands
- Preservation and conservation

43 CFR Part 6100 (<https://www.ecfr.gov/current/title-43/part-6100>)

- Ecosystem resilience
- Conservation use
- Land health, and Restoration

Accordingly, for the reasons set out in the preamble, the Bureau of Land Management proposes to amend 43 CFR part 1600 (<https://www.ecfr.gov/current/title-43/part-1600>) and add a new 43 CFR part 6100 (<https://www.ecfr.gov/current/title-43/part-6100>) as set forth below:

PART 1600—PLANNING, PROGRAMMING, BUDGETING

1. The authority citation for part 1600 continues to read as follows:

Authority: 43 U.S.C. 1711 (<https://www.govinfo.gov/link/uscode/43/1711>)–1712

(1) The Field Manager must analyze inventory data to determine whether there are areas containing resources, values, systems, processes, or hazards eligible for designation as ACECs.

(2) The Field Manager must evaluate existing ACECs when plans are revised or when designations of ACECs are within the scope of an amendment, including considering potential changes to boundaries and management.

(3) The Field Manager must seek nominations for ACECs, during public scoping, from tribal, State and local governments, Indian tribes, and other Federal agencies (see § 1610.2(c)) when developing new plans or revising existing plans, or when designations of ACECs are within the scope of a plan amendment. If nominations are received outside the planning process, they may be evaluated, considered, and implemented to protect relevant and important resources, values, systems, or processes until the BLM completes a planning process to determine whether to designate them as an ACEC, in conformance with the current Resource Management Plan.

(d) To be designated as an ACEC, an area must meet the following criteria:

(1) *Relevance*. The area contains resources with significant historic, cultural, or scenic values; a wildlife resource; a natural system or process; or a natural hazard potentially impacting human life and safety.

(2) *Importance*. The resources, values, systems, processes, or hazards have substantial importance, which generally requires that they have qualities of special worth, consequence, meaning, or distinctiveness, or cause for concern. Authorized officers may consider the national or local importance, subsistence value, or regional contribution of a resource, value, system, or process. Resources, values, systems, or processes may have substantial importance if they contribute to ecosystem resilience, including by protecting intact landscapes and habitat connectivity. A natural hazard can be important if it is a significant threat to human life and safety.

(3) *Special Management Attention*. The resources, values, systems, processes, or hazards require special management attention. “Special management attention” means management practices that:

(i) Conserve, protect, and restore relevant and important resources, values, systems, processes, or hazards that protect life and safety from natural hazards; and

(ii) Would not be prescribed if the relevant resources, values, systems, processes, or hazards were not present.

resources, values, systems, processes, or hazards.

(g) Planning documents must include at least one alternative that analyzes in detail all potential impacts to ACECs to provide for informed decisionmaking on the trade-offs associated with ACEC designation.

(h) The approved plan shall list all designated ACECs, identify their relevant and important resources, values, systems, processes, or hazards, and include the special management actions, including mitigating measures, identified for each designated ACEC.

(i) The State Director shall:

(1) Ensure that inventories used to obtain information and data on relevance and importance are kept current. Monitoring shall be performed and inventories shall be updated at intervals appropriate to the sensitivity of the relevant and important resources, values, systems, processes, or hazards, to ensure that data are available to identify trends and emerging issues during periodic evaluations (see § 1610.4-9).

(2) Prioritize acquisition of inholdings within ACECs and adjacent or connecting lands in order to eliminate holding related relevant and important resources, values, systems, processes, or hazards within a designated ACEC.

(3) Provide annual reports within the first quarter of each fiscal year identifying for each designated ACEC within the State:

(i) Whether or not an activity plan is deemed necessary and, if so, whether it has been prepared;

(ii) Implementation actions accomplished during the previous fiscal year, highlighting those actions contributing to the conservation, enhancement, or protection of the resources, values, systems, or processes, or protection from natural hazards; and

(iii) Scheduled implementation measures for the ensuing fiscal year.

