

To: John Husband, Director, Little Snake Field Office (LSFO)
From: NWCOS Planning Committee
Re: NWCOS Plan for 2005 and 2006
Date: September 28, 2005

On behalf of the Northwest Colorado Stewardship (NWCOS), the Planning Committee continues to appreciate your commitment to developing the Little Snake Field Office Resource Management Plan (RMP) in a transparent fashion. We appreciate the additional staff time and resources it takes to keep NWCOS educated and engaged in the process and sincerely hope, for your sake and ours, that this effort pays dividends in the long run. If nothing else, we are all much clearer on the challenges and complexities of developing an RMP.

At our last meeting on July 26, NWCOS laid forth a proposed plan for our efforts between September 2005 and February 2006. You were generally supportive of the concepts put forth, but noted the importance of seeing the specifics and sharing the information with your State Office and others. Below is a brief summary of our planned approach based on the discussions made by the full NWCOS group. If this plan raises any concerns for you or you have suggestions for improvement, we welcome your input.

NWCOS Goal

In keeping with DOI PEP No. ESM03-7, NWCOS's most immediate goal is to develop a community alternative by no later than February 2006. If NWCOS is able to develop such an alternative, we hope that BLM will consider designating this alternative as the preferred alternative in the draft RMP come July 2006.

We understand that NWCOS's desire to draft a community alternative may raise some flags for BLM staff, since the agency's own work on generating alternatives has been completed, and staff and contractors have moved on to analyzing the impacts of the four existing alternatives. It is not our intention to disrupt this work or change the agency's RMP timeline. Rather, we would like to write our community alternative *while* BLM is preparing the impact analysis, hoping to have our work informed by the impact analysis as relevant and significant parts of that analysis are completed.

Proposed Approach

Our thought is that this could be accomplished in the following way without disrupting BLM's overall schedule:

1. By February 24, 2006, NWCOS develops a community alternative. A couple of factors will be necessary to make this discussion possible, including:
 - a. NWCOS and the general public receiving a draft summary table of impact analysis information for alternatives A through D by the beginning of November to assist in our decision-making.
 - b. The NWCOS facilitators assuming that BLM is likely to select Alternative C as the preferred alternative unless NWCOS develops a community alternative.

NWCOS understands that BLM cannot and should not respond to the potential accuracy of this assumption.

- c. NWCOS will need to develop a community alternative that falls between the goalposts of the current four alternatives and that is within current law and policy.
 - d. NWCOS will likely need to think about mixing and matching between the current alternatives and other ideas that fall within the goal posts in order to develop a consensus agreement.
 - e. NWCOS will likely need to barter between topics in order to reach agreement (e.g., less surface occupancy of drilling equipment in exchange for year-round drilling potential).
 - f. A NWCOS alternative would need to meet the NWCOS decision making criteria set forth in the NWCOS protocols. We recognize this decision making criteria is more stringent than the definition of consensus set forth in the DOI PEP.
 - g. The community alternative must be a complete RMP alternative.
2. By the end of February 2006, NWCOS is aiming to provide input on a community alternative. NWCOS acknowledges that BLM is obligated to consider public input throughout the planning process, including after the DEIS is released. In consultation with the Little Snake Field Office, NWCOS has set the target date of February 24, 2006 in order to give BLM ample time to consider our recommendations prior to the DEIS and prepare any additional environmental impact analysis as needed.
 3. By July 2006, BLM plans to publish the draft RMP and publicly identify a preferred alternative. NWCOS expects the public comment NWCOS provides BLM will be considered **as a whole** and BLM will respect the consensus reached under the NWCOS protocols. If BLM does make substantive changes that NWCOS has not collaborated on or come to consensus on, then NWCOS expects BLM will refrain from referring to such altered public comment received from NWCOS as either a “community alternative” or a “NWCOS alternative.”
 4. After July 2006, BLM will be accepting public comment on the preferred alternative. NWCOS recognizes that if the community alternative becomes the preferred alternative, that BLM will likely alter this alternative in response to public comments for the final RMP. Although we greatly hope that BLM would solicit our input, we understand that these changes may or may not be made with NWCOS’s concurrence.

