

# Instructions for Protesting a BLM Proposed Final Environmental Impact Statement (BAY FEIS)

Copy of Dear Reader Letter for the Proposed Bay FEIS

Copied by Alaska Wilderness League from BLM Website 12/17/07

[http://www.blm.gov/ak/st/en/prog/planning/bay\\_rmp\\_eis\\_home\\_page/bay\\_feis\\_documents.html](http://www.blm.gov/ak/st/en/prog/planning/bay_rmp_eis_home_page/bay_feis_documents.html)



United States Department of the Interior

BUREAU OF LAND MANAGEMENT  
Alaska State Office  
222 West Seventh Avenue, #13  
Anchorage, Alaska 99513-7504  
<http://www.ak.blm.gov>



In Reply Refer To:  
1610 (020)

NOV -9 2007

Dear Reader:

Enclosed for your review is the Proposed Resource Management Plan (PRMP) and Final Environmental Impact Statement (FEIS) for the Bay planning area. The PRMP was prepared by the Bureau of Land Management (BLM) in consultation with the State of Alaska and other local governments, taking into account public comments received during this planning effort. This PRMP provides a framework for the future management direction and appropriate use of the Bay planning area, located in southwestern Alaska. The document contains both land use planning decisions and implementation decisions that provide planning structure to facilitate management of the planning area. The PRMP is open for a 30-day review and protest period that begins on the date the Environmental Protection Agency (EPA) publishes the Notice of Availability of the FEIS in the *Federal Register*.

This PRMP and FEIS has been developed in accordance with the National Environmental Policy Act of 1969 (NEPA), and the Federal Land Policy and Management Act of 1976 (FLPMA). The PRMP is largely based on Alternative D, the preferred alternative in the Draft Resource Management Plan/Environmental Impact Statement (RMP/EIS), which was released on September 29, 2006. This document contains the proposed plan, summary of changes made between the Draft RMP/EIS and PRMP, predictable impacts of the proposed plan, summary of the written and verbal comments received during the public review period of the Draft RMP/EIS, and responses to the comments received.

Any person who participated in the planning process for this PRMP and has an interest that is or may be adversely affected may protest approval of this PRMP and land use planning decisions contained within it (see 43 Code of Federal Regulations 1610.5-2) during this 30-day period. Only those people or organizations who participated in the planning process leading to the PRMP may protest. The protesting party may raise only those issues submitted for the record during the planning process leading up to the publication of this PRMP. These issues may have been raised by the protesting party or others. New issues may not be brought into the record at the protest stage.

Protests must be filed with the BLM Director in writing. Regular mail protests should be sent to: Director (210), Attention – Brenda Williams, PO Box 66538, Washington D.C. 20035. Overnight mail should be sent to: Director (210), Attention – Brenda Williams, 1620 L Street NW, Suite 1075, Washington, D.C. 20036. Email and fax protests will not be accepted as valid

protests unless the protesting party also provides the original letter by either regular or overnight mail postmarked by the close of the protest period. Under these conditions, the BLM will consider the email or fax protest as an advance copy and it will receive full consideration. If you wish to provide the BLM with such advance notification, please direct emails to *Brenda\_Hudgens-Williams@blm.gov* and faxes to (202) 452-5112 (Attn: BLM Protest Coordinator).

**All protests must be postmarked or received not later than 30 days after publication of the EPA's Notice of Availability in the Federal Register.**

**IMPORTANT: In accordance with 43 CFR 1610.5-2 the protest must contain the information described in the following critical elements check list:**

- The name, mailing address, and telephone number of the person filing the protest.**
- The “interest” of the person filing the protest (how will you be adversely affected by the approval or amendment of the resource management plan?)**
- A statement of the part(s) of the PRMP, and the issue(s) being protested. (To the extent possible, this should reference specific pages, paragraphs, sections, tables, maps, etc., which are believed to be incorrect or incomplete.)**
- A copy of all documents addressing the issue(s) that the protesting party submitted during the planning process OR a statement of the date they were discussed for the record.**
- A concise statement explaining why the protestor believes the BLM State Director’s proposed decision is incorrect.**

*All of these elements are critical parts of your protest.* Take care to document all relevant facts. As much as possible, reference or cite the planning documents or available planning records (e.g. meeting minutes or summaries, correspondence, etc.) To aid in ensuring the completeness of your protest, a printable protest check list is available online at <http://www.blm.gov/ak/st/en/prog/planning.1.html>

The BLM Director will make every attempt to promptly render a decision on the protest. The decision will be in writing and will be sent to the protesting party by certified mail, return receipt requested. The decision of the BLM Director shall be the final decision of the Department of the Interior.

Before including your address, phone number, email 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. While you can ask us in your comment to withhold from public review your personal identifying information, we cannot guarantee that we will be able to do so.

Unlike land use planning decisions, implementing decisions are not subject to protest under planning regulations but are subject to administrative remedies and review, primarily through appeals to the Office of Hearings and Appeals (Interior Board of Land Appeals). Implementation decisions generally constitute the BLM's final approval, allowing on-the-ground actions to proceed. Where implementation decisions are made as part of the land use planning process, they are still subject to the appeals process or other administrative review as prescribed by specific resource program regulations after the BLM resolves the protests to land use planning decisions and makes a decision to adopt or amend the resource management plan (RMP).

These administrative remedies for final implementation decisions usually take the form of appeals to the Office of Hearings and Appeals, although for certain proposed or non-final implementation decisions such as proposed grazing decisions, the regulations provide for an internal agency review (usually a protest to the Authorized Officer) that must be completed before the final implementation decision can be appealed to the Office of Hearing and Appeals. This type of protest to the Authorized Officer should not be confused with the protest of land use planning decisions to the BLM Director.

Upon resolution of any protests, an Approved RMP and Record of Decision (ROD) will be issued. The Approved Plan will be mailed to all who participated in the planning process and will be available to all parties through the "Planning" page of the BLM-Alaska website: (<http://www.blm.gov/ak/st/en/prog/planning.1.html>), or by mail upon request. The Approved RMP and ROD will include the appeals process for implementing decisions that may be appealed to the Office of Hearing and Appeals following its publication.

Sincerely,



Thomas P. Lonnie  
State Director