(j) The State Director, through the land use planning process, may remove the designation of an ACEC, in whole or in part, only when:

(1) The State Director finds that special management attention is not needed because another legally enforceable mechanism provides an equal or greater level of protection; or

- 6102.2 Management to protect intact landscapes.
- 6102.3 Restoration.
- 6102.3-1 Restoration prioritization.
- 6102.3-2 Restoration planning.
- 6102.4 Conservation leases.
- 6102.4-1 Termination and suspension of conservation leases.
- 6102.4-2 Building for conservation leasing.
- 6102.5 Management actions for ecosystem resilience.
- 6102.5-1 Mitigation.

Subpart 6103—Tools for Achieving Ecosystem Resilience

- 6103.1 Fundamentals of land health.
- 6103.1-1 Land health standards and guidelines.
- 6103.1-2 Land health assessments, evaluations and determinations.
- 6103.2 Inventory, assessment and monitoring.

Authority: 16 U.S.C. 7202 (<https://www.govinfo.gov/link/uscode/16/7202>); 43 U.S.C. 1701 (<https://www.govinfo.gov/link/uscode/43/1701>) *et seq.*

Subpart 6101 – General Information

§ 6101.1 Purpose.

The BLM's management of public lands on the basis of multiple use and sustained yield is intended to promote healthy landscapes and resilient ecosystems. The purpose of this part is to promote the use of protection and conservation to ensure ecosystem resilience. This part discusses the use of protection and restoration actions, as well as tools such as land health evaluations, inventory, assessment and monitoring.

§ 6101.2 Objectives.

The objectives of these regulations are to:

- (a) Achieve and maintain ecosystem resilience when administering Bureau programs; developing, amending, and revising land use plans; and approving uses on the public lands;
- (b) Promote conservation by protecting and restoring ecosystem resilience and intact landscapes;
- (c) Integrate the fundamentals of land health and related standards and guidelines into land management;
- (d) Incorporate inventory, assessment, and monitoring principles into decisionmaking and use of information to identify trends and implement adaptive management strategies;

Best management practices means state-of-the-art, efficient, appropriate, and practical measures for avoiding, minimizing, rectifying, reducing, compensating for, or eliminating over time.

Casual use means any short-term, noncommercial activity that does not cause appreciable or disturbance to the public lands or their resources or improvements and that is not prohibited by closure of the lands to such activities.

Conservation means maintaining resilient, functioning ecosystems by protecting or restoring natural habitats and ecological functions.

Disturbance means a discrete event in time that affects the structure and function of an ecosystem. Disturbances may be viewed as “characteristic” when ecosystems and species have evolved to accommodate the disturbance attributes or “uncharacteristic” when the attributes are outside the established range of variation.

Effects means the direct, indirect, and cumulative impacts from a public land use; effects and impacts as used in this rule are synonymous.

High-quality information means information that promotes reasoned, fact-based agency decisions. Information relied upon or disseminated by BLM must meet the standards for objectivity, utility, integrity, and quality set forth in applicable federal law and policy. Information may qualify as high-quality information when that knowledge is authoritative, consensually obtained, and meets the standards for high-quality information.

Important, Scarce, or Sensitive resources:

(1) *Important resources* means resources that the BLM has determined to warrant special consideration, consistent with applicable law.

(2) *Scarce resources* means resources that are not plentiful or abundant and may include resources that are experiencing a downward trend in condition.

(3) *Sensitive resources* means resources that are delicate and vulnerable to adverse change or resources that lack resilience to changing circumstances.

designed to improve production or forage; improve vegetative composition; direct patterns to improve ecological condition; provide water; stabilize soil and water conditions; promote effective wild horse and burro management; or restore, protect, and improve the condition of health or fish and wildlife habitat. The term includes, but is not limited to, structures, trails, projects, and the use of mechanical devices or landscape modifications achieved through mechanical means.