We think that this is a great path forward, because it allows NWCOS to remain involved in the planning process without any serious adjustments to BLM’s schedule and budget. However, we acknowledge that it is contingent upon several things:

1. NWCOS coming to consensus by February 2006. Frankly, we are not sure that we can come to a consensus on a community alternative. However, we are committed to working to the best of our abilities to do so. Should we fail to produce a community alternative by the end of February 2006, we will understand that the agency has to move forward without it.

2. NWCOS is a supplemental process to the traditional public involvement requirements. Although BLM and NWCOS members are working to develop this RMP by trying new approaches for engaging the public, we fully understand that the NWCOS process is supplemental to the traditional public processes and not a replacement. Further, all documents and input opportunities available to NWCOS members are available to any member of the public. Finally, any member of the public can become a NWCOS member and all NWCOS meetings are open to the public.
3. A community alternative becoming the preferred alternative. If NWCOS develops a community alternative we strongly hope that BLM would select this alternative as the preferred in the draft RMP as stated in DOI PEP ESM03-7. NWCOS will be working to develop our alternative via the definition of consensus set forth in the NWCOS protocols. As you know, the NWCOS protocols and the DOI PEP contain two different definitions of consensus.

The NWCOS protocols state:

- The intent of NWCOS is to make all substantive decisions by consensus. The group will strongly aspire to achieve this goal.
- For the purposes of NWCOS decision-making, all of the following definitions will be considered “consensus”:
 - There is unanimous agreement among all participants present.
 - All NWCOS members present are willing to “live with” the proposal.
 - One or more members present may register dissent, but do not wish to block NWCOS from action or agreement that would otherwise be possible except for their dissent.

In contrast, the DOI PEP states:

- When feasible and practicable, the community alternative should be designated as the bureau’s preferred alternative in the NEPA process, so long as a consensus exists within the community for support of that alternative. This designation is also subject to statutory, regulatory and policy constraints. For the purpose of designating the community alternative as the preferred alternative, consensus exists when one or both of the following two conditions hold: (1) no locally established or commonly recognized group within the community has objections to the alternative that would undermine or nullify the action under consideration, or (2) in the judgment of the bureau decision maker, the community alternative clearly enjoys the broad support of a fair and representative cross-section of the community.

NWCOS will continue to operate under the definition set-forth in our protocols unless we decide to amend our protocols.

4. Open communications between BLM upper levels and NWCOS. We fully recognize that we are pushing the agency to operate in a somewhat atypical way. We understand that

NWCOS is supplementary to the traditional process and not a replacement for it. We are also clear that BLM is the decision-maker in this process. However, we strongly believe that this approach of involving a very diverse set of stakeholders in the process upfront will pay major dividends for the community, the agency, taxpayers, and the land over time. In order to help this experiment be as successful as possible, we strongly welcome and encourage State and national BLM engagement throughout this process. Toward this end, we will be inviting Sally Wisely to attend a NWCOS meeting early in her tenure as the new Colorado State Director. We also welcome others to participate to the extent appropriate.

5. Discouraging major surprises. NWCOS has an internal rule that requests that we do not surprise other NWCOS members (including BLM). Although sometimes this rule is difficult to follow, we have worked hard at trying to inform each other of potential lawsuits, media events, and letters to or visits with senior BLM officials regarding NWCOS activities. We strongly encourage BLM at all levels to try to foster and live by this rule. If NWCOS participants or other interested parties are attempting end-runs to the upper levels of BLM or DOI, we encourage you to address these requests in a transparent fashion.

As the above discussion suggests, we do not believe that any of these issues pose insurmountable problems to our proposed approach. We are confident that we can work with BLM staff to ensure that this process goes as smoothly as possible.

We are excited about the idea of NWCOS continuing its participation in the land use planning process for the Little Snake and writing a community alternative for the agency's consideration. We believe that this approach has the potential to meet BLM's logistic needs, to keep NWCOS meaningfully engaged, and to produce an alternative that the key stakeholders in this process support. We hope you share our enthusiasm.

Sincerely,

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