Landscape means a network of contiguous or adjacent ecosystems characterized by a set of common management concerns or conditions. The landscape is not defined by the size of the area but rather by the interacting elements that are relevant and meaningful in a management context. Areas described in terms of aquatic conditions, such as watersheds or ecoregions, may also be referred to as “landscapes.”

Mitigation means:

- (1) Avoiding the impacts of a proposed action by not taking a certain action or parts of a project;
- (2) Minimizing impacts by limiting the degree or magnitude of the action and its implementation;
- (3) Rectifying the impact of the action 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; and
- (5) Compensating for the impact of the action by replacing or providing substitute resources or environments. In practice, the mitigation sequence is often summarized as avoid, minimize, and compensate. The BLM generally applies mitigation hierarchically: first avoid, then minimize, and then compensate for any residual impacts from proposed actions.

Mitigation strategies means documents that identify, evaluate, and communicate potential mitigation needs and mitigation measures in a geographic area, at relevant scales, in advance of anticipated public land uses.

Monitoring means the periodic observation and orderly collection of data to evaluate:

- (1) Existing conditions;
- (2) The effects of management actions; or

- (2) Regrading and reshaping to conform with adjacent landforms, facilitate revegetation, drainage, and minimize erosion;
- (3) Rehabilitating fisheries or wildlife habitat;
- (4) Placing growth medium and establishing self-sustaining revegetation;
- (5) Removing or stabilizing buildings, structures, or other support facilities;
- (6) Plugging drill holes and closing underground workings; and
- (7) Providing for post-activity monitoring, maintenance, or treatment.

Resilient ecosystems means ecosystems that have the capacity to maintain and regain their fundamental structure, processes, and function when altered by environmental stressors such as drought, wildfire, nonnative invasive species, insects, and other disturbances.

Restoration means the process or act of conservation by assisting the recovery of an ecosystem that has been degraded, damaged, or destroyed.

Sustained yield means the achievement and maintenance in perpetuity of a high-level and regular periodic output of the various renewable resources of BLM-managed lands without permanent impairment of the productivity of the land. Preventing permanent impairment means that renewable resources are not depleted, and that desired future conditions are met for multiple generations. Ecosystem resilience is essential to BLM's ability to manage for sustained yield.

Unnecessary or Undue degradation means harm to land resources or values that is not necessary to accomplish a use's goals or is excessive or disproportionate.

§ 6101.5 Principles for ecosystem resilience.

Except where otherwise provided by law, public lands must be managed under the principles of multiple use and sustained yield.

- (a) To ensure multiple use and sustained yield, the BLM's management must conserve the values of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resources, and archaeological values; preserve and protect certain public lands in their natural condition;

from land use authorizations; and

(5) Prevention of unnecessary or undue degradation.

Subpart 6102—Conservation Use to Achieve Ecosystem Resili

§ 6102.1 Protection of intact landscapes.

(a) The BLM must manage certain landscapes to protect their intactness. This requires:

(1) Maintaining intact ecosystems through conservation actions.

(2) Managing lands strategically for compatible uses while conserving intact landscapes where development or fragmentation is likely to occur that will permanently impair ecosystem resilience on public lands.

(3) Maintaining or restoring resilient ecosystems through habitat and ecosystem restoration projects that are implemented over broader spatial and longer temporal scales. (4) Coordinating and implementing actions across BLM programs, offices, and partners to protect intact

(5) Pursuing management actions that maintain or mimic characteristic disturbance.

(b) Authorized officers will seek to prioritize actions that conserve and protect intact landscapes in accordance with § 6101.2.

§ 6102.2 Management to protect intact landscapes.

(a) When revising a Resource Management Plan under part 1600 of this chapter, authorized officers must use available data, including watershed condition classifications, to identify intact landscapes on public lands that will be protected from activities that would permanently and significantly disrupt, impair, or degrade the structure or functionality of intact landscapes.

(b) During the planning process, authorized officers must determine which, if any, tracts of land will be put to conservation use. In making such determinations, authorized officers must consider whether:

(1) The BLM can establish partnerships to work across Federal and non-Federal lands to protect intact landscapes;

(2) Multiple lines of evidence indicate that active management will improve the resilience

disturbance and direct loss of ecosystems at a watershed scale resulting from BLM-authorized activities. This information must be included in a national tracking system. The BLM must use the national tracking system to strategically minimize surface disturbance, including identifying areas that are appropriate for conservation and other uses in the context of threats identified in watershed condition assessments, to analyze landscape intactness and fragmentation of ecosystems, and to inform conservation actions.

§ 6102.3 Restoration.

(a) The BLM must emphasize restoration across the public lands to enable achievement of the multiple use and sustained yield mandate.

(b) In determining the restoration actions required to achieve recovery of ecosystems and enhance resilience, the BLM must consider the degree of ecosystem degradation and develop restoration goals and objectives designed to achieve ecosystem resilience and land health standards (see § 6103.1–1). □

(c) The BLM should employ active management to promote restoration. Over the long-term, restoration actions must be durable, self-sustaining, and expected to persist based on the restoration objective.

§ 6102.3–1 Restoration prioritization.

(a) Not less than every five years, authorized officers must identify priority landscapes for restoration. In doing so, authorized officers must consider:

(1) Results from land health assessments, watershed condition classifications and other available information (see subpart 6103 of this part);

(2) The likelihood of success of restoration activities to achieve resource or conservation objectives;

(3) The possibility of implementing a series of coordinated restoration actions benefiting multiple resources at scales commensurate to the cause of the degradation in areas where the BLM has sufficient lands or partnerships exist to work across jurisdictions;

(4) Where restoration actions will have the greatest social, economic, and environmental impacts for local communities; and

(4) Attainment of statewide and regional needs as identified in the assessment of priority landscapes for restoration and consistent with Resource Management Plan goals.

(5) Restoration of landscapes that land health assessments, watershed condition classifications, and other best available information suggest should be prioritized for restoration.

(b) Authorized officers must design and implement restoration actions to achieve the goals and objectives adopted under paragraph (a) of this section. In doing so, authorized officers must:

(1) Ensure that actions are designed, implemented, and monitored at appropriate spatial and temporal scales using suitable treatments and tools to achieve desired outcomes.

(2) Ensure that restoration management actions address causes of degradation, focus on process-based solutions, and where possible maintain attributes and resource values associated with the potential or capability of the ecosystem.

(3) Coordinate and implement actions across BLM programs and with partners to develop and implement restoration actions.

(4) Issue conservation leases under § 6102.4 for the purpose of restoring, managing, and monitoring areas within priority landscapes.

(5) Ensure incorporation of locally appropriate best management practices that address the following:

(i) A five-year schedule that describes activities prior to planning (such as pretreatment, native-plant materials procurement), implementation actions (including operation, maintenance, and repair), monitoring (see § 6103.2), and reporting;

(ii) Potential remedial and contingency measures that account for drought and changed circumstances that could delay implementation; and

(iii) Opportunities for compensatory mitigation for important, scarce, or sensitive resources protected by law.

(c) Authorized officers must annually track restoration-project progress toward achieving project goals, projects that have achieved project goals, and projects completed without meeting project goals. When assessment and monitoring efforts reveal that restoration outcomes have not been

(1) Conservation leases on the public lands may be authorized for the following activities:

(i) Conservation use that involves restoration or land enhancement; and

(ii) Conservation use that involves mitigation.

(2) Authorized officers may issue conservation leases to any qualified individual, business, governmental organization, or Tribal government.

(3) Conservation leases shall be issued for a term consistent with the time required to accomplish the conservation objective.

(i) A conservation lease issued for purposes of restoration or protection may be issued for a maximum term of 10 years and shall be reviewed mid-term for consistency with the lease provisions.

(ii) A conservation lease issued for purposes of mitigation shall be issued for a term commensurate with the impact it is mitigating and reviewed every 5 years for consistency with the lease provisions.

(iii) Authorized officers shall extend or further extend a conservation lease if necessary to accomplish the purpose for which the lease was first issued. Such extension or further extension can be for a period no longer than the original term of the lease.

(4) Subject to valid existing rights and applicable law, once the BLM has issued a conservation lease, the BLM shall not authorize any other uses of the leased lands that are inconsistent with the authorized conservation use.

(5) No land use authorization is required under the regulations in this part for casual uses of public lands covered by a conservation lease.

(b) The process for issuing a conservation lease is as follows:

(1) An application for a conservation lease must be filed with the Bureau of Land Management office having jurisdiction over the public lands covered by the application. The filing of an application gives the applicant no right to use the public lands.

(2) If the lease application is approved, the authorized officer will issue an approved conservation lease on a form approved by the Office of the Director, Bureau of Land Management.

description of primary and alternative project locations;

(iv) A schedule for restoration or land enhancement activities if applicable; and

(v) The following additional information, upon request of authorized officers:

(A) Additional studies or environmental data, if such studies or data are necessary for the applicant to decide whether to issue, issue with modification, or deny the proposed conservation lease;

(B) Documentation of or proof of application for additional private, State, local or other agency licenses, permits, easements, certificates, or other approvals.

(C) Evidence that the applicant has, or prior to commencement of conservation activities, the technical and financial capability to operate, maintain, and terminate the authorized conservation use.

(2) The application shall include the name and legal mailing address of the applicant, as well as a statement of the applicant's interest in the resource or purpose of the lease.

(3) If the applicant is other than an individual, the application shall include the name and address of an agent authorized to receive notice of actions pertaining to the application.

(4) If any of the information required in this section has already been submitted as part of a separate conservation use proposal, the application need only refer to that proposal by file number, office, and case number. The applicant shall certify that there have been no changes in a material way in the information.

(d) Approval of the application is not guaranteed and is solely at the discretion of the authorized officer.

(e) A conservation lease may only be assigned or transferred with the written approval of the authorized officer, and no assignment or transfer shall be effective until the BLM has approved in writing. Authorized officers may authorize assignment or transfer of a conservation lease at their discretion if no additional rights will be conveyed beyond those granted by the original authorization, the proposed assignee or transferee is qualified to hold the lease, and the assignment or transfer is in the public interest.

(f) Administrative cost recovery, rents and fees for conservation leases will be governed by the provisions of §§ 2020.6 and 2020.8

(3) Failure of the holder to use the conservation lease for the purpose for which it was authorized, or

(4) Impossibility of fulfilling the purposes of the lease.

(d) Upon determination that the holder has failed to comply with any terms or conditions of a conservation lease and that such noncompliance adversely affects or poses a threat to land, public health or safety or impacts to ecosystem resilience, authorized officers shall issue an immediate temporary suspension.

(1) Authorized officers may issue an immediate temporary suspension order orally or in writing at the site of the activity to the holder or a contractor or subcontractor of the holder, or to a representative, agent, employee or contractor of any of them, and the suspended activity shall cease at that time. As soon as practicable, authorized officers shall confirm the order by written notice to the holder addressed to the holder or the holder's designated agent. Authorized officers may also take such action considered necessary to address the adverse effects or threat to public health or safety or impacts to ecosystem resilience.

(2) Authorized officers may order immediate temporary suspension of an activity regarding an action that has been or is being taken by another Federal or State agency.

(3) Any time after an order of temporary suspension has been issued, the holder may file with authorized officers a request for permission to resume. The request shall be in writing and shall contain a statement of the facts supporting the request. Authorized officers may grant the request upon determination that the adverse effects or threat to land or public health or safety or impacts to ecosystem resilience are resolved.

(4) Authorized officers may render an order either to grant or to deny the request to resume within 5 working days of the date the request is filed. If authorized officers do not render an order on a request within 5 working days, the request shall be considered denied, and the holder shall have the same right to appeal as if an order denying the request had been issued.

(e) Process for termination or suspension other than temporary immediate suspension.

(1) Prior to commencing any proceeding to suspend or terminate a conservation lease, authorized officers shall give written notice to the holder of the legal grounds for such action and shall provide the holder a reasonable time to address the legal basis the authorized officer identifies for suspension or termination.

that shall not relieve the holder of liability for the cost of reclaiming the site.

§ 6102.4-2 Bonding for conservation leases.

(a) *Bonding obligations.* (1) Prior to the commencement of surface-disturbing activities, a conservation lease holder shall submit a surety or a personal bond conditioned upon compliance with all the terms and conditions of the lease covered by the bond, as described in this section. The bond amounts shall be sufficient to ensure reclamation of the conservation lease area(s) and the restoration of any lands or surface waters adversely affected by conservation lease operations. Restoration may be required after the abandonment or cessation of operations by the conservation lease holder in accordance with, but not limited to, the standards and requirements set forth by the authorized officers.

(2) Surety bonds shall be issued by qualified surety companies certified by the Department of the Treasury.

(3) Personal bonds shall be accompanied by:

(i) Cashier's check;

(ii) Certified check; or

(iii) Negotiable Treasury securities of the United States of a value equal to the amount specified in the bond. Negotiable Treasury securities shall be accompanied by a proper conveyance to the Secretary of full authority to sell such securities in case of default in the performance of the terms and conditions of a conservation use authorization.

(b) *State-wide bonds.* In lieu of bonds for each individual conservation lease, holders may submit a bond covering all conservation leases and operations in any one State. Such a bond must be at least \$25,000 and must be sufficient to ensure reclamation of all of the holder's conservation lease area(s) and the restoration of any lands or surface waters adversely affected by conservation lease operations in the State.

(c) *Filing.* All bonds shall be filed in the proper BLM office on a current form approved by the Office of the Director. A single copy executed by the principal or, in the case of surety bonds, by both the principal and an acceptable surety is sufficient. Bonds shall be filed in the Bureau office having jurisdiction of the conservation use easement covered by the bond.

- (i) Subject all leases covered by such bond(s) to termination under the provisions of this
- (ii) Prevent the bond obligor or principal from acquiring any additional conservation lease interest therein under this subpart; and
- (iii) Result in the bond obligor or principal being referred to the Suspension and Debarment Program under 2 CFR part 1400 (<https://www.ecfr.gov/current/title-2/part-1400>) to do so if the entity will be suspended or debarred from doing business with the Federal Government.

§ 6102.5 Management actions for ecosystem resilience.

(a) Authorized officers must:

(1) Identify priority watersheds, landscapes, and ecosystems that require protection and restoration efforts;

(2) Develop and implement strategies, including mitigation strategies, and approaches to effectively manage public lands to protect resilient ecosystems;

(3) Develop and implement monitoring and adaptive management strategies for maintaining a sustained yield of renewable resources, accounting for changing landscapes, fragmentation, invasive species, and other environmental disturbances (*see* § 6103.2);

(4) Report annually on the results of land health assessments, including in the land health section of the *Public Land Statistics*;

(5) Ensure consistency in watershed condition classifications both among neighboring BLM offices and with the fundamentals of land health; and

(6) Store watershed condition classification data in a national database to determine changes in watershed condition and record measures of success based on conservation and restoration.

(b) In taking management actions, and as consistent with applicable law, authorized officers must:

(1) Consistent with the management of the area, avoid authorizing uses of the public lands that permanently impair ecosystem resilience;

(2) Promote opportunities to support conservation and other actions that work towards maintaining a sustained yield;

development of alternatives, analysis of effects, and when necessary, identification of mitigation measures; and

(ii) Communicating to Tribes in a timely manner and in an appropriate format how their Indigenous Knowledge was included in decisionmaking, including addressing management of sensitive information;

(7) Develop and implement mitigation strategies that identify compensatory mitigation opportunities and encourage siting of large, market-based mitigation projects (*e.g.*, mitigation conservation banks) on public lands where durability can be achieved;

(8) Consider a precautionary approach for resource use when the impact on ecosystem resilience is unknown or cannot be quantified; and □

(9) Provide a justification for decisions that may impair ecosystem resilience.

(c) Authorized officers must use national, regional, and site-based assessment, inventory, and monitoring data as available and appropriate, along with other high-quality information from multiple lines of evidence to evaluate resource conditions and inform decisionmaking, supported by:

(1) Gathering high-quality available data relevant to the management decision, including standardized quantitative monitoring data and data about land health;

(2) Selecting relevant indicators for each applicable management question (*e.g.*, land health standards, restoration objectives, or intactness);

(3) Establishing a framework for translating indicator values to condition categories (such as quantitative-monitoring objectives or science-based conceptual models); and

(4) Summarizing results and ensuring that a clear and understandable rationale is documented explaining how the data was used to make the decision.

§ 6102.5-1 Mitigation.

(a) The BLM will generally apply the mitigation hierarchy to avoid, minimize and compensate, as appropriate, adverse impacts to resources when authorizing uses of public lands. As a part of a planning process, the authorized officer may identify specific mitigation approaches to avoid or minimize identified uses or impacts to resources.

mitigation fund holder has a written agreement with the BLM as described in paragraph section.

(f) Authorized officers may approve a third party as a mitigation fund holder if the party

(1) Qualifies for tax-exempt status in accordance with Internal Revenue Code (IRC) section (3);

(2) Has a history of successfully holding and managing mitigation, escrow, or similar co-accounts;

(3) Is a public charity bureau for the state in which the mitigation area is located, or other entity that complies with applicable state laws;

(4) Is a third party organizationally separate from and having no corporate or family connection with the entity accomplishing the mitigation program or project, the project proponent, and the permittee;

(5) Adheres to generally accepted accounting practices that are promulgated by the Financial Accounting Standards Board, or any successor entity; and

(6) Has the capability to hold, invest, and manage the mitigation funds to the extent allowed and consistent with modern “prudent investor” and endowment law, such as the Uniform Prudent Management of Institutional Funds Act of 2006 (UPMIFA) or successor legislation when needed for long-term management and monitoring. UPMIFA incorporates a general standard of prudent spending measured against the purpose of the fund and invites consideration of an array of other factors. For states that have not adopted UPMIFA, analogous state legislation may be relied upon to achieve this purpose.

(g) The BLM may not approve a state or local government agency to hold mitigation funds under paragraph (f) of this section unless the government agency is able to demonstrate, to the satisfaction of the BLM, that it is acting as a fiduciary for the benefit of the mitigation project site and can show that it has the authority and ability to:

(1) Collect the funds;

(2) Protect the account from being used for purposes other than the management of the mitigation project or site;

§ 6103.1

Fundamentals of land health.

(a) Standards and guidelines developed or revised by the BLM in a land use plan must be consistent with the following fundamentals of land health:

(1) Watersheds are in, or are making significant progress toward, properly functioning physical condition, including their upland, riparian-wetland, and aquatic components; soil and physical conditions support infiltration, soil moisture storage, and the release of water that are in accordance with climate and landform and maintain or improve water quality, water quantity, and the duration of flow.

(2) Ecological processes, including the hydrologic cycle, nutrient cycle, and energy flow, are maintained, or there is significant progress toward their attainment to support healthy biological populations and communities.

(3) Water quality complies with state water quality standards and achieves, or is making significant progress toward achieving, established BLM management objectives established in the land use plan such as meeting wildlife needs.

(4) Habitats are, or are making significant progress toward being, restored or maintained for Federal threatened and endangered species, Federal Proposed and Candidate species, and special status species.

(b) Authorized officers must manage all lands and program areas to achieve land health in accordance with the fundamentals of land health and standards and guidelines, as provided in this subpart.

§ 6103.1-1

Land health standards and guidelines.

(a) To ensure ecosystem resilience, authorized officers must implement land health standards and guidelines that, at a minimum, conform to the fundamentals of land health across all program areas.

(1) Authorized officers must apply existing land health standards and guidelines, including those previously established under subpart 4180 of this chapter, across all lands and program areas.

(2) Authorized officers must review land health standards and guidelines during the land use planning process and develop new or revise existing land health standards and guidelines as necessary for all lands and program areas to ensure the standards and guidelines serve a

(2) Must incorporate appropriate quantitative indicators available from standardized data

(3) Must address changing environmental conditions and physical, biological, and ecological functions not already covered by existing standards; and

(4) May require consultation with relevant experts within and outside the agency.

(d) The BLM may establish national indicators for all lands and program areas taken from existing indicators and the development of new indicators, as needed, in support of the implementation of the fundamentals of land health.

(1) Authorized officers must periodically review authorized uses for consistency with the fundamentals of land health for all lands and program areas.

(2) Reserved.

§ 6103.1–2 Land health assessments, evaluations, and determinations.

(a) Authorized officers must consider existing land health assessments, evaluations, and determinations in the course of decisionmaking processes regardless of program area. Authorized officers may prepare new land health assessments, evaluations, and determinations in connection with decisionmaking, and must do so if required by other law or regulation.

(b) In the course of conducting land health assessments, authorized officers must measure applicable indicators.

(c) In the course of conducting land health evaluations, authorized officers must:

(1) Document whether land health standards are achieved through land health assessments using documented observations, standardized quantitative data, or other data acceptable to authorized officers as described in § 6103.2.

(2) Use multiple lines of evidence. Indicator values can be compared to benchmark values to evaluate land health standards. Attainment or nonattainment of a benchmark for one indicator can be considered as one line of evidence used in the assessment and evaluation.

(d) If resource conditions are determined to not be meeting, or making progress toward meeting, land health standards, authorized officers must determine the causal factors responsible for the nonachievement.

lands are not significant causal factors in the nonachievement of the standards, other re
actions should be identified and implemented as soon as practicable to address the iden
causal factors.

(5) Authorized officers may authorize changes in management or development of a rest
plan to meet other objectives.

§ 6103.2 Inventory, assessment, and monitoring.

(a) Watershed condition classifications must be completed as part of all land use planni
processes.

(b) The BLM will maintain an inventory of public lands. This inventory must include bo
landscape components (*e.g.*, land types, streams, habitats) and core indicators that add
health fundamentals. Authorized officers will use inventory, assessment, and monitorin
information, including standardized quantitative monitoring data, remote sensing maps
geospatial analyses, to inform decisionmaking across program areas, including but not l

(1) Authorization of permitted uses;

(2) Land use planning;

(3) Land health evaluation;

(4) Available watershed assessments;

(5) Restoration planning, including prioritization;

(6) Assessments of restoration effectiveness;

(7) Evaluation and protection of intactness;

(8) Mitigation planning; and

(9) Other decisionmaking processes.

(c) Authorized officers must inventory, assess, and monitor activities employing the foll
principles:

(1) Structured implementation of monitoring activities through interdisciplinary monito

Conservation Design to Proactively Restore America's Sagebrush Biome (Open-file report 2022-1081, USGS), <https://pubs.er.usgs.gov/publication/ofr20221081>
(<https://pubs.er.usgs.gov/publication/ofr20221081>).